

**Notice of DRB Decision
Town of Stowe Zoning Office
PO Box 216
Stowe VT 05672**

You recently received approval for the subdivision listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. All final subdivisions must be signed by the DRB Chair and recorded within 180 days from approval. Please note any conditions of approval that must be met before the plan can be recorded. You are also required to obtain separate zoning approvals and/or permits for any new construction on the newly created lots. A fee of \$15/page is required for recording.

Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

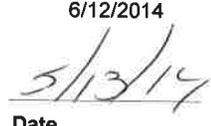
APPLICATION INFORMATION

Project Number	4930		
Application Date	3/18/2014		
Physical Location	486 BARROWS RD		
Map ID	06-107.000	Tax ID	32048
Project Description	CREATE TWO-LOT SUBDIVISION		
Owner	BEVERLY M LEMERY		
Applicant	BEVERLY M LEMERY		
Applicant Address	486 BARROWS RD STOWE VT 05672		

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	5/13/2014	6/12/2014	11/9/2014


Zoning Office


Date

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law

IN RE: Beverly M. Lemery
486 Barrows Rd
Stowe VT 05672

4930

PROCEDURAL HISTORY:

The Development Review Board received this application on March 18, 2014. The application was warned in the Stowe Reporter and posted on March 27, 2014. A public hearing was held April 15, 2014, then recessed to May 6, 2014 at which time the hearing was closed. The Board rendered this decision electronically on May 13, 2014. Beverly Lemery presented the application to the Board.

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

1. Beverly Lemery owns 22.03± acres at 563 Barrows Road within the Rural Residential (RR) 2 and 5 Zoning Districts and partially within the Ridge and Hillside Overlay District (RHOD). The parcel is developed with a three-unit multi-family building and mobile home.
2. The applicant proposes to subdivide the parcel into two lots. Lot 1 will be 11.99 acres and will include the existing uses. Lot 2 will be 10.04 acres and is proposed to be for a residential use.
3. The applicant submitted a site plan prepared by Glenn Town last revised October 2013, an amended plan showing proposed building zones, and wastewater plans prepared by Trailhead Design LLC dated March 10, 2010. Staff submitted an orthophotograph of the parcel.
4. Under the provisions of the Zoning Ordinance, this application was reviewed as a subdivision.

SECTION 5.1 – GENERAL PLANNING STANDARDS:

5. **Section 5.1(1) – Character of Land for Subdivision:** Lot 1 is an open field and contains the existing development. The westerly portion of Lot 2 is an open field and the remaining portion is wooded. The Stowe High School is adjacent to the north and residential development is located on the other surrounding parcels.

Conclusion: There is nothing in the character of the parcel that would preclude it from being used as proposed.

6. **Section 5.1(2) – Natural and Scenic Features:** There is a stream running through the parcel. The Zoning Regulations require a 50-foot buffer adjacent to streams. Only a small portion of the parcel contains prime agricultural soils.

Conclusion: The stream has adequate protection given the existing zoning regulations.

7. **Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities:** There are no mapped wildlife habitats or natural habitats on the parcel.

Conclusion: This provision is not applicable.

8. **Section 5.1(4) – Historic Resources and Community Character:** There are no known historic resources on the parcel. The parcel contains an open field approximately 14 acres in size. This open field connects to an adjacent field to the south and on the westerly side of Barrows Road. Section 5.1(4)(b) states in part that “Subdivisions in rural areas shall result in minimum undue adverse impact on the rural landscape as characterized by open fields, forested mountains and hillsides. The rural character exists due to the scenic vistas, large uninterrupted forested areas, open fields along public roads, and limited development along roads. Individual lots and building zones shall be delineated so as to mitigate the visual impact of new development on views from existing roadways, adjacent properties, and offsite vantage points.” This section recommends methods to preserve rural character including “Restricting development within open fields along public roads. If development must be located within open fields due to constraints elsewhere on the site, building zones should be located at the edges of the field to the maximum extent possible. Additional landscaping may be required to provide a sufficient visual buffer for new development.” The applicant proposes a residential dwelling on Lot 2 just inside the wooded area along the rear perimeter of the open field or at the edge of the open field. Any future development on Lot #1 is closer to the road. An open field area is preserved between the proposed building zones.

Conclusion: The final recorded plan shall include the building zones as shown on the amended plan.

9. **Section 5.1(5) – Reserved Strips:** No reserved strips are proposed.

Conclusion: This provision is not applicable.

10. **Section 5.1(6) – Screening and Landscaping:** No changes in landscaping or screening are proposed.

Conclusion: This provision is not applicable.

11. **Section 5.1(7) – Pedestrian Access:** There are no sidewalks in this area.

Conclusion: There is no need for the applicant to provide for pedestrian access as part of this application.

12. **Section 5.1(8) – Traffic:** The proposed dwelling is expected to generate only a minimal amount of additional traffic on Barrows Road.

Conclusion: The subdivision will not create unreasonable traffic congestion on Barrow Road.

13. **Section 5.1(9) – Municipal Facilities:** No municipal department review forms returned indicated that the proposed development would have any adverse impact on their respective departments.

Conclusion: The subdivision of this parcel will not have an undue adverse impact on any municipal facilities.

14. **Section 5.1(10) – Lot Configuration:** No elongated or irregular shaped lots are being created.

Conclusion: The lot configuration is adequate as proposed.

15. **Section 5.1(11) – Building Zone:** The applicant has proposed building zones that restrict development in the open fields and on slopes over 20%.

Conclusion: The building zones are adequate as proposed. The final recorded plan shall include the building zones as shown on the amended plan.

16. **Section 5.1(12) – Fire Protection Facilities:** The Fire Department reviewed the plans and did not indicate any concerns with providing fire protection. A driveway pull off is requested at around 500 feet along the driveway.

Conclusion: Adequate fire protection can be provided. A pull off shall be provided when a permit is issued for development of Lot #2.

17. **Section 5.1(13) – Disclosure of Subsequent Development Plans:** Residential development is anticipated on Lot 2. The applicant testified that a future owner of Lot #2 may want to request a minor amendment of the building zone once the development plans are finalized. The applicant also testified that there may be future subdivisions of Lot #1 although, at this time, no development plans are known.

Conclusion: The Board recognizes that there may be future requests for amendments of the building zones and a possible future subdivision of Lot #1.

18. **Section 5.1(14) – Private Enforcement Mechanisms:** A 50-foot right-of-way across Lot 1 to serve Lot 2 is proposed.

Conclusion: Adequate private enforcement mechanisms are in place.

Section 5.2 – Prominent Hillside and Ridgelines: The rear portion of Lot 2 is within the RHOD. A dwelling is proposed just inside the RHOD.

Standard 1: A stormwater management plan is not required for one single-family dwelling.

Standard 4: No development is proposed within the wetlands. All streams are required to have a 50-foot buffer. The steepest slopes are will not be developed.

Standard 5: A large hill is located behind the proposed dwelling location which will limit visibility to only Barrows Road which is approximately 1,200 feet away. Any proposed development will likely have some visibility from Barrows Road.

Standard 6: No meadows exist within the RHOD portion of the parcel.

Standard 8: The proposed driveway within the RHOD is designed to follow the existing contours as best possible and will not exceed 12%

Standard 12: The proposed house site is on slopes less than 15%. The building zone does include slopes over 20%. Guideline 12.1 states that “No development should occur on land where the slope is greater than 20%.”

Conclusion: The proposed dwelling will have some visibility from Barrows Road. However, given the requirements to preserve open fields, which are not within the RHOD, the applicant has proposed a dwelling location that satisfies the RHOD guidelines. A review of the actual house construction will be required before a zoning permit is issued.

19. **Section 5.3 – Open Space and Cluster Development:** The parcel is not within a PUD.

Conclusion: This provision is not applicable.

20. **Section 5.4 – Road Standards and Coordination with Public Highways:** No new roads are proposed.

Conclusion: This provision is not applicable.

21. **Section 5.5 – Utilities and Stormwater Management:** Only limited clearing is proposed with development of the property.

DECISION

Based upon the foregoing Findings of Fact, in **RE: 4930 (Lemery)**, the Board took the following action:

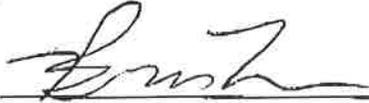
A motion was made by Mr. White and seconded by Mr. Beugnies to approve the application with the following conditions:

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 V.S.A. Title 24, Chapter 117, the approval of this final subdivision application shall expire after 180 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 subdivision plat shall be prepared in accordance with 27 VSA § 1403 and Section 4.3 of the Stowe Subdivision Regulations.

Voting in favor: Mr. Beugnies, Mr. Collozza, Mr. Clymer, Mr. Diender, Mr. Leven, Mr. Walton and Mr. White. Voting to deny: None. Voting to abstain: None. Absent: None

The motion carries 7– 0; the application is approved.

Dated at Stowe, Vermont this the 13th day of May 2014.

By: 
Brian Leven, Chair

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