

**TOWN OF STOWE
DEVELOPMENT REVIEW BOARD**

FINDINGS OF FACT & CONCLUSIONS OF LAW

IN RE: **Leslie A. Burnham**
 P.O. Box 474
 Stowe, Vermont 05672

Z-03-96

PROCEDURAL HISTORY:

On September 16, 2003 the Stowe Development Review Board heard the appeal of Leslie A. Burnham regarding the residential building permit issued to Gerald McDermott on June 26, 2003.

FINDINGS OF FACT:

1. On June 16, 2003 Gerald McDermott submitted an application to the Zoning Administrator for a residential building permit to construct a dwelling on his lot "B" in the Mansfield View subdivision.
2. On June 26, 2003 Darrow Mansfield, the Zoning Administrator, reviewed the application, and found it complete and in compliance with the Zoning Regulations of the Town of Stowe and issued building permit #Z-03-96.
3. Section 23.6 of the Zoning Regulations provides that an interested person may appeal any decision or act taken by the Administrative Officer, by filing a notice of appeal with the Secretary of the Development Review Board within fifteen days of the date of such act.
4. Section 23.2(4) of the Zoning Regulations provides that no zoning permit shall take effect until the time for appeal has passed.
5. The permit #Z-03-96 became effective July 12, 2003.
6. On August 1, 2003 the Zoning Administrator received a letter from Leslie A. Burnham seeking to appeal his issuance of the permit to Mr. McDermott. The letter was titled "Notice of Appeal", but did not include the Town of Stowe's required fee for such an appeal.
7. On August 5, 2003 Jennifer Rowe, the Secretary of the Development Review Board, notified Mrs. Burnham of the date that the appeal would be heard, and noted that the required fee of \$107.00 would have to be paid prior to the hearing.
8. The required fee was not filed with the Town prior to the Development Review Board hearing held September 16, 2003.
9. On September 26, 2003 the Development Review Board met to hear the appeal of Leslie Burnham regarding permit #Z-03-96.

CONCLUSIONS OF LAW

1. The Board concludes that the appeal of Permit #Z-03-96 by Leslie A. Burnham was not properly before the Board, since the time for appeal had passed. In order for the appeal to be heard by the Board, a notice of appeal, with the required fee, was required to be filed with the Secretary of the Development Review Board on or before July 11, 2003.

DECISION

On a motion made by Mr. Brink and seconded by Mr. Izzo, the Board took the following action in re: Z-03-96:

Based upon the foregoing findings of fact and conclusions of law, the Board rules that the appeal of Leslie A. Burnham is denied, finding that the appeal was not properly before the Board, since it was not filed within the 15 day appeal period, nor was the required fee paid.

Voting in favor: Mr. Aumand, Mr. Beddow, Mr. Brink, Mr. Coppock, Mr. Izzo, & Mr. Walton. Voting to deny: None. Voting to abstain: None. Absent: None. (Note: There is one vacancy on the Board at this time).

Dated at Stowe, Vermont this the 7th day of October, 2003.

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

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