

**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 5247  
Application Date 9/24/2015  
Physical Location 1880 MOUNTAIN RD (GALE FARM CENTER)  
Map ID 06-074.000 Tax ID 25018  
Project Description CONVERT RETAIL SPACE TO RESTAURANT  
Owner THISTLE INVESTMENTS II LLC  
Applicant PK COFFEE KATRINA VEERMAN  
Applicant Address PO BOX 614  
STOWE VT 05672

**APPROVALS ON RECORD**

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	10/27/2015	11/26/2015	11/26/2017

*Richard Baker*

Zoning Office

Date

*10/27/15*

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

IN RE: **Thistle Investments LLC**  
**C/O Mountain Associates**  
**PO Box 9**  
**Stowe, Vermont 05672**

5247

**Katrina Veerman**  
**PK Coffee**  
**PO Box 614**  
**Stowe VT 05672**

**PROCEDURAL HISTORY:**

The Development Review Board received this application on September 24, 2015. The application was warned in the Stowe Reporter on October 1, 2015. A public hearing was held on October 20, 2015 at which time the hearing was closed. This decision was rendered electronically by the Board on October 27, 2015. Katrina Veerman 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. Thistle Investments LLC owns a shopping center at 1880 Mountain Road within the Mountain Road Village (MRV) zoning district. The building is currently occupied by a restaurant, retail space and eight apartments.
2. The applicant is requesting to convert one retail space to a restaurant with 20 indoor seats and 6 outdoor seats. All changes are to the interior of the building except for the addition of the outdoor seating on a small terrace area.
3. The applicant submitted an orthophotograph showing the existing parking configuration, a site plan and photograph showing the seating area and a table with parking calculations.
4. 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):

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 building is connected to town sewer and water.

**Conclusion:** The project 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:** There will an additional 20 indoor seats and 6 outdoor seats with this project. The project has direct access to Route 108. The vicinity is comprised of various commercial and lodging uses.

**Conclusion:** The change of use will not adversely affect traffic on Mountain Road.

7. **Section 3.7(2)(A)(3) – The character of the area affected:** The vicinity is comprised of various commercial and lodging uses. The purpose of the district is to foster a development pattern along the Mountain Road corridor comprised of compact, mixed-use settlements separated by rural countryside. The MRV District is intended to serve as a larger commercial village characterized by an integration between land uses, pedestrian accessibility, a mix of uses compatible with a four-season resort community and a village streetscape defined by narrow streets, street-trees, curbing and sidewalks.

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

8. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** There are no changes to the building footprint or exterior except for the terrace.

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

9. **Section 3.7(2)(A)(5) – Utilization of renewable energy sources:** The development will not restrict the ability to use renewable energy 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 scenic or historic sites at this location.

**Conclusion:** The building 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.

11. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** No additional water or air pollution is expected. No outside music is proposed. The bylaws state "When considering the undue impact of noise, the Board shall consider the existing noise levels in the area of the development, the impact on other (or off-site) properties, and the level of noise customarily generated from uses permitted within the zoning district." The general vicinity includes various commercial and lodging uses. The existing neighboring uses include retail and office. Six outdoor seats are proposed.

**Conclusion:** The use will not create any undue adverse impact on water, noise, or air pollution.

12. **Section 3.7(2)(B)(3) –Access Management:** No changes in access are proposed.

**Conclusion:** The access is acceptable as proposed.

13. **Section 3.7(2)(B)(4) – Shared Access:** The shopping center has a shared access with the abutting office building to the south. No changes in shared access are proposed.

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

14. **Section 3.7(2)(B)(4) – Circulation and Parking:** The current shopping center has 66 parking spaces. The parking calculations indicate the total parking required is 53 spaces.

**Conclusion:** The parking is adequate as proposed.

15. **Section 3.7(2)(B)(6) – Pedestrian Circulation and Access:** No change in pedestrian circulation is proposed. The Mountain Road sidewalks end at this parcel.

**Conclusion:** No additional pedestrian access is needed.

16. **Section 3.7(2)(B)(7) – Landscaping:** Two low-level shrubs will be removed between the sidewalk and building in order to create a space for the outdoor seating. All other landscaping will remain.

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

17. **Section 3.7(2)(B)(8) – Stormwater Management:** No additional impervious surface areas will be created except for a small terrace for seating.

**Conclusion:** No additional stormwater management is required.

**Section 3.7(2)(B) – MRV District Standards**

18. **Section 3.7(2)(A)(1)- MRV District Standards:** Within the MRV District, site plans shall re-enforce a compact development pattern defined by a pedestrian orientation, the functional and visual integration of neighboring properties, well defined streetscapes and a mix of uses. There are no changes to the building footprint.

**Conclusion:** The provisions of this section are satisfied.

**Section 4.8 – Outdoor Lighting**

19. **Section 4.4(2) – Lighting plan:** No additional lighting is proposed.

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

Based upon the foregoing Findings of Fact, in **RE: 5247 (Thistle Investments LLC)**, the Board took the following action:

A motion was made by Mr. Collotta 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. Diender, Mr. Collotta, Mr. Clymer, Mr. Walton, Mr. White, Mr. Mumley and Mr. Hand.  
Voting to deny: None. Voting to abstain: None Absent: None

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

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.