

***Test TOWN OF STOWE
DEVELOPMENT REVIEW BOARD***

Findings of Fact, Conclusions of Law and Decision

**IN RE: Jo-Anne Varcoe-Leamer & John Drury
d.b.a. Two Dog Lodge
3576 Mountain Road
Stowe, Vermont 05672**

BA 11-146-2

PROCEDURAL HISTORY:

The Development Review Board received this application on August 26, 2003. The application was warned in the Stowe Reporter and posted on September 25, 2003. A public hearing was held on October 7, 2003, at which time the hearing was closed. This decision was rendered at the Board's regularly scheduled hearing held on October 21, 2003.

FINDINGS OF FACT & CONCLUSIONS OF LAW:

1. Jo-Anne Varcoe-Leamer & John Drury own and operate a lodging establishment known as Two Dog Lodge at 3576 Mountain Road.
2. The Two Dog Lodge property is located in the Upper Mountain Zoning District. Motels and their associated uses are conditionally permissible under Section 7.3(1)(A) of the Stowe Zoning Ordinance. This application was heard under Section 7.4(2) – Accessory Uses.
3. The applicant previously received approval from the Board to convert an existing garage at the lodge into a dog day care facility. Improvements included the installation of a fencing system to provide for an outside play area for the dogs.
4. This application would allow for the conversion of one of the three chalets at the lodge from a lodging use to dog day care. The fencing would be extended to the chalet. The chalet would be used to give the dogs a “homey” experience. There will be no exterior changes to the chalet. The chalet will no longer be offered as guest accomodation.
5. The business will accept up to 20 dogs a day. The facility will operate between 7:00 a.m. and 9:00 p.m. with no dogs remaining overnight. There will be one additional employee to serve the facility.

4.7(2)(A) – Standards of review (Conditional Use Applications): Pursuant to the requirements of the Stowe Zoning Ordinance, all Conditional Use Applications are reviewed under the requirements of Section 4.7(2)(A):

6. **Section 4.7(2)(A)(1)** – **Capacity of existing or planned community facilities & services:** The property is served by on-site water and sewer systems. This project requires no additional water or sewer services.

Conclusion: The Board concludes that there will be no adverse impact on the capacity of existing or planned community facilities and services as a result of this application.

7. **Section 4.7(2)(A)(2)** – **Traffic on roads and highways in the vicinity:** Two Dog Lodge is served by an existing driveway directly off of Vermont Route 108. The driveway provides adequate access for both the existing and the proposed uses.

Conclusion: The Board concludes that it is unlikely that there will be increased use of this property as a result of this application. It is anticipated that the traffic generated from the new facility will be minor in nature and will not create traffic congestion or a safety hazard. As such the Board concludes that there will be no undue impact on traffic congestion or safety on area roads and highways in the vicinity.

8. **Section 4.7(2)(A)(3)** – **The character of the area affected:** The property is located adjacent to, and with access off of Vermont Route 108 in an area characterized by numerous commercial, retail and lodging uses. The property itself consists of an operating motel facility. The area adjacent to Route 108 is landscaped, the garage structure is located well back from the road and the applicant is proposing only minor changes to the structure.

Conclusion: The Board concludes that the project will not have an undue adverse impact on the character of the area affected.

9. **Section 4.7(2)(A)(4)** – **Bylaws then in effect:** The Two Dog Lodge property is located in the Upper Mountain Road Zoning District. Lodging and associated uses are conditionally permissible under Section 9.3(1) and 9.4(2) of the Stowe Zoning Ordinance.

Conclusion: The Board concludes that the project as proposed complies with the purpose and requirement of the Upper Mountain Road Zoning District, and is in conformance with Bylaws then in effect.

Other Standards of Review:

10. **Section 4.7(2)(B)(1)** - **No undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.** There are no known historic sites, or rare and irreplaceable natural areas located on the property. The proposed changes are minor in nature, and should not be visible from the roadway. There are no exterior changes proposed for the chalet.

Conclusion: The Board concludes that there is minimal potential for adverse effects on the scenic qualities and aesthetics of the area.

11. **Section 4.7(2)(B)(2)** - **Project will not result in undue water, noise or air pollution.** The building has on site water and sewage facilities. There is no system for stormwater management on the site. The Board will not require that a stormwater system be installed as there is no increase in building coverage at the site.

Conclusion: The Board concludes that, provided the on site water and sewage facilities remain in good repair, there will be no undue water, noise or air pollution.

12. **Section 4.7(2)(B)(3)/Section 4.9(1)(A), Compatible with the Stowe Municipal Plan.** The Board is reviewing this application under the current Town Plan, last revised November 3, 1998. Generally speaking the plan supports the development of a year round resort economy. The proposed improvements provide an amenity to this existing lodging facility and a new service to the community. The Board concludes that the business is in keeping with the goals of the Town Plan.

Conclusion: The Board concludes that the proposed additions comply with the Municipal Plan and is in keeping with the plans goals.

13. **Section 4.7(2)(B)(4)/4.9(1)(B) – Adequacy of Driveway Access:** The project is to be served by the existing driveway with no modifications proposed. There is currently a driveway and parking area serving the chalet.

Conclusion: The Board concludes that the driveway is of sufficient design and is located in a manner which will allow for adequate and safe traffic access to the site.

14. **Section 4.7(2)(B)(5)/4.9(1)(C) – Shared Access:** The property is served by two access drives. There appears to be no opportunity for shared access with the exception of the internal uses on this site.

Conclusion: The Board concludes that there is no shared access on this property.

15. **Section 4.7(2)(B)(6)/4.9(1)(D) – Circulation and Parking.** The applicant is proposing to use its existing driveway network and parking lots to service the facility. This application is for a modification to an existing business with no increased capacity or increase in the number of employees anticipated.

Conclusion: The Board concludes that the applicant has adequately addressed circulation and parking and that no additional parking will be required to support this modification to the business.

16. **Section 4.7(2)(B)(7)/4.9(1)(E) – Pedestrian Circulation and Access.** The existing property is located outside of the area covered by the village sidewalk network but is located on the trolley route (local bus service).

Conclusion: The Board concludes that given the minor nature of the changes to the facility, the applicant does not need to make pedestrian improvements to the facility.

17. **Section 4.7(2)(B)(8)/4.9(1)(F) - Landscaping.** The site is currently landscaped.

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

18. **Section 4.7(2)(B)(9)/4.9(1)(G) - Stormwater Management.** There is no stormwater management system on this site. Given that this application involves only minor changes to an existing business, the Board will not require an additional plan to collect and treat stormwaters on this site.

Conclusion: The Board concludes that the applicant has made adequate provisions for stormwater management.

DECISION:

Based upon the foregoing Findings of Fact, in re: **BA 11-146-2 Jo-Anne Varcoe-Leamer & John Drury d.b.a. The Two Dog Lodge**, the Board took the following action:

A motion was made by Mr. Brink 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. This application approved pursuant to the plans, specifications, and site plans admitted into evidence. The project approved shall be completed in a manner which is consistent with the Board's findings and conclusions and the approved plans and specifications.

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 was one vacancy on the Board at the time of this application.

The motion carries (6-0), the application is approved.

Dated at Stowe, Vermont this the 21st day of October 2003.

By: _____
Allan J. Coppock, Chairman
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 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 relevant conditions imposed as part of the approval have been met

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.

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.

