

**TOWN OF STOWE
DEVELOPMENT REVIEW BOARD**

FINDINGS OF FACT & CONCLUSIONS OF LAW

IN RE: **Town of Stowe (Owner)**
 P.O. Box 730
 Stowe, Vermont 05672

BA 7a-112.060

L.R.S.W.M.D. (Applicant)
Attn: Mike Morrow
28 Sunset Drive
Morrisville, Vermont 05661-8331

PROCEDURAL HISTORY:

The Zoning Administrator received this application for the expansion of the recycling building at the Stowe Transfer Station on June 6, 2003. The application was ruled complete, warned in the Stowe Reporter, and posted on July 31, 2003. A public hearing was held on August 19, 2003 and recessed to September 2, 2003, at which time the hearing was closed. The Board deliberated and reached this decision on October 7, 2003.

FINDINGS OF FACT:

1. The Town of Stowe owns 4.5 acres at the end of Dump Road. That site is the location of the Stowe Transfer Station, Stowe's Solid Waste Facility. The facility is operated by the Lamoille Regional Solid Waste Management District (L.R.S.W.M.D).
2. The applicant (L.R.S.W.M.D) is seeking approval of a plan to construct an addition and improvements to the recycling building at the facility. The improvements proposed include a 37' x 35' roofed loading dock, the installation of two compactor's to process recycled waste, and general renovations and upgrades to the recycling building.
3. The architectural style and construction materials proposed are similar to those of the existing recycling building.
4. The building is located in the Village Commercial – 30 Zoning District.
5. Under the provisions of the Zoning Ordinance, the proposed construction is an alteration and expansion of a Conditional Use which requires the prior review and approval of the Stowe Development Review Board (reference Section 4.7 of the Stowe Zoning Ordinance).

CONCLUSIONS OF LAW

4.7(2)(A) – Standards of review (Conditional Use Applications)

6. **Section 4.7(2)(A)(1) – Capacity of existing or planned community facilities & services:** The application is for additions and alterations to an existing facility. The building is served by municipal water & sewer services, and a private driveway off of the end of the Dump Road.
4. **Conclusions:** The Board concludes there should be no discernable impact on municipal services.

7. **Section 4.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The facility is located at the end of the Dump Road, a paved Town Highway. The proposed additions and alterations to the facility are intended to improve the efficiency of the recycling center.

Conclusions: The Board concludes that the addition should not result in any appreciable increase in traffic to or from this site, nor should there be any adverse impact on traffic circulation.

8. **Section 4.7(2)(A)(3) – The character of the area affected:** The recycling center is located in an existing solid waste processing facility. The site is located in a commercial district in an area that is reasonably well screened from neighboring properties. The addition and improvement to the recycling facility should not adversely affect the appearance of this area.

Conclusions: The Board concludes that there should be no discernable impact on the character of the area, nor will there be any adverse impact on the aesthetics of this area.

9. **Section 4.7(2)(A)(4) – Bylaws then in effect:** The Board reviewed this application under the provisions of Section 4.7 & 11 of the current Zoning Ordinance.

Conclusions: The Board found that there will be no adverse effect on the bylaws.

Section 4.7(2)(B) – Other Standards of Review:

4.7(2)(B)(3) – Will not result in undue water, noise or air pollution: The proposed facility includes waste compactors which will be placed upon a concrete slab under a roofed overhang. Due to the nature of the proposal, there is the potential for the release of liquid waste from the compactor. The applicant testified that it will be placing oil containment booms around the compactors to collect any spilled materials. The Board will require the placement of these booms as a condition of the permit.

1. **Conclusions:** The Board concludes that, if oil containment booms are correctly placed around the slab containing the compactors, there will be no adverse impact on this criteria.
2. The Board concludes that due to the very minor nature of the proposed alterations all other standards established in Section 4.7(2)(B) have been met.

Section 4.9(1) – Site Development Plan Review Procedure

As a result of the December 6, 1999 amendments to the Zoning Regulations, the Board finds that it is now also charged with conducting a site plan review under Section 4.9 of the Zoning Ordinance.

1. **Conclusion:** The Board concludes that due to the very minor nature of the proposed alterations, and including the fact that no changes to the site plan will occur, all standards established in Section 4.7(9)(1) have been met.

DECISION:

Based upon the foregoing Findings of Fact, the Board reached the following decision in re: **BA 7a-112.060 (Town of Stowe & L.R.S.W.M.D.):**

A motion was made by Mr. Brink and seconded by Mr. Walton 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. This application is approved pursuant to the plans and specifications admitted into evidence. The project shall be completed in a manner consistent with the Board's findings and conclusions and the approved plans and specifications.
3. The applicant shall install and maintain an oil containment boom on the slab were the compactor(s) will be located.

Voting in favor: Mr. Aumand, Mr. Brink, Mr. Coppock, Mr. Izzo, Mr. Walton. Voting to deny: None. Voting to abstain: None. Absent: Mr. Beddow. (Note: There is one vacancy on the Board at the time of this hearing).

The motion carries (5 - 0), the application is approved. Dated at Stowe, Vermont this the 7th day of October 2003.

By: _____
Allan Coppock
Stowe Development Review Board

Any interested person may appeal this decision to the Vermont Environmental Court within thirty (30) days in accordance with 24 V.S.A. S 4471.

The foregoing represents the decision of the Stowe Board of Adjustment, and is NOT a permit. A zoning permit will not be issued by the Administrative Officer until all other necessary approvals have been obtained and the appeal period has passed. 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.

The use or occupancy of any building or activity approved in this decision requires the issuance of a Certificate of Occupancy. No Certificate of Occupancy will be issued until such time as all of the conditions of this decision have been fulfilled.