

**TOWN OF STOWE  
DEVELOPMENT REVIEW BOARD**

**Findings of Fact & Conclusions of Law**

**IN RE:**            **Janet L. Feldmann**  
                      **Nancy E. Lang**  
                      **P.O. Box 1286**  
                      **Stowe, Vermont 05672**

**S-04-030**

**PROCEDURAL HISTORY:**

The Development Review Board received this application on August 2, 2004. After several recesses at the applicant's request, a public hearing was held on October 19, 2004 at which time the hearing was closed. This decision was rendered electronically by the Board on November 1, 2004. Ron Feldmann represented the property owners.

**FINDINGS OF FACT & CONCLUSIONS OF LAW:**

1. Janet L. Feldmann and Nancy E. Lang own 151 acres located at 1668 Taber Hill Road.
2. The property is located in the Rural Residential (RR) 5 and 2 zoning districts. A portion of the land is in the Ridgeline & Hillside Overlay District (RHOD).
3. The applicant proposes to subdivide the property into three parcels: Parcel 1 being 17.7 acres, Parcel 2 being 75.2 acres and Parcel 3 being 58.1 acres.
4. There are existing single-family residences on Parcel 1 and on Parcel 2.
5. The applicant has submitted a site plan prepared by Little River Survey Company, LLC.

**Section 5.1 – General Planning Standards:**

**6. Section 5.1(1) – Character of Land for Subdivision:**

**Conclusion:** There is nothing in the character of the land that would preclude it from being subdivided.

7. **Section 5.1(2) – Natural and Scenic Features:** A portion of the land is located within the Ridgeline and Hillside Overlay District (RHOD). The applicant is not proposing any land development at this time.

**Conclusion:** The proposed subdivision will not adversely affect the natural features on the land. There will be no new construction on the newly created parcels until the applicant returns to the Board for approval of any proposed house site or sites.

8. **Section 5.1(3) – Historic Resources and Community Character:** There are no known historic structures on the property. The proposed residential subdivision is within the rural residential zoning districts.

**Conclusion:** The property does not contain any historic resources and the proposed development is in keeping with the character of the area.

9. **Section 5.1(4) – Reserved Strips:** There are no reserved strips.

**Conclusion:** There are no reserved strips. The applicant will return to the Board with a site plan showing all legal easements and right-of-ways.

10. **Section 5.1(5) – Screening and Landscaping:** There are no building envelopes proposed at this time.

**Conclusion:** The applicant will return to the Board for approval of any proposed building envelope or house site.

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

**Conclusion:** Not Applicable.

12. **Section 5.1(7) – Traffic:**

**Conclusion:** The creation of the three lots on the property will not create an undue burden on the traffic in the area.

13. **Section 5.1(8) – Municipal Facilities:** Potable water and wastewater systems serving this subdivision will be private.

**Conclusions:** There should be no discernable adverse impact on municipal facilities.

14. **Section 5.1(9) – Lot Configuration:**

**Conclusion:** The lots have been designed so that each has adequate access, and meets the minimum size required by the zoning district.

15. **Section 5.1(10) – Building Area:** The building envelope for Parcel 3 is not identified on the site plan. There is an existing single-family residence on Parcel 1 and on Parcel 2.

**Conclusion:** The lots are suitable for the intended. The applicant will return to the DRB for approval of any house site on Parcel 3.

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

**Conclusion:** Not applicable.

17. **Section 5.1(12) – Fire Protection Facilities:** The existing residences are accessed by Taber Hill Road. There is no house site proposed on Parcel 3 at this time.

**Conclusion:** Not applicable.

18. **Section 5.1(13) – Disclosure of Subsequent Development Plans:** Ms. Lang will retain Parcel 3. Ms. Feldmann will retain parcel 2. Parcel 1 will sold to a third party. There are no plans for land development on Parcels 2 or 3 at this time.

**Conclusion:** The applicant has adequately disclosed subsequent plans for the property.

19. **Section 5.1(14) – Private Enforcement Mechanisms:**

**Conclusion:** Not applicable.

20. **Section 5.2 – Prominent Hillside and Ridgelines:** A portion of the property located in the RHOD.

**Conclusion:** There will be no new construction on the newly created parcels until the applicant returns to the Board for approval of any proposed house site or sites.

21. **Section 5.3 – Open Space and Cluster Development:** This is a small-scale subdivision involving large parcels of land.

**Conclusion:** The Board concludes that review is not required under these criteria.

22. **Section 5.4 – Road Standards and Coordination with Public Highways:** There are no new public roads proposed as part of this subdivision.

**Conclusion:** The Board concludes that review is not required under these criteria.

23. **Section 5.5 – Utilities and Stormwater Management:** No driveway or house construction has been proposed as part of this subdivision.

**Conclusion:** Review is not required under these criteria.

## **DECISION**

Based upon the foregoing Findings of Fact and conclusions of law in re: **S-04-30 (Feldmann and Lang)**, the Board took the following action:

A motion was made by Mr. Izzo and seconded by Mr. Jones 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. There will be no new construction on the newly created parcels until the applicant returns to the Board for approval of any proposed house site or sites.
3. The applicant will return to the Board with a site plan showing all legal easements and right-of-ways (including the Burt ROW on Parcel 2) and zoning district boundaries including the RHOD.
4. 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.
5. 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.
6. 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. Morton. Voting to deny: None.  
Voting to abstain: None. Absent: Mr. Walton (Note there is one vacancy on the Board at this time).

The motion carries (5-0), the application is approved.

Dated at Stowe, Vermont this the 1<sup>st</sup> day of November, 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.