

**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. Please note that there are conditions of approval required to be met before your Zoning Permit can be issued. Once you fulfill these conditions your zoning permit will be sent to you

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

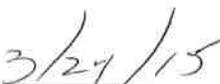
**APPLICATION INFORMATION**

Project Number 5104  
Application Date 2/17/2015  
Physical Location 1801 PUCKER ST  
Map ID 10-226.000 Tax ID 04046  
Project Description DEMOLISH AND RECONSTRUCT MT VIEW SNACKBAR  
Owner JAMES COLLETTI  
Applicant JAMES COLLETTI  
Applicant Address 88 UPPER HOLLOW HILL RD  
STOWE VT 05672

**APPROVALS ON RECORD**

Action Taken	Date	End of Appeal Period	Expiration Date
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:           **James Colletti**  
                      **88 Upper Hollow Rd**  
                      **Stowe, Vermont 05672**

**5104**

**PROCEDURAL HISTORY:**

The Development Review Board received this application on February 17, 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. James Colletti 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. James Colletti owns a 0.16-acre parcel at 1801 Pucker Street within the Rural Residential (RR) 2 zoning district. A seasonal snack bar currently occupies the site. There is no seating with the building. There is outside seating on picnic benches for approximately 32 people.
2. The applicant is requesting to demolish the existing snack bar and construct a new snack bar with a slightly different configuration. The new building is proposed to continue as a seasonal business. No changes in the number of seats are proposed. No changes in the existing parking configuration are proposed.
3. The applicant submitted a survey with a hand drawn outline of the new building, sketches of the proposed building elevations, a floor layout and an email from James Clancy of the Vermont Department of Transportation dated 3/17/15. Staff submitted a decision of the previously approved similar relocation (see Project 4643) and the lister card diagram of the existing building outline.
4. Under the provisions of the Zoning Regulations, this application was reviewed as a conditional use.

**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):

5. **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. The sewer and water are private and the applicant may need to update their Vermont Wastewater and Potable Water Permit.

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

6. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The new snack bar will not increase the total seating and is not expected to increase the number of customers.

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

7. **Section 3.7(2)(A)(3) – The character of the area affected:** The neighborhood area includes a non-conforming retail store/cider production use to the north and permitted residential uses. The snack bar and retail store have been in existence since the 1950's. The overall use of the snack bar will not change with the new building. The applicant testified that the hours of operation will be from 11 a.m. to 9:00 p.m.

**Conclusion:** The proposed use will not adversely affect the character of the area. The Board will require, as a condition of approval, that the hours of operation will be no more than 11 a.m. to 9:00 p.m.

8. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** Under Section 3.9(C)(4) a nonconforming use may be relocated so long as the aggregate area occupied by the nonconforming does not exceed 50% of the existing nonconforming use. The new building will be 400 square feet in size. The existing building is 324 square feet so a new 486 square foot building would be permitted. The new building will meet the applicable setbacks.

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

9. **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:**

10. **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 or historic sites on the parcel.

**Conclusion:** This provision is not applicable.

11. **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 newly constructed building. The applicant proposes to have a roof-mounted exhaust on the south side of the roof. The exhaust system does not show on the elevations. A similar exhaust system is present on the existing building.

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

12. **Section 3.7(2)(B)(3) –Access Management:** Currently there is a large, uncontrolled open curb cut to access the parking on this property. Such an open cut would not be permitted if a vacant site were developed under today's regulations. However, the existing situation is nonconforming and the applicant is not making the access any worse. The Vermont Department of Transportation (VTRANS) regulates curb cuts within this section of Route 100. 24 V.S.A. 4416 requires any proposed town site plan review that involves access onto a State highway, shall include a letter of intent from VTRANS conforming that they are prepared to issue an access permit under 19 V.S.A Section 1111. The applicant submitted an email from James Clancy of the Vermont Department

of Transportation stating that they will either issue an opinion that either no permit is required or will issue a permit for the existing conditions.

**Conclusion:** The Zoning permit shall not be issued until the State issues a letter of intent to approve the current access with the reconstruction of the snack bar.

13. **Section 3.7(2)(B)(4) – Shared Access:** No share access exists.

**Conclusion:** This provision is not applicable.

14. **Section 3.7(2)(B)(4) – Circulation and Parking:** The existing parking was constructed in the 1950's and is nonconforming. Approximately 8 spaces exist. The new use will not significantly change the nature of the business or the expected number of customers.

**Conclusion:** The current parking is pre-existing and non-conforming. The parking needs are not expected to change with the new building.

15. **Section 3.7(2)(B)(6) – Pedestrian Circulation and Access:** No changes in pedestrian circulation are proposed. There are no sidewalks in the area.

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

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

**Conclusion:** No additional landscaping is required.

17. **Section 3.7(2)(B)(8) – Stormwater Management:** The relocated building will not significantly affect the stormwater management.

**Conclusion:** No changes in stormwater are required.

#### **Section 4.8 – Outdoor Lighting**

18. **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(Colletti )**, the Board took the following action:

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

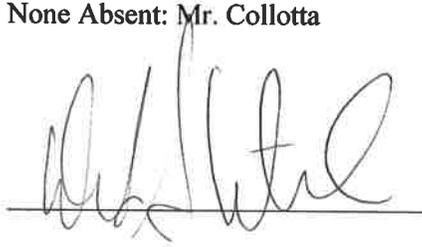
1. This project shall be completed according to the plans hereby approved. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required.
2. The hours of operation will be no more than 11 a.m. to 9:00 p.m.
3. The Zoning permit shall not be issued until the State issues a letter of intent to approve the current access with the reconstruction of the snack bar.

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 24<sup>th</sup> day of March 2015

By:

A handwritten signature in black ink, appearing to read "Douglas White", written over a horizontal line.

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.