

**TOWN OF STOWE
DEVELOPMENT REVIEW BOARD**

Findings of Fact & Conclusions of Law

IN RE: **Trapp Family Lodge, Inc**
 P.O. Box 1428
 Stowe, Vermont 05672

S-04-09

PROCEDURAL HISTORY:

The Development Review Board received this application on March 23, 2004. The application was warned in the Stowe Reporter and posted on April 15, 2004. A public hearing was held on May 4, 2004, at which time the hearing was closed. The decision was rendered electronically by the Board on June 3, 2004.

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

1. Trapp Family Lodge, Inc. (Trapps) owns and operates the Trapp Family Lodge located in a Ski PUD, with its main facilities at 700 Trapp Hill Road. The Resort sits on approximately 2,700 acre of land, which is subject to the previous terms and conditions of approval associated with its status as a Ski PUD.
2. Trapps is applying for the subdivision of one approximately 11 acre parcel located at 1819 Trapp Hill Road within the Ski-PUD, for sale or lease to Walter and Kristina Frame. The lot is to be removed from the Ski-PUD and two density units will be transferred to the Frames.
3. The parcel is currently developed with a home that will be demolished. A new farmhouse will be built adjacent to the former site using existing on-site electrical, sewer and water supplies.
4. The owner has submitted (in addition to other materials) a location map, site plan prepared by Sultan Consulting and a draft amendment to the SKI-PUD affidavit dated March 2004.

Section 5.1 – General Planning Standards:

5. **Section 5.1(1) – Character of Land for Subdivision:** The parcel has two ponds, a sugarhouse, a shed and an existing farmhouse. The existing farmhouse will be demolished and will be replaced with a new residence.

Conclusion: The Board concludes that the property is suitable for the intended use.

6. **Section 5.1(2) – Natural & Scenic Features:** The site is an existing residential farm yard and will be retained as such.

Conclusion: The Board concludes that Section 5.1(2) is not applicable.

7. **Section 5.1(3) – Historic Resources and Community Character:** The existing farmhouse was built in 1927 and is considered a historic structure under Section 4.1(6) of the bylaw. The applicants have obtained approval (BA 6-121-6) from the Stowe Development Review Board for the demolition of this structure. This farmhouse will be replaced with a new “Vermont vernacular” farmhouse.

Conclusion: The Board concludes that the applicants have complied with section 5.1(3).

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

Conclusion: The Board concludes that there will be no reserved strips.

9. **Section 5.1(5) – Screening and Landscaping:** No additional landscaping is proposed as the site is currently developed with ponds, lawns and pastures.

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

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

Conclusion: The Board concludes that there is no need for the owner to provide for pedestrian access as part of this application.

11. **Section 5.1(7) – Traffic:** The parcel has access onto an adjoining Town Highway over an existing residential driveway. Adequate sight distance prevails in each direction. The existing residence will be replaced with a single family home.

Conclusion: The Board concludes that there will be no increase in traffic as a result of this project.

12. **Section 5.1(8) – Municipal Facilities:** The new farmhouse will use existing on-site electrical, sewer and water supplies.

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

13. **Section 5.1(9) – Lot Configuration:** The lot configuration conforms to the Rural Residential 5 minimums.

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

14. **Section 5.1(10) – Building Area:** The specific building area is within the Rural Residential 5 setbacks.

Conclusion: The Board concludes that the proposed building area is adequate.

15. **Section 5.1(11) – Energy Conservation:** Submitted materials state that the new home will be compliant with Vermont Residential Energy Standards.

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

16. **Section 5.1(12) – Fire Protection Facilities:** There are two ponds on the parcel.

Conclusion: The Board concludes that there is adequate water storage already existing on the parcel.

17. **Section 5.1(13) – Disclosure of Subsequent Development Plans:** There are no future development plans for the parcel at this time.

Conclusion: The Board concludes that Section 5.1(13) is not applicable.

18. **Section 5.1(14) – Private Enforcement Mechanisms:** No covenants requiring enforcement are proposed.

Conclusion: The Board concludes that Section 5.1(13) is not applicable.

Section 5.2 – Prominent Hillside and Ridgelines:

19. This property is not located in the Ridgeline Hillside Overlay District. Submitted materials state that: the property is not visible offsite; the farmhouse character will be retained in the new building; and the replacement of the existing residence will not result in a change to the character of the site.

Conclusion: The Board concludes that Section 5.2 is not applicable.

Section 5.3 – Open Space and Cluster Development:

20. This is a small-scale subdivision and no open space plan or cluster development has been proposed. The adjacent wooded areas will be maintained as per the Trapp Family Lodge, Inc. Forest Management Plan as approved by the County Forester and the State of Vermont. This parcel will be removed from the state Use Value program as the parcel contains less than the required 25 acres of woodland.

Conclusion: The Board concludes that Section 5.3 is not applicable.

Section 5.4 – Road Standards and Coordination with Public Highways:

21. There are no new roads proposed for this subdivision. The parcel is adjacent to a designated scenic highway. The scenic character of the site is not proposed to be affected.

Conclusion: The Board concludes that Section 5.4 is not applicable.

Section 5.5 – Utilities and Stormwater Management:

22. **Section 5.5(1) – Utilities:** The existing on-site sewer and water will be utilized.

Conclusion: The Board concludes that owner has made adequate provisions for water supply and sewage disposal.

23. **Section 5.5(2) – Power and Telecommunications:** The existing overhead utility lines will remain with service to the new residence to be underground.

Conclusion: The Board concludes that owner has made adequate provisions for power and telecommunications.

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

Conclusion: The Board concludes that Section 5.5(3) is not applicable.

25. **Section 5.5(4) – Erosion and Sedimentation:** The flat nature of the site has a low potential for erosion. Hay bales and silt fence will be used as necessary.

Conclusion: The Board concludes that the subdivision complies with Section 5.5(4).

26. **Section 5.5(5) – Stormwater Management:** The flat nature of the site has a low potential for erosion. Hay bales and silt fence will be used as necessary during construction.

Conclusion: The Board concludes that the subdivision complies with Section 5.5(4).

27. **Section 5.5(6) – Monuments:** Monuments will be placed to indicate parcel corners.

Conclusion: The Board concludes that the subdivision complies with Section 5.5(6).

DECISION

Based upon the foregoing Findings of Fact and conclusions of law in re: S-04-09 (Trapp Family Lodge), the Board took the following action:

A motion was made by Mr. Brink and seconded by Mr. Izzo 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; sub divider, 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.

Voting in favor: Mr. Aumand, Mr. Beddow, Mr. Brink, Mr. Izzo, and 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 carried (5-0); the application is approved.

Dated at Stowe, Vermont this the _____.

By: _____
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.