

**TOWN OF STOWE  
DEVELOPMENT REVIEW BOARD**

**Findings of Fact & Conclusions of Law**

**IN RE:** Jerome J. and Joan L. Salvas  
P.O. Box 120  
Stowe, Vermont 05672

**S-04-27**

**PROCEDURAL HISTORY:**

The Development Review Board received this application on June 15, 2004. The application was warned in the Stowe Reporter and posted on June 17, 2004. A public hearing was held on July 6, 2004, at which time the hearing was closed. The decision was rendered electronically by the Board on July 27, 2004.

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

1. Jerome J. and Joan L. Salvas own 19.31 acres at 237 Points North Road within the RR3 zoning district. The property lies within the Points North neighborhood.
2. The lot has frontage on both Route 100 and Points North Road.
3. The owners intend to divide the property into two (2) Lots: Lot #1 consisting of 16.3 acres and Lot #1B consisting of 3.01 acres.
4. Lot #1 contains Salvas, Inc., an excavating and paving firm. Lot #2 is contains an existing personal residence. No additional construction is contemplated as a result of this subdivision.
5. The owner has submitted engineering plans and details for the two lots prepared by Richard W. Bell, Land Surveyor.

**Section 5.1 – General Planning Standards:**

6. **Section 5.1(1) – Character of Land for Subdivision:** Lot #1 is on the northern side of the subdivision and consists of sloping land that runs down to Route 100. Lot#1B is in the southeastern corner of the subdivision and consists of tighter contours. North Hill Brook flows down the middle of the subdivision.

**Conclusion:** The Board concludes that the property is suitable for the intended use.

7. **Section 5.1(2) – Natural & Scenic Features:**

**Conclusion:** Not applicable.

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

**Conclusion:** Not applicable

9. **Section 5.1(4) – Reserved Strips:** The owner is retaining a 35' sewer easement that straddles the western boundary between Lots 1 and 1B. Lot 1B has a 25' waterline easement.

**Conclusion:** The Board concludes that there will be no reserved strips.

10. **Section 5.1(5) – Screening and Landscaping:**

**Conclusion:** Not Applicable.

11. **Section 5.1(6) – Pedestrian Access:**

**Conclusion:** Not applicable

12. **Section 5.1(7) – Traffic:**

**Conclusion:** Not applicable

13. **Section 5.1(8) – Municipal Facilities:** All driveways and utilities serving this subdivision are private.

**Conclusions:** The Board concludes that there should be no discernable adverse impact on municipal facilities.

14. **Section 5.1(9) – Lot Configuration:** Lot 1B has been configured so as to follow the North Hill Brook, straddle the 35' sewer easement and meet the minimum lot size for the RR3 zoning district.

**Conclusion:** The Board concludes that the owner has adequately addressed lot configuration.

15. **Section 5.1(10) – Building Area:**

**Conclusion:** Not applicable

16. **Section 5.1(11) – Energy Conservation:**

**Conclusion:** Not applicable

17. **Section 5.1(12) – Fire Protection Facilities:**

**Conclusion:** Not applicable

18. **Section 5.1(13) – Disclosure of Subsequent Development Plans:** The owner testified that there are no future development plans.

**Conclusion:** The Board concludes that there are no future development plans.

19. **Section 5.1(14) – Private Enforcement Mechanisms:** There are existing covenants for the Points North subdivision.

**Conclusion:** The Board concludes that Section 5.1(13) is not applicable.

**Section 5.2 – Prominent Hillsides and Ridgelines:**

This property is not located in the Ridgeline Hillside Overlay District. The property is not located on any prominent hillsides or ridgelines.

**Conclusion:** The Board concludes that Section 5.2 is not applicable.

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

**Conclusion:** Not applicable

**Section 5.4 – Road Standards and Coordination with Public Highways:**

Points North Road is a private Road.

**Conclusion:** Not applicable

**Section 5.5 – Utilities and Stormwater Management:**

**Conclusion:** Not applicable.

**DECISION**

Based upon the foregoing Findings of Fact and conclusions of law in re: S-04-27 (Jerome J. and Joan L. Salvas), the Board took the following action:

A motion was made by Mr. Walton 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. 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.
3. The final plat shall show all required easements for access rights-of-way and utilities.
4. 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.
5. 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.

Voting in favor: Mr. Aumand, Mr. Coppock, Mr. Izzo, Mr. Jones and Mr. Walton. Voting to deny: None. Voting to abstain: None. Absent: None. (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 27<sup>th</sup> of July, 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.