

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law

IN RE: **Moscow Group, LLC.**
 P.O. Box 595
 Moscow, Vermont 05662

S-04-03

PROCEDURAL HISTORY:


The Development Review Board received this application on January 6, 2004. The application was warned in the Stowe Reporter and posted on January 15, 2004. A public hearing was held on February 3, 2004, at which time the hearing was closed. This decision was rendered electronically by the Board on February 27, 2004.

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


1. The Moscow Group, LLC., owns 65.6 acres in the hamlet of Moscow. This site is located along Adams Mill Road and Barnes Hill Road, and contains the former Adams Mill site.
2. The property is located in the Rural Residential – 5 acre District, the Moscow Commercial District, and the Flood Hazard District.
3. The applicant intends to divide the property into three (3) Lots: Lot #1 being 21.3± acres, Lot #2 being 9.9± acres and Lot #3 being 34.4± acres. Lots #1 and #2 are intended for single-family residential construction (one residence per lot), and there are no specific plans for development on Lot #3 at this time.
4. The applicant has submitted engineering plans and details for the two lots prepared by Charles Grenier, P.E..

Section 5.1 – General Planning Standards:

5. **Section 5.1(1) – Character of Land for Subdivision:** The area intended for subdivision into Lots #1 & #2 is characterized as a rugged hillside located to the south of the Adams Mill. The lots are wooded, and lot #2 is crossed by a small stream which has class III wetlands associated with it.


Conclusion: The Board concludes that with appropriate controls on its development, the property is suitable for the intended use.

6. **Section 5.1(2) – Natural & Scenic Features:** The applicant testified that there are no known or mapped natural and scenic features. The locations of the two new homes are visible from Shaw Hill. Clearing restrictions are being placed upon these lots by the applicant to prevent the homes from becoming unduly visible. A small area of class III wetlands has been identified along a stream which crosses Lot #2.

Conclusion: The Board concludes that the design of this subdivision assures that these features will be properly protected. 

7. **Section 5.1(3) – Historic Resources and Community Character:** The applicant testified there are no known historic structures or sites on either Lots #1 or #2.

Conclusion: The Board concludes that the property does not contain any historic resources.

8. **Section 5.1(4) – Reserved Strips:** The owner will provided a legal access to Lot #1 via a proposed 50' right-of-way from the former Dump Road, while Lot #2 has frontage directly on the Barnes Hill Road. The design of the subdivision does not result in any strips of land being reserved by the applicant.

Conclusion: The Board concludes that there are no reserved strips.

9. **Section 5.1(5) – Screening and Landscaping:** The applicant has not submitted a landscaping plan for the subdivision. The applicant testified that they have carefully limited clearing on each lot to prevent new construction from becoming overly visible from Shaw Hill. The applicant will designate these clearing limits on the final plat.

Conclusion: The Board concludes that the applicant has adequately addressed screening and landscaping.

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

Conclusion: The Board concludes that there are no pedestrian facilities adjacent to this property, and that there is no need for the applicant to provide for pedestrian access as part of this application.

11. **Section 5.1(7) – Traffic:** The subdivision of land and the construction of new single family homes is known to generate traffic above that which is present currently. Traffic from Lot #1 will enter and exit via the former Dump Road and traffic from Lot #2 will enter and exit via the Barnes Hill Road. There are no known safety or traffic safety issues in this neighborhood.

Conclusion: The Board concludes that there will be an increase in traffic as a result of this project, however, that the level of increase is unlikely to result in any observable impact on traffic in the community.

12. **Section 5.1(8) – Municipal Facilities:** All driveways and utilities serving this subdivision are private and are being extended by the applicant to serve the new homes.

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

13. **Section 5.1(9) – Lot Configuration:** The two lots have been designed so that each has adequate access, and meets the minimum size required by the zoning district.

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

14. **Section 5.1(10) – Building Area:** The applicant presented engineering plans showing natural features, rights-of-ways, zoning setbacks, and other restrictions, and this plan demonstrated that there is a usable building area each lot.

Conclusion: The Board concludes that both lots area suitable for the intended use for residential construction.

15. **Section 5.1(11) – Energy Conservation:** The applicant testified that the structures will be built to industry standards for energy conservation and efficiency.

Conclusion: The Board concludes that the applicant has made adequate provisions for energy efficiency.


16. **Section 5.1(12) – Fire Protection Facilities:** The applicant testified that there are no additional fire protection facilities proposed.

Conclusion: The Board concludes that the applicant has not provided sufficient evidence of adequate fire protection for the lots. The Board will require that the applicant review the plans with the Fire Department and request their approval in writing for Board's files.

17. **Section 5.1(13) – Disclosure of Subsequent Development Plans:** The applicant testified that both lots will be used for single-family residential purposes, and that they will return to the Board with plans for the development of Lot #3.

Conclusion: The Board concludes that the applicant has adequately disclosed subsequent plans for the property.

18. **Section 5.1(14) – Private Enforcement Mechanisms:** The applicant testified that there are no plans for formal private enforcement mechanisms, such as deed covenants as there are no shared or common elements.

Conclusion: The Board concludes that the applicant has adequately addressed the need for private enforcement mechanisms. 

19. **Section 5.2 – Prominent Hillsides and Ridgelines:** This property is not located in an area mapped by the Community as a prominent hillside or ridgeline.

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

20. **Section 5.3 – Open Space and Cluster Development:** This is a small-scale subdivision and no open space plan or cluster development has been proposed.

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

21. **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 this criteria.

22. **Section 5.5 – Utilities and Stormwater Management:** The applicant has not submitted an engineered storm water management plan as any storm waters will be discharged as surface waters.

Conclusion: The Board concludes that due to the small scale of this subdivision, and its remote location, the applicant has adequately addressed the needs for utility extensions and stormwater management, and that no formal plan for storm water treatment is required.

DECISION

Based upon the foregoing Findings of Fact and conclusions of law in re: **S-04-03 (Moscow Group, LLC)**, the Board took the following action:

A motion was made by Mr. Aumand and seconded by Mr. Beddow 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.
6. The final plat shall be annotated to clearly show the proposed limits of clear cutting around each house site.
7. Pursuant to the requirements of Section 5.1(12) of the Subdivision Regulations, prior to construction of any improvements on Lot #1, the applicant shall return to the Board with the written approval of the Stowe Fire Department indicating that the proposed driveway is adequate access for fire protection to the site.
8. No development, other than a single family dwelling, is authorized for Lot #3 under this approval.

Voting in favor: Mr. Aumand, Mr. Beddow, Mr. Brink, Mr. Izzo, & Mr. Walton. Voting to deny: None. Voting to abstain: None. Absent: Mr. Coppock, (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 ___ day of February 2004.

By: _____
Mr. Chris Walton, Acting 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.