

**TOWN OF STOWE
DEVELOPMENT REVIEW BOARD**

Findings of Fact & Conclusions of Law

**IN RE: Covered Bridge Associates
 P.O. Box 60
 Stowe, Vermont 05672**

S-83-17-3

PROCEDURAL HISTORY:

The Development Review Board received this application on April 1, 2004. The application was warned in the Stowe Reporter and posted on April 29, 2004. A public hearing was held on May 18, 2004, at which time the hearing was recessed to June 29, 2004. The hearing was subsequently recessed to July 27, 2004 at which time the hearing was closed. The decisions were rendered electronically by the Board on August 16, 2004.

FINDINGS OF FACT & CONCLUSIONS OF LAW: During its review, the Board made the following Findings of Fact:

1. Covered Bridge Condominiums is part of an Agricultural Planned Residential Development (PRD) that was previously approved by the Stowe Planning commission. The original parcel of land was 472.51 acres for which 95 residential units were approved. The parcel was initially divided into 3 lots: Lot 1 being 247.29 acres, Lot 2 being 195.52 acres and Lot 3 being 29.7 acres. In 1991, 11.8 acres were subdivided from Lot 1 creating Lot 4.
2. The Covered Bridge Property is on Lot 2. Lots 1 and 3 are owned by Paul Percy and include the Bouchard Farm. Lot 4 was sold.
3. Lot 2 has subsequently been subdivided: Covered Bridge Phase I Home Owners Association owns a 6.86-acre parcel. Covered Bridge Phase II Homeowners Association own 3.97 acres. 15 acres were sold for residential use as a single lot. (The lot numbering on this subdivision is potentially confusing, and so for the purposes of this decision, the “new” lots will be referred to as “Sub lots”)
4. The applicants are proposing to subdivide the remaining 169.69 acres of Lot 2. Sub Lot 1 (92 acres) will be retained by the property owners: John and Tina Springer-Miller. Sub Lot 2 (15.8 acres) was sold to Phillip and Crea Lintilhac. Sub Lot 3 (21 acres) and Sub Lot 4 (36 acres) will be sold as two house lots. Sub Lot 5 (21 acres) will be used for Covered Bridge Associates Phase III.

Section 5.1 – General Planning Standards:

5. **Section 5.1(1) – Character of Land for Subdivision:** The proposed subdivision is part of a PRD designed for cluster development and for the preservation of large areas of undeveloped land.

Conclusion: The property is suitable for subdivision.

6. **Section 5.1(2) – Natural and Scenic Features:** There are natural or scenic features on the 169.69-acre parcel including deeryards, small streams and wetlands. Concentrating the development into a small area will minimize the impact on these features. Mitigation efforts have been proposed for those features where there are impacts.

Conclusion: Due regard has been given to the protection of natural and scenic features.

7. **Section 5.1(3) – Historic Resources and Community Character:**

Conclusion: There are no known historic features on the parcel. Development on Sub Lot 5 will be clustered with the Phase I and Phase II Condominiums.

8. **Section 5.1(4) – Reserved Strips:** There will be no reserved strips.

Conclusion: Not applicable.

9. **Section 5.1(5) – Screening and Landscaping:** There is a landscaping plan for Covered Bridge Phase III.

Conclusion: The applicants have made screening and landscaping provisions for Covered Bridge Phase III.

10. **Section 5.1(6) – Pedestrian Access:** The Catamount Cross Country Trail will be relocated as a result of this subdivision. There no additional pedestrian walks are proposed

Conclusion: Not applicable.

11. **Section 5.1(7) – Traffic:** The subdivision will be accessed from the Luce Hill Road, from Brook Road and from the private access road that serves the Phase I and II Condominiums. The applicants testified that, based on the Resource Systems Groups findings, 32 additional condominiums and one single family residence will generate an estimated 19 peak hour trips. This number, when combined with the Phase I and Phase II traffic does not reach the State of Vermont’s Peak Hour Trip Threshold of 75 trips and as a result no traffic study was required. Of the two new house lots (Sub Lot 4 and Sub Lot 3), one will enter and exit via the Luce Hill Road and the second will use the Brook Road. The existing residence on Sub Lot 1 uses the Luce Hill Road via the Haul Road. Sub Lot 2 is accessed via a 50' right of right of way across Lot 1.

Conclusion: There will be a minimal increase in traffic as a result of this subdivision.

12. **Section 5.1(8) – Municipal Facilities:** The Covered Bridge Phase III project calls for an existing permitted system to take waste from the 30 proposed condominiums and one of the lots. The second lot will have an onsite system. The State has issued wastewater permits for the two new lots and for all 10 proposed condominiums buildings. Water for the 30 proposed condominiums will be from the municipal system and will be gravity fed from a new reservoir the Town has constructed on land owned by the Trapp Family Lodge. Hydrants will be provided at the condominium development. An ability to serve letter has been issued by the Town. All infrastructures are being paid for by the applicants as well as hookup fees for each use.

Conclusions: Covered Bridge Phase III will have no discernable adverse impact on municipal facilities.

13. **Section 5.1(9) – Lot Configuration:** Lot configuration and building areas are shown on the plans and meet regulations.

Conclusion: The applicants have adequately addressed the requirements of Section 5.1(9).

14. **Section 5.1(10) – Building Area:** Lot configuration and building areas are shown on the plans and meet regulations.

Conclusion: The applicants have adequately addressed the requirements of Section 5.1(10).

Section 5.1(11) – Energy Conservation: All units (Covered Bridge Phase III) will comply with the Vermont Residential Energy Standards.

Conclusion: The applicants have made provisions to minimize the use of energy for Covered Bridge Phase III units.

15. **Section 5.1(12) – Fire Protection Facilities:** The condominium project on Lot 5 will have hydrants. Lot 1 has a pond and ponds are proposed for Lot 2. Lot 3 and Lot 4 are not yet developed.

Conclusion: The applicants have addressed the need for fire protection facilities.

16. **Section 5.1(13) – Disclosure of Subsequent Development Plans:** There is no subsequent development plan at this time.

Conclusion: Not applicable.

17. **Section 5.1(14) – Private Enforcement Mechanisms:** The condominium development requires the creation of the Phase III Homeowners Association. The applicants have also entered into a Development Agreement with the homeowners of Phases I and II.

Conclusion: The applicants have addressed private enforcement mechanisms Covered Bridge Phase III.

Section 5.2 – Prominent Hillsides and Ridgelines:

18. The development on Lot 5 will fall within the Ridgeline Hillside Overlay District. There is no other development proposed at this time.

Conclusion: DRB Decision BA II-2555-4 (RHOD) addresses the review of, and the decision on, the development within the Ridgeline Hillside Overlay District.

Section 5.3 – Open Space and Cluster Development:

19. The proposed subdivision is part of a PRD designed for cluster development and for the preservation of large areas of undeveloped land.

Conclusion: The development of open space has been addressed.

Section 5.4 – Road Standards and Coordination with Public Highways:

Conclusion: Not applicable.

Section 5.5 – Utilities and Stormwater Management:

20. **Section 5.5(1) – Utilities:** The Covered Bridge Phase III project calls for an existing permitted system to take waste from the 30 proposed condominiums and one of the lots. The second lot will have an onsite system. The State has issued wastewater permits for the two new lots and for all 10 proposed condominiums buildings. Water for the 30 proposed condominiums will be from the municipal system and will be gravity fed from a new reservoir the Town has constructed on land owned by the Trapp Family Lodge.

Conclusion: The applicants have made provisions for utilities Covered Bridge Phase III.

21. **Section 5.5(2) – Power and Telecommunications:** There is adequate electrical service for the condominium project and an ability to serve letter has been received from the Stowe Water and Light Department. All existing power to the Covered Bridge properties is underground and all new distribution will be underground. Lighting will be the same as existing roadway lighting for the Covered Bridge properties. The existing underground lines are adequate to serve the entire new project. No new conduits or wire are necessary.

Conclusion: The applicants have made provision for power and telecommunications.

22. **Section 5.5(3) – Street Lighting:** Street lighting will be the same as the existing roadway lighting for the Covered Bridge Properties.

Conclusion: The applicants have made adequate provision for street lighting.

23. **Section 5.5(4) – Erosion and Sedimentation:** A Construction General permit has been developed by Charles Grenier, P.E. and is pending. The applicants are relying on the issuance of this permit to satisfy the Board's concerns regarding soil erosion and stream protection during the construction of the project.

Conclusion: The Board will accept the issuance of the State of Vermont Construction General Permit as evidence that the applicants have made adequate provision for erosion and sedimentation.

24. **Section 5.5(5) – Stormwater Management:** Jeff Nelson of Pioneer Environmental Services has developed a stormwater plan for Covered Bridge Phase III. The plan is pending before the State Stormwater Management Division. Post development conditions will not exceed pre-development conditions for a 10-year storm event. Additionally, three stormwater/sedimentation ponds are being constructed to manage peak discharge during a storm event and to insure water quality standards are achieved.

Conclusion: The applicants have made provisions for stormwater management for Covered Bridge Phase III.

25. **Section 5.5(6) – Monuments:**

Conclusion: Monuments are indicated on the site plan.

DECISION

Based upon the foregoing Findings of Fact and conclusions of law in re: S-83-17-3 (Covered Bridge Associates), the Board took the following action:

A motion was made by Mr. Izzo and seconded by Mr. Aumand to approve the application with the following conditions:

1. 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.
2. A copy of the Stormwater Management Plan shall be submitted to the Zoning Office for the record.
3. A copy of the Deer Yard Conservation Easement shall be submitted to the Zoning Office for the record.

4. A copy of the easement with the Trapp Family Lodge and the Town of Stowe for the waterline shall be submitted to the Zoning Office for the record.
5. A copy of the Army Corp Engineers wetland review shall be submitted to the Zoning Office for the record.
6. Pursuant to Section 3.5(1) of the Subdivision Regulations, the approval of this final subdivision application shall expire after ninety (90) days from such approval unless a final subdivision plat shall have been duly filed or recorded in the office of the Town Clerk. 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.
7. The final plat shall show all required easements for access rights-of-way and utilities.
8. The applicants will adhere to the requirements of the Development Agreement dated July 12-18, 2004 between themselves and the homeowners associations of Phases I and II.
9. The following statement shall be placed upon the plat; "This plat is subject to the terms and conditions of subdivision approval by the Stowe Development Review Board per the Subdivision Regulations of the Town of Stowe. The terms and conditions of approval and related information is on file in the Stowe Planning and Zoning Office" and shall include an area for the Board to sign and date their approval of the plat.
10. The plat shall include the following minimum information: The name of the town; name of the subdivision; name of the owner of record; subdivider, name and seal of engineer, if any, and land surveyor, licensed by the State of Vermont; the accurate location of all monuments to be set at the corners of the lots.
11. The final plat shall be annotated to clearly show the proposed limits of clear cutting around each building.

Voting in favor: Mr. Aumand, Mr. Coppock, Mr. Izzo, Mr. Jones and Mr. Walton. Voting to deny: None. Voting to abstain: None. Absent: Mr. Aummand. (Note there are two vacancies on the Board at this time).

The motion carried (5-0); the application is approved.

Dated at Stowe, Vermont this the 16th of August, 2004.

By: _____
 Allan J. Coppock, Chair
 Stowe Development Review Board

A final survey plat must be filed with the Town not later than ninety (90) days from the date of this decision as required by Section 3.5(1) of the Stowe Subdivision Regulations and by Vermont State Statute.

Any interested person may appeal this decision to the Vermont Environmental Court within thirty days in accordance with 24 V.S.A. S 4471.

The foregoing represents the decision of the Development Review Board, and is NOT a permit. A zoning permit will not be issued by the Administrative Officer until:

- (1) All necessary approvals have been obtained
- (2) All conditions imposed as part of the approval have been met
- (3) A survey has been filed with the Stowe Town Clerk.

The commencement of the activities described within this decision without a valid permit constitutes a violation of the Stowe Zoning Regulations as provided in Section 23.4.