

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

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

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

APPLICATION INFORMATION

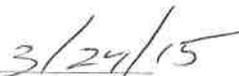
Project Number 5102
Application Date 2/3/2015
Physical Location 151 MAIN ST
Map ID 7A-052.000 Tax ID 01052
Project Description FAÇADE AND INTERIOR RENOVATIONS; MODIFICATION OF PARKING
Owner MIDAS ENTERPRISES INC
Applicant MIDAS ENTERPRISES INC BRIAN LEVEN
Applicant Address 212 MOULTON LN
STOWE VT 05672

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
SHPC RECOMMENDATION	1/11/2015			RECOMMENDED APPROVAL OF ELEVATIONS AS SUBMITTED
DRB DECISION	3/24/2015	4/23/2015	4/23/2017	



Zoning Office



Date

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

IN RE: **Midas Enterprises Inc**
 Brian Leven
 212 Moulton Ln
 Stowe, Vermont 05672

5102

PROCEDURAL HISTORY:

The Development Review Board received this application on February 3, 2015. The application was warned in the Stowe Reporter and posted on February 26, 2015. A public hearing was held on March 17, 2015 at which time the hearing was closed. This decision was rendered electronically by the Board on March 24, 2015. Brian Leven and Jay Caroli 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. Midas Enterprises Inc owns a 0.3-acre parcel at 151 Main Street within the Village Commercial (VC) 10 zoning district and the Stowe Historic Overlay District (SHOD). The building is currently vacant, but previously was occupied by two retail uses.
2. The applicant is requesting to complete façade and interior renovations and to slightly reconfigure the parking.
3. The applicant submitted a survey with the reconfigured parking shown dated 3/11/15, sketches of the proposed building elevations and a floor layout prepared by Jay Caroli dated 2/4/15.
4. The Stowe Historic Preservation Commission (SHPC) submitted a letter of recommendation dated 2/12/15.
5. Under the provisions of the Zoning Regulations, this application was reviewed as a conditional use and under design review.

3.7(2)(A) – Standards of review (Conditional Use Applications): Pursuant to the requirements of the Stowe Zoning Regulations, all Conditional Use Applications are reviewed under the requirements of Section 3.7(2)(A):

6. **Section 3.7(2)(A)(1) – Capacity of existing or planned community facilities and services:** No Municipal Department review forms returned indicated that the proposed development would have any adverse impact on their respective departments. Existing sewer and water connections will remain unchanged.

Conclusion: The project as proposed has no effect on the Town's existing or planned facilities or services.

7. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The building will continue to be retail uses and is not expected to significantly increase the number of customers.

Conclusion: The proposed development will not create an undue adverse impact in the area.

8. **Section 3.7(2)(A)(3) – The character of the area affected:** The village area is comprised of a mix of commercial and residential uses. The building footprint is not changing with this application and uses will continue as retail.

Conclusion: The proposed use will not adversely affect the character of the area.

9. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** The building footprint is not changing with this proposal. Parking is discussed in paragraph #15.

Conclusion: The proposed use is in conformance with the bylaws, regulations and ordinances in effect.

10. **Section 3.7(2)(A)(5) – Utilization of renewable energy sources:** The development will not restrict the ability to use renewable sources.

Conclusion: The proposed use will not adversely affect the utilization of renewable energy sources.

Section 3.7(2)(B) – Other Standards of Review:

11. **Section 3.7(2)(B)(1) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.** There are no natural areas on the parcel. The building itself is a contributing structure within the historic district. The SHPC reviewed and recommend approval of the alterations under the alteration guidelines in Sections 10.12 and 10.14.

Conclusion: The project will not have an undue adverse effect on the effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

12. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** The existing use will not significantly be altered with the renovations.

Conclusion: This development will not have an undue adverse effect on water, noise or air pollution.

13. **Section 3.7(2)(B)(3) – Access Management:** No change in access is proposed. The current access design would not be approved by Public Works if it was a new access because the curbing leads a driver towards parked vehicles. Ideally, the curbing would be modified by shifting it towards the Community Church. However, a new access permit is not required since there are no significant changes in parking, no significant changes in building use, and the cars will not project any further into the driveway as indicated on the parking plan.

Conclusion: No changes in access are required.

14. **Section 3.7(2)(B)(4) – Shared Access:** The existing shared access with the Stowe Community Church will continue.

Conclusion: No change in shared access is proposed.

15. **Section 3.7(2)(B)(5) – Circulation and Parking:** The existing building and parking pre-dates the Zoning Regulations. Eleven parking spaces are proposed. The front spaces are changing from angled parking to 90-degree parking. Due to the addition of a handicapped ramp, the front of the vehicles will now be two feet further out from the front porch. The site plan shows the projection into the aisle of a vehicle parked at an angle versus the new projection with 90 degree parking. The vehicles will not project out any further into the aisle with the change. The renovations will result in less total floor area because

internally a second floor and other smaller areas will be removed. Currently there is 8,547 square feet of office and retail requiring 15 spaces (based upon 1 space/600 sf. ft. of area). The current ratio of parking is 1 space per 777 square feet. The renovated spaces will total 6,752 square feet, requiring 11.25 spaces and having a ratio of 1 space per 614 square feet. The renovated space will result in the parking almost meeting the current parking requirements and will be more conforming.

Conclusion: The current parking is pre-existing and non-conforming and is acceptable.

16. **Section 3.7(2)(B)(6) – Pedestrian Circulation and Access:** No changes in pedestrian circulation are proposed. There are sidewalks along Main Street. The applicant testified that there will be a space for pedestrian movement between the front of renovated garage building and parked vehicles at that location.

Conclusion: No changes to the existing pedestrian circulation are required.

17. **Section 3.7(2)(B)(7) – Landscaping:** No changes in landscaping are proposed.

Conclusion: No additional landscaping is required.

18. **Section 3.7(2)(B)(8) – Stormwater Management:** There are no changes that would affect the stormwater management.

Conclusion: No changes in stormwater are required.

Section 3.7(2)(B) – VC District Standards

19. **Section 3.7(2)(A)(1)- VC District Standards:** There are no proposed changes in driveways, front yard treatment, parking, pedestrian circulation and orientation of buildings.

Conclusion: This provision is not applicable.

Section 10.3 Stowe Historic Overlay District and Historic Buildings:

Section 10 Stowe Historic Overlay District and Historic Buildings: Within the Stowe Historic Overlay District, no structure may be erected, reconstructed, substantially altered without review of the plans by the Stowe Historic Preservation Commission (SHPC) and approval of the application by the DRB. The SHPC reviewed and recommended approval of the renovations under the alteration guidelines in Sections 10.12 and 10.14.

Conclusion: The renovations meet the Section 10 Design Review guidelines.

Section 4.8 – Outdoor Lighting

20. **Section 4.8 – Lighting plan:** All lighting will be recessed and directed downward.

Conclusion: The proposed lighting is acceptable.

DECISION

Based upon the foregoing Findings of Fact, in **RE: 5104 (Midas Enterprises LLC)**, the Board took the following action:

A motion was made by Mr. Diender and seconded by Mr. Clymer to approve the application with the following condition:

1. This project shall be completed according to the plans hereby approved. 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.

Voting in favor: Mr. Beugnies, Mr. Diender, Mr. Clymer, Mr. Mumley, Mr. Walton, Mr. White and Mr. Lizotte (alternate). Voting to deny: None. Voting to abstain: None Absent: Mr. Collotta

The motion carries 7-0; the motion is approved.

Dated at Stowe, Vermont this the 24th day of March 2015

By: _____



Douglas White, 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.