

**TOWN OF STOWE  
DEVELOPMENT REVIEW BOARD**

**Findings of Fact & Conclusions of Law**

**IN RE: Shane and Lisa Walker  
P.O. Box 911  
Stowe, Vermont 05672**

**S-04-28**

**PROCEDURAL HISTORY:**

The Development Review Board received this application on July 8, 2004. The application was warned in the Stowe Reporter and posted on July 29, 2004. A public hearing was held on August 17, 2004, at which time the hearing was closed. This decision was rendered electronically by the Board on August 26, 2004.

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

1. Shane and Lisa Walker own 12.9 acres at 451 Beech Hill Road.
2. The property is located in the Rural Residential – 5 acre District.
3. The applicants intend to divide the property into two (2) Lots: Lot #1 to contain 5.1 acres along with an existing four-bedroom house and Lot #2 being 7.8 acres and includes a barn and pond. The applicants intend to build a five-bedroom house on Lot #2.
4. Power and phone service lines will be underground off of a pole on Beech Road.
5. The applicant has submitted engineering plans and details for the two lots prepared by Charles Grenier, P.E.

**Section 5.1 – General Planning Standards:**

**6. Section 5.1(1) – Character of Land for Subdivision:**

**Conclusion:** The land is suitable for subdivision.

- 7. Section 5.1(2) – Natural and Scenic Features:** The applicants testified that there would be no additional clearing on either lot.

**Conclusion:** The subdivision will not adversely impact any scenic or natural features.

- 8. Section 5.1(3) – Historic Resources and Community Character:** The lots are within a rural residential zoning district. The applicant testified there are no known historic structures or sites on either Lots #1 or #2.

**Conclusion:** The property does not contain any historic resources and will not adversely impact the community character.

- 9. Section 5.1(4) – Reserved Strips:** A right of way currently exists across Town and neighboring property to connect Lot #1 with Beech Hill Road. There is an existing driveway from Lot #1 to Lot #2, which is to be abandoned. The applicants propose to build (along the northern edge of the property) a driveway access to Lot #2 connecting with the driveway (Lot #1) to Beech Hill Road

**Conclusion:** The Board concludes that there are no reserved strips.

10. **Section 5.1(5) – Screening and Landscaping:** The applicant has not submitted a landscaping plan for this subdivision given the small scale of the subdivision and the rural character of the area.

**Conclusion:** Not applicable.

11. **Section 5.1(6) – Pedestrian Access:** There are no provisions for pedestrian access as part of this subdivision given the small scale of the subdivision and the rural character of the area.

**Conclusion:** Not applicable.

12. **Section 5.1(7) – Traffic:** Traffic from this two lot subdivision will egress onto the Nebraska Valley Road which is a dead end road beginning at the intersection of the back road to Trapps and the Moscow Road.

**Conclusion:** Not Applicable.

13. **Section 5.1(8) – Municipal Facilities:** Lot #1 has an onsite wastewater system. A spring provides potable water. The site map also shows an alternate drilled well location. Lot #2 lot has an onsite wastewater system. There is also a location shown for a drilled well. .

**Conclusions:** That there should be no discernable adverse impact on municipal facilities.

14. **Section 5.1(9) – Lot Configuration:** The two lots have adequate access, and meet the minimum size required by the zoning district.

**Conclusion:** The applicants have addressed lot configuration.

15. **Section 5.1(10) – Building Area:** Lot #1 has an existing residence. The site plan shows a “cleared general house site” for Lot #2.

**Conclusion:** The final plat shall show the building envelope and setbacks for Lot #2.

16. **Section 5.1(11) – Energy Conservation:**

**Conclusion:** Not applicable.

17. **Section 5.1(12) – Fire Protection Facilities:** Other than the existing pond on Lot #2, there are no plans for fire protection facilities given the small scale of the subdivision and the rural character of the area.

**Conclusion:** The applicants have provided sufficient fire protection for both lots.

18. **Section 5.1(13) – Disclosure of Subsequent Development Plans:** The applicants currently reside in the residence on Lot #1. The applicants plan to build a new residence home on Lot#2 and sell Lot #1.

**Conclusion:** The applicants have disclosed subsequent plans for the property.

19. **Section 5.1(14) – Private Enforcement Mechanisms:** The applicant testified that there are no plans for formal private enforcement mechanisms.

**Conclusion:** Not applicable.

## DECISION

Based upon the foregoing Findings of Fact and conclusions of law in re: **S-04-28 (Shane and Lisa Walker)**, 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. 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-ways (including the driveway to Lot #2) and utilities.
4. The final plat shall show the building envelope with required setbacks for Lot #2.
5. 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.

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.

Voting in favor: Mr. Coppock, Mr. Izzo, Mr. Jones and Mr. Walton. Voting to deny: None. Voting to abstain: None. Absent: Mr. Aumand, (Note there are two vacancies on the Board at this time).

The motion carries (4-0), the application is approved.

Dated at Stowe, Vermont this the 26<sup>th</sup> day of August, 2004.

By: \_\_\_\_\_  
Mr. 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.