

**TOWN OF STOWE
DEVELOPMENT REVIEW BOARD**

Findings of Fact & Conclusions of Law

IN RE: Phillip M. and J. Crea S. Lintilhac
886 Northgate Road
Shelburne, Vermont 05482

S-04-14

PROCEDURAL HISTORY:

The Development Review Board received this application on June 4, 2004. The application was warned in the Stowe Reporter and posted on July 1, 2004. A public hearing was held on July 20, 2004, at which time the hearing was closed. The decision was rendered electronically by the Board on August 16, 2004.

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

1. Phillip M. and J. Crea S. Lintilhac own a 15.8-acre parcel off the Luce Hill Road, ¼ mile above the Trapp Family Lodge and located within the Rural Residential (RR) 5 zoning district.
2. The applicants propose to subdivide the 15.8-acre parcel into two lots with Lot #2A being 8.8 acres and Lot #2B being 7 acres. Each lot is intended for a single-family dwelling with a caretaker's apartment.
3. The owner has submitted engineering plans and details for the two lots prepared by Charles Grenier – Consulting Engineer.

Section 5.1 – General Planning Standards:

4. **Section 5.1(1) – Character of Land for Subdivision:** The minimum lot size for the RR 5 zoning district is 5 acres. Both lots are mostly meadow with some wetlands.

Conclusion: The property is suitable for subdivision into two lots.

5. **Section 5.1(2) – Natural and Scenic Features:** The applicant stated that there are wetlands on both lots which may be cleared but not stumped under the Act 250 permit

Conclusion: The wetlands will be given due regard during any land development.

6. **Section 5.1(3) – Historic Resources and Community Character:** The parcel is located in a largely undeveloped area with few houses.

Conclusion: Not applicable.

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

Conclusion: Not applicable.

8. **Section 5.1(5) – Screening and Landscaping:** No screening or landscaping is proposed as part of this application.

Conclusion: Not applicable.

9. **Section 5.1(6) – Pedestrian Access:** There are no provisions for public pedestrian access as part of this subdivision.

Conclusion: Not applicable.

10. **Section 5.1(7) – Traffic:** Both lots will be accessed by driveways off of a 575' long and 50' wide right of way across the lands of John and Tina Springer-Miller. There are no construction plans for either lot at this time.

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

11. **Section 5.1(8) – Municipal Facilities:** Both lots will be served by onsite septic and water systems.

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

12. **Section 5.1(9) – Lot Configuration:** The minimum lot size for the RR 5 zoning district is 5 acres.

Conclusion: The applicants have adequately addressed lot configuration.

13. **Section 5.1(10) – Building Area:** The applicants presented engineering plans showing a general house site for each lot. The plans indicated setbacks, well and leach field locations and streams on the property.

Conclusion: The proposed subdivision provides adequate building sites for each lot.

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

Conclusion: Not applicable.

15. **Section 5.1(12) – Fire Protection Facilities:** The engineering plans show a pond site for Lot #2B. The pond will be applied for at a later date.

Conclusion: The presence of a pond will provide adequate water storage for fire protection.

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

Conclusion: Not applicable.

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

Conclusion: Not applicable.

Section 5.2 – Prominent Hillsides and Ridgelines:

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

Conclusion: Not applicable.

Section 5.3 – Open Space and Cluster Development:

Conclusion: Not applicable.

Section 5.4 – Road Standards and Coordination with Public Highways:

Conclusion: Not applicable.

Section 5.5 – Utilities and Stormwater Management:

19. **Section 5.5(1) – Utilities:** There will be onsite wastewater and water systems as shown on the submitted engineering plans. The engineering plans also call for silt fences to be used during driveway construction.

Conclusion: The applicants have made adequate provisions for utilities and stormwater management.

20. **Section 5.5(2) – Power and Telecommunications:** The applicants were granted a 50' right of way for access, power and utility lines off of the Luce Hill right of way.

Conclusion: The applicants have made adequate provisions for power and telecommunications.

21. **Section 5.5(3) – Street Lighting:** No street lighting is proposed due to the small scale of the subdivision.

Conclusion: Not applicable.

22. **Section 5.5(4) – Erosion and Sedimentation:** No building construction is proposed at this time.

Conclusion: Not applicable.

23. **Section 5.5(5) – Stormwater Management:** The engineering plans call for silt fences during driveway construction.

Conclusion: The applicants have made adequate provisions for stormwater management.

24. **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-04-14 (Phillip M. and J. Crea S. Lintilhac), 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. Approval for the construction of a pond is not granted as part of this approval.
3. 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.

4. The final plat shall show all required easements for access rights-of-way and utilities.
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.
7. The final plat shall be annotated to clearly show the proposed limits of clear cutting around each house site.

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

The motion carried (4-0); 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.