

**TOWN OF STOWE
DEVELOPMENT REVIEW BOARD**

Findings of Fact & Conclusions of Law

IN RE: **Vince and Maria Stafford**
 548 Putnam Forest Road
 Stowe, VT 05682

S-04-26

CC: **Gordon Dixon Construction**
 111 Innisfree Lane
 Stowe, Vermont 05672

PROCEDURAL HISTORY:

The Development Review Board received this application on June 1, 2004. The application was warned in the Stowe Reporter and posted on July 15, 2004. The public hearing was held on August 3, 2004 at which time the hearing was recessed to September 7, 2004 when the hearing was closed. Darrow Mansfield represented the applicant. The decision was rendered electronically by the Board on September 17, 2004.

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

1. Vince and Maria Stafford own a 5.04-acre lot at 548 Putnam Forest Road within the Rural Residential 5 (RR 5) zoning district and the Ridgeline and Hillside Overlay District (RHOD).
2. The Stafford's lot is part of a subdivision (S-82-5(F)1), which received final subdivision approval on March 25, 1997 from the Stowe Planning Commission.
3. Condition 1A of the final subdivision approval stated, "House construction on each lot shall be centered on the designated house-site location. Such location shall only be revised with the prior approval of the Stowe Planning Commission."
4. Condition 1B of the final subdivision approval stated, "Accessory structures, driveway turn-arounds and other amenities shall be located within the proposed building area. No development shall be permitted outside of the proposed building area without the prior approval of the Stowe Planning Commission."
5. The applicant's representative testified that the existing building zone is more restrictive than the required setbacks for RR 5 zoning district.
6. The applicant would like to amend the existing building zone to allow for the construction of a 28' x 32' barn. The barn would comply with the setbacks for the RR 5 zoning district.

Section 5.1 – General Planning Standards:

7. **Section 5.1(10) – Building Area:** The Planning Commission (Development Review Board) shall find that the proposed subdivision provides adequate building sites for each proposed lot. Such sites may be restricted to a specific building area, to be depicted on the plat, located and sized to ensure compliance with all the provisions of Section 5 of these regulations.

Conclusion: The Board concludes that the existing building site is not adequate for property owner's building plans. The Board further concludes that the amended building site ensures compliance with the provisions of the Planning and Design Standards of the Stowe Subdivision regulations.

DECISION

Based upon the foregoing Findings of Fact and conclusions of law in re: **S-04-26 (Vince and Maria Stafford)**, the Board took the following action:

A motion was made by Mr. Walton 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. The building site shall be enlarged as shown on the revised site plan dated May 11, 2001 as modified by the applicant's representative.
3. A copy of the revised site plan dated May 11, 2001 as modified by the applicant's representative showing the enlarged building site shall be submitted to the Zoning Office for the record.
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 final plat shall show all required easements for access rights-of-way and utilities.
6. 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.
7. 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.
8. 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: Mr. Aumand, as he was not present for the August 3 hearing on this matter. Absent: None. (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 17th of September, 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.