

**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 5132
Application Date 4/17/2015
Physical Location 4492 MOUNTAIN RD
Map ID 11-101.000 Tax ID 25062
Project Description CONSTRUCT TWO MULTI-FAMILY BUILDINGS WITH A TOTAL OF NINE UNITS AND GARAGES
Owner VERY VERMONTY CORP
Applicant BRIAN BENOIT STOWE PROPERTIES & ASSOC. LC
Applicant Address PO BOX 956
STOWE VT 05672

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	6/23/2015	7/23/2015	7/23/2017

Richard Baker

Zoning Office

Date

6/23/15

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

IN RE: Very Vermonty Corp
706 Mountain Rd
Stowe VT 05672

5132

PROCEDURAL HISTORY:

The Development Review Board received this application on April 17, 2015. The application was warned in the Stowe Reporter and posted on April 30, 2015. A public hearing was held on May 19, 2015, then recessed to June 16, 2015 at which time the hearing was closed. The Board rendered this decision electronically on June 23, 2015. Bud Wilson 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. Very Vermonty Corp owns the 4.5 ± acres at 4492 Mountain Road within the Upper Mountain Road (UMR) District. The parcel is currently vacant. The parcel was occupied by the former Wood Chip Inn which was demolished last year.
2. The applicant is requesting approval to construct a seven-unit building and a two-unit building, each with attached garages.
3. The applicant submitted a site plan and elevations prepared by Wilson Architects dated 4/15/15 and last revised 5/27/15, a narrative dated 4/15/15 prepared by Bud Wilson, lighting cut sheet, A street view rendering, and A VTRANS Letter of Intent dated 6/8/15.
4. Staff submitted a memo from Mark Sgantas, Stowe Fire Chief, dated 3/19/15 and an email from Mark Sgantas dated 6/3/15.
5. Written testimony was submitted by Gary Ikeman.
6. Under the provisions of the Zoning Ordinance, 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 Ordinance, all Conditional Use Applications are reviewed under the requirements of Section 3.7(2)(A):

7. **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 except possibly for Public Works. The development is proposed to be connected to municipal water and sewage systems which are located along Mountain Road. The Select Board has already granted an allocation for the development. Engineering plans for the connections are being prepared for review by the Public Works Director. Once accepted, a connection permit will be issued. In addition the Fire Chief indicated they wanted the emergency gate to be cleared and unlocked, a lock box to be installed, an alarm system to be installed, and a gas shut off to be accessible. The applicant does not propose to sprinkle the building if not required by the Vermont Division of Fire Safety. The Fire Chief has provided written comments that they will be able to provide adequate fire protection without the building be sprinkled.

Conclusion: The project will not have an undue adverse impact on municipal services if a Town connection permit is approved before a zoning permit is issued and the emergency access is unlocked and kept clear of snow.

8. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The nine multi-family units are not anticipated to generate any significant change in the Route 108 traffic. The parcel has direct access onto Route 108. The parcel previously had a lodging facility and restaurant and later a boarding house.

Conclusion: The change of use is not anticipated to adversely affect traffic in the area.

9. **Section 3.7(2)(A)(3) – The character of the area affected:** The vicinity has a mix of residential uses, lodging and retail businesses. The parcel previously had a lodging facility and restaurant and later a boarding house. The purpose of the UMR District is "To control development along the "upper" Mountain Road in a manner that allows for residential, recreation and low-density commercial uses of property while preserving the rural character of the landscape, discouraging strip development and promoting the ongoing viability of existing land uses." In addition to the conditional use criteria of the Zoning regulations, the DRB shall find that the proposed development is designed in a manner compatible with the area's rural character. The architectural design and visual context of the project reinforces the rural landscape of the district through contextual scale and orientation of the buildings within the site, reflects vernacular Vermont residential building styles, and incorporates traditional materials. The buildings are generally designed with pitched roofs and are of a mass and scale compatible with neighboring properties and the site. A street view with the landscaping has been provided to show how the building relates to the street and the hillside in the rear.

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

10. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** Multi-family residential uses are allowed within the UMR District and applicable parcel and stream setbacks are met. The 4.2-acre parcel allows for development of 12 residential units (based upon 3 units/acre). Section 3.9(2)(B) allows a nonconforming structure to be replaced with another structure no more non-complying in distance to the property line and no longer than 50% of the original building. A two-unit 89-foot building is proposed to replace the former 76-foot Woodchip Inn. The two-unit building will be approximately 15-18 feet behind the pre-existing structure setback.

Conclusion: The proposed use conforms to the regulations and ordinances in effect.

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

Conclusion: The proposed use will not adversely effect the utilization of renewable energy resources.

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

12. **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 area.** There is a stream along the southerly boundary of the property. Fifty-foot setback from the stream is being maintained. There are no historic sites on the parcel.

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.

13. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** The residential use is not anticipated to generate any significant water, noise or air pollution compared to other uses in the area. The potential of construction noise could impact the neighboring lodging uses. The applicant agreed to limit the noise from construction such that there would be no construction noise audible at the property line outside of the hours of Monday through Friday, 8:00 a.m. to 5:00 p.m.

Conclusion: There will be no undue water, noise or air pollution resulting from this project with the proposed construction noise restriction.

14. **Section 3.7(2)(B)(3) –Access Management:** The existing access will be maintained and a new emergency-only is being proposed to allow for better emergency vehicle access. The Vermont Department of Transportation (VTRANS) regulates curb cuts within this section of Route 108. Title 24 V.S.A. 4416 requires that any proposed town site plan review that involves access onto a State highway, shall include a letter of intent from VTRANS confirming that they are prepared to issue an access permit under 19 V.S.A Section 1111. A VTRANS letter of intent has been submitted to the Town.

Conclusion: Adequate access has been provided.

15. **Section 3.7(2)(B)(4) – Shared Access:** There is no shared access.

Conclusion: This provision is not applicable.

16. **Section 3.7(2)(B)(5) – Circulation and Parking:** Eighteen new parking spaces are proposed and eighteen spaces are required. Eleven garage spaces and seven outdoor spaces are proposed. Four outdoor spaces are provided to the north of the buildings containing units one through seven. Two outdoor spaces are provided to the north side of the building containing units seven and eight. One handicapped space is provided to the south side of the building containing units seven and eight. No parking is located directly in front of any buildings.

Conclusion: Adequate parking has been provided.

17. **Section 3.7(2)(B)(6) – Pedestrian Circulation and Access:** The applicant does not propose any pedestrian circulation except for internal sidewalks. Pedestrian sidewalks do not exist in this area.

Conclusion: No pedestrian circulation is required.

18. **Section 3.7(2)(B)(7) – Landscaping:** A landscaping plan has been prepared and in accordance with the sizes specified in Section 4.6. Along Route 108, two 60+ spruce trees will remain and various trees and shrubs will be planted between the two driveways. Based upon the street view rendering, the Norway Spruce provide significant screening of the buildings and should be protected from damage during the construction. A 20-foot front yard landscaping strip is proposed long Route 108 except in front of the Units eight and nine which are permitted as a reconstruction of a nonconforming structure under Section 3.9(2)(B). Additional landscaping is proposed throughout the project. The dumpster area is proposed to be screened.

Conclusion: Adequate landscaping has been provided. The Board will require, as a condition of approval, that during construction tree protection fencing shall be installed around the Norway Spruce trees at a distance equal to at least the tree crowns.

19. **Section 3.7(2)(B)(8) – Stormwater Management:** Additional impervious surface area is being created with this project. The drainage is directed down towards the stream along the southern property boundary and then through a culvert underneath Route 108 discharging onto the Northern Lights parcel directly across the road. All stormwater management must comply with

the current state requirements. Section 3.12(2)(E) requires that stormwater runoff is not increase beyond the boundaries of the project and that existing drainage patterns are no altered in a manner to cause adverse impact on neighboring properties. A stormwater management plan prepared by McCain Consulting has been reviewed and accepted by the Town Engineer and VTRANS.

Conclusion: Adequate stormwater management can be achieved with construction of a stormwater detention system that has been approved by the Vermont Department of Transportation and the Stowe Public Works Director and with a requirement that the system be maintained to operate in accordance with its design capacity.

20. Section 3.7(2)(C)(3) – UMR Standards 20-foot front yard landscaping strip is proposed long Route 108 except in front of the Units eight and nine which are permitted as a reconstruction of a nonconforming structure under Section 3.9(2)(B).

Conclusion: The provisions of this section have been satisfied.

Section 4.8 – Outdoor Lighting

21. **Section 4.4(2) – Lighting plan:** Cut sheets for lighting have been submitted. All lighting is either downward lighted or recessed.

Conclusion: The lighting as proposed is adequate.

DECISION

Based upon the foregoing Findings of Fact, in **RE: 5132 (Very Vermonty Corp)**, the Board took the following action:

A motion was made by Mr. Walton 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.
2. A Town connection permit shall be approved before a zoning permit is issued.
3. The emergency access shall be unlocked and kept clear of snow.
4. The stormwater retention system shall be maintained and kept clear of debris.
5. During construction tree protection fencing shall be installed around the Norway Spruce trees at a distance equal to at least the tree crowns.

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

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

Dated at Stowe, Vermont this the 23rd day of June 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.