

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law

IN RE: Levin Family Trust
506 North Hill Rd
Stowe, Vermont 05672

S-03-19

PROCEDURAL HISTORY:

The Zoning Administrator received this application for the subdivision of a 57.6± acre parcel of land into two lots on July 24, 2003. The application was ruled complete and warned in the Stowe Reporter and posted on July 31, 2003. A public hearing was held on August 19, 2003. This decision was rendered by the Board on September 16th, 2003.

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

1. The applicant owns property at 506 North Hill Road. The property is 57.6± acres in size and is improved with the applicant's home which is accessed via a private roadway off of North Hill Road. The property also contains an existing guest house, tennis court, pond, and related residential improvements.
2. The applicant has applied for a subdivision creating two parcels as follows: "Lot 3": 54.6± acres with the existing home and improvements, and; "Lot 3B": 3± acres parcel which is to be improved with a new single-family home intended as the caretaker's residence.
3. The property is located in both the RR-5 and RR-3 Zoning Districts as established by the Town of Stowe Zoning Regulations last revised June 13, 2002. The minimum lot dimensions for these districts are established by Section 6 of the Stowe Zoning Regulations.
4. The applicant has presented plans showing a new driveway, a cleared area, and a plan for the disposal of wastewater at the site.
5. A significant portion of Lot 3 is subject to development restrictions due to the presence of protected wetlands areas and wintering habitat for whitetailed deer. The applicant testified that further subdivision of Lot 3 was unlikely given the State level restrictions to further development.
6. The application was reviewed by the Board for compliance with the standards of the Stowe Subdivision Regulations last revised June 13, 2002.
7. The plans and information presented meet the minimum standards established in Section 4.2 (Final Subdivision Application) and are of sufficient detail to allow the Board to judge the proposal and to apply conditions if warranted.

Section 5.1 – General Planning Standards:

8. **Section 5.1(1) – Character of Land for Subdivision:** Lot 3 is a large residential property developed along the lines of an estate and containing a substantial home, guest house, tennis court, large open lawns, a substantial pond, and the like. The proposed lot is a wooded area adjacent to the driveway serving the existing home. This area would be cleared to allow for the construction of the new home. The area immediately surrounding the proposed Lot 3B is a residential neighborhood on sloping lots cleared to take advantage of the distant views.
9. **Section 5.1(2) – Natural & Scenic Features:** The property is known to contain areas of class III wetlands and wintering habitat for the whitetailed deer, both of which are important natural features protected at the State level. As demonstrated at the hearing, these areas have been mapped by a biologist, and the limits of those area are shown on the plans submitted to the Board. The property is not mapped as being an area of significant scenic importance to the community, and is not particularly visible from any adjacent Town Highway.
10. **Section 5.1(3) – Historic Resources and Community Character:** There are no known historic or community resources on this property.
11. **Section 5.1(4) – Reserved Strips:** There are no reserved strips.
12. **Section 5.1(5) – Screening and Landscaping:** There is existing forest cover on the property. The applicant has demonstrated as part of the application materials the location of the existing forest cover, and the probable extent of clearing when the new house is constructed on Lot 3B. There is no other screening or landscaping proposed as part of the subdivision application.
13. **Section 5.1(6) – Pedestrian Access:** There are no provisions for pedestrian access.
14. **Section 5.1(7) – Traffic:** The eventual construction of a new home on Lot 3B will result in some additional traffic on area roads. Despite this additional traffic, the Board concludes that the level of increased traffic is unlikely to result in any adverse impact.
15. **Section 5.1(8) – Municipal Facilities:** Municipal water and/or sewer lines do not extend to this property. The property is served by a private roadway leading to North Hill Road which is an existing class III Town Highway. The Board therefore concludes that there should be no adverse impact on Municipal facilities.
16. **Section 5.1(9) – Lot Configuration:** The proposed lots meet or exceed the minimum dimensional standards established by the Ordinance.
17. **Section 5.1(10) – Building Area:** The applicant has demonstrated that the proposed Lot 3B has a reasonable building area conforming to the requirements of the Ordinance and suitable for the intended final use as a location for a new single family home. The site has access over a private driveway of reasonable grade, has access to required utilities such as electrical power, and has a source of water and a solution for the disposal of wastewater.

18. **Section 5.1(11) – Energy Conservation:** Any home constructed on Lot 3B must, by law, comply with the minimum energy standards established by the State of Vermont. Those standards assure compliance with this section of the Ordinance.
19. **Section 5.1(12) – Fire Protection Facilities:** There are no fire protection facilities proposed. The site is located within an existing residential neighborhood. The Board therefore concludes that the ability of the Town to provide fire protection to this property is no different than its ability to serve the adjacent neighborhood.
20. **Section 5.1(13) – Disclosure of Subsequent Development Plans:** There are no known future plans for subdivision, nor would further subdivision be likely given the existing natural restrictions on the property.
21. **Section 5.1(14) – Private Enforcement Mechanisms:** No proposed deed covenants were submitted to the Town as a part of this application.

Section 5.2 – Prominent Hillside and Ridgelines:

22. This property is not located in an area mapped by the Community as a prominent hillside or ridgeline nor is it known to have visual sensitivity in relation to the broader community.

Section 5.3 – Open Space and Cluster Development:

23. The applicant has not proposed a cluster development, nor have they proposed permanent open spaces. The Board concludes that the modest scope of this proposal along with natural restrictions on the further development of this site, negate the need for a formal plan for the preservation of open space.

Section 5.4 – Road Standards and Coordination with Public Highways:

24. There are no new roads proposed as part of this subdivision.

Section 5.5 – Utilities and Storm Water Management:

25. The applicant submitted engineering plans for the subdivision, which included plans for the control of surface waters on the site. Storm water will be collect into the roadside ditches and transmitted to the existing ponds.

DECISION

Based upon the foregoing Findings of Fact, in **RE: S-03-19 (Levin Family Trust)**, the Board took the following action:

Motion made by Mr. Brink and seconded by Mr. Izzo 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 applicant shall submit a diagram depicting the limits of clearing for the property.
4. The applicant shall submit evidence that the common right-of-way that is currently serving Lot #3 will be able to be used for Lot 3B.
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”.

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).

The motion carries, the application is approved.

Dated at Stowe, Vermont this the 16th day of September, 2003.

By: _____
 Allan J. Coppock, Chairman
 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.

Any interested person may appeal this decision to the Vt 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 all necessary approvals have been obtained and a survey has been filed with the Stowe Town Clerk. Commencement of the activities described within this decision without a valid permit constitute a violation of the Stowe Zoning Regulations as provided in Section 23.4.