

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

**IN RE: Lintilhac, LLC appeal of Zoning Administrator's
 approval of Scott's application for zoning permit # 5503**

5515

PROCEDURAL HISTORY:

The Town of Stowe received on November 15, 2016 an appeal from Lintilhac LLC of the Zoning Administrator's approval of the application for Zoning Permit # 5503 to increase the number of bedrooms at 5504 Mountain Road. The appeal was forwarded to the Board for consideration. A public hearing was held on January 3, 2017, and then recessed to April 4, 2017, then to July 18, 2017, then to August 1, 2017 at which time the hearing was closed. The Board rendered this decision electronically on August 1, 2017.

FINDINGS OF FACT:

1. Gerald Scott owns a 2.1 ±-acre parcel at 5504 Mountain Road within the Rural Residential (RR) (5) Zoning District.
2. In 1978, the Planning Commission approved a Planned Residential Development (PRD) known as Ridgewood Development on Mountain Road. Lot 2, which Gerald Scott (herein referred to as "property owner") currently owns, was developed with a single-family dwelling around 1998.
3. On October 31, 2016, Richard Baker, Stowe Zoning Administrator, approved the application of Gerald Scott for a zoning permit to modify the number of bedrooms in the dwelling to be seven bedrooms as of 2004. Pursuant to 24 V.S.A. section 4449(a)(3), the zoning permit that the Zoning Administrator issued has not taken effect.
4. On November 15, 2016, David L Grayck, on behalf of Lintilhac LLC (herein referred to as the "appellant"), filed this appeal, which the Zoning Administrator then referred to the Development Review Board for consideration.
5. At the July 18, 2017 hearing Benjamin E. Novogroski represented that the property owner intends to abandon zoning permit 5503.
6. At the July 18, 2017 hearing, Mr. Grayck and Mr. Novogroski testified that the parties involved had come to a private resolution and jointly requested that the Board declare the permit void and dismiss this appeal without prejudice to all parties' future rights.
7. The Board did not review or take testimony on the merits of either the property owner's application for a zoning permit or this appeal or consider any written testimony that the parties submitted for this case.

Based upon the foregoing Findings of Fact, the Board reached the following decision in re: **5515 (Lintilhac LLC)**

DECISION:

Since the property owner does not intend to defend his application for a zoning permit, neither party wants the zoning permit to take effect and appellant does not intend to pursue this appeal, the subject application for a zoning permit and this appeal are effectively withdrawn. Zoning permit 5503 shall not take effect and is declared void and this appeal is dismissed as moot, without prejudice to all parties' future rights.

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

The motion carries 5– 0.

Development Review Board
By: 
Drew Clymer, Vice-Chair

An appeal of this decision may be taken by filing, within 30 days of the date of this decision, a notice of appeal and the required fee by certified mail to the Superior Court, Environmental Division. *See* V.R.E.C.P. 5(b). A copy of the notice of appeal also must be mailed to the Town of Stowe Zoning Department at 67 Main St., PO Box 216, Stowe, VT 05672. *See* V.R.E.C.P. 5(b)(4). Please contact the Environmental Division at 802-951-1740 or go to <https://www.vermontjudiciary.org/environmental> for information on filing requirements, deadlines, fees and mailing address.

CC: Benjamin E. Novogroski