

**TOWN OF STOWE  
DEVELOPMENT REVIEW BOARD**

**Findings of Fact, Conclusions of Law & Decision**

**IN RE:** Sandor Renovations & Design, Inc.  
P.O. Box 716  
Stowe, Vermont 05672

**S-03-36**

**PROCEDURAL HISTORY:**

The Development Review Board received this application on December 4, 2003. The application was warned in the Stowe Reporter and posted on January 1, 2004. A public hearing was held on January 20, 2004 & March 3, 2004, at which time the hearing was closed. This decision was rendered after a deliberative session at the Board's regularly scheduled hearing held on March 30<sup>th</sup>, 2004.

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

1. Sandor Renovations and Design, Inc., owns 16.26± of land adjacent to Upper Pinnacle Road. That property is undeveloped at this time.
2. The property is located in the Rural Residential 5 acre Zoning District and the Ridgeline and Hillside Overlay District.
3. The applicant intends to divide the property into two lots, with the easterly lot being 6.05 acres, and the westerly lot being 10.21 acres. Both lots are intended for single-family residential construction.
4. The applicant has submitted engineering plans and details for the two lots prepared by John Stuart, P.E.

**Section 5.1 – General Planning Standards:**

5. **Section 5.1(1) – Character of Land for Subdivision:** The property is a sloping hillside adjacent to the Worcester Range in the Stowe Hollow area. The site is wooded, and has access to the Upper Pinnacle Road.

**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 property is located in the foothills of the Worcester Range, in an area known to be generally visible from other areas of the community. A small portion of the property has been mapped as having added scenic importance to the community. The property contains a stream, is sloping, and is forested with a mix of mature deciduous and evergreen trees.

**Conclusion:** The Board concludes that this property is contains significant natural features and 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 the property.

**Conclusion:** Hearing no testimony to the contrary, the Board concludes that the property does not contain any historic resources.

8. **Section 5.1(4) – Reserved Strips:** The owner has provided a legal access via a proposed 50’ right-of-way to the new lots. 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 clearing of the lots will be limited so as to provide screening for the proposed house sites.

**Conclusion:** The Board concludes that the applicant has adequately addressed screening and landscaping and will require that the clearing limits be shown on the final survey to assure compliance with this criterion.

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 two new single family homes is known to generate traffic above that which is present currently. Traffic from this area will travel along a private driveway and then onto Upper Pinnacle Road, a Town Highway. There are no known congestion 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, the level of increased traffic 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 is usable for its intended purpose, 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, but will require that the applicant locate the building zones on the final survey plat.

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 given the scope and character of this subdivision, this subdivision will not require any special or unusual fire protection facilities when compared to other homes in this neighborhood.

17. **Section 5.1(13) – Disclosure of Subsequent Development Plans:** The applicant testified that both lots will be used for single-family residential purposes.

**Conclusion:** The Board concludes that the applicant has adequately disclosed its 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. The Board notes that there are certain commonly owned features, such as the roadway, so some form of covenant or agreement is necessary to insure the proper upkeep and maintenance of those commonly owned items. These requirements can be addressed in deed covenants.

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

19. **Section 5.2 – Prominent Hillside and Ridgelines:** Only a small portion of this property is located in an area mapped by the community as a prominent hillside or ridgeline. No construction of improvements is proposed for the R.H.O.D. zone.

**Conclusion:** The Board concludes that this application does not adversely affect a prominent hillside or ridgeline.

20. **Section 5.3 – Open Space and Cluster Development:** The applicant has not proposed a cluster development or proposed permanent open spaces.

**Conclusion:** The Board concludes that the scope of this application is small enough that a plan for open spaces or a clustered form of development is not required.

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 the applicant has complied with this section of the Regulations.

22. **Section 5.5 – Utilities and Stormwater Management:** The applicant does not plan a formal system of stormwater collection and treatment. In general, stormwaters from buildings and grounds will be sheet discharged across the surface of the ground until it reaches the surface waters for disposal.

**Conclusion:** The Board concludes that the applicant has adequately addressed the issue of stormwater management.

## **DECISION**

Based upon the foregoing Findings of Fact and conclusions of law, in re: **S-03-36 (Sandor Renovations and Design, Inc.)** the Board took the following action:

A motion was made by Mr. Brink and seconded by Mr. Beddow on 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 easement 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 final plat shall be annotated to contain the following additional information:
  - a. Location of driveways and driveway easements.
  - b. Location of R.H.O.D/RR-5 Zoning Boundary.
  - c. Specific limits of clearing.

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 (6-0), the application is approved.

Dated at Stowe, Vermont this the \_\_\_ day of March 2004.

By: \_\_\_\_\_  
Mr. Allan Coppock, Chair  
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.