

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

You recently received approval for the subdivision listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. All final subdivisions must be signed by the DRB Chair and recorded within 180 days from approval. Please note any conditions of approval that must be met before the plan can be recorded. You are also required to obtain separate zoning approvals and/or permits for any new construction on the newly created lots. A fee of \$15/page is required for recording.

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

APPLICATION INFORMATION

Project Number 5527
Application Date 12/8/2016
Physical Location 115 & 265 NEBRASKA VALLEY RD
Map ID 06-135.000 **Tax ID** 06003
Project Description LOT LINE ADJUSTMENT
Owner PETER A & ELLEN C ROBERTS LIVING TRUST / JOSEPH R & REBECCA M MCGOVERN
Applicant PETER A & ELLEN C ROBERTS LIVING TRUST
Applicant Address 265 NEBRASKA VALLEY RD
STOWE VT 05672

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	1/23/2017	2/22/2017	7/22/2017

Richard Baker

1/23/17

Zoning Office

Date

**TOWN OF STOWE
DEVELOPMENT REVIEW BOARD**

Findings of Fact and Conclusions of Law

IN RE: Peter A and Ellen C Roberts Living Trust
265 Nebraska Valley Road
Stowe VT 05672

5527

Joseph R & Rebecca M McGovern
115 Nebraska Valley Road
Stowe VT 05672

PROCEDURAL HISTORY:

The Development Review Board received this application on December 8, 2016. The application was warned in the Stowe Reporter on December 29, 2016. A public hearing was held on January 17, 2017 at which time the hearing was closed. This decision was rendered electronically by the Board on January 24, 2017. Peter Roberts 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. Peter A and Ellen C Roberts Living Trust own 24± acres at 265 Nebraska Valley Road within the Rural Residential (RR) 2 Zoning District and partly in the Ridgeline and Hillside Overlay District (RHOD). The parcel is developed with a single-family residence. Joseph R & Rebecca M McGovern owns 2.3 acres at 115 Nebraska Valley Road within the Rural Residential (RR) 2 Zoning District
2. The applicant is requesting a lot line adjustment whereby the McGovern lot will increase by ±4.6 acres and the Roberts lot will decrease to ±9.4 acres on the west side of Nebraska Valley Road.
3. The applicant submitted plans prepared by Grenier Engineering dated December 2016 and a sketch plan. The survey plat does not show all of the Roberts parcel. Section 4.3(5) allows the Board to waive the requirement for surveying lots over 20 acres that will be retained by the owner.
4. Staff submitted maps of the deer wintering areas and RHOD.
5. This application was referred to the Board because the lot line adjustment results in more than a 20% change in the size of the lots.

SECTION 5.1 – GENERAL PLANNING STANDARDS:

6. **Section 5.1(1) – Character of Land for Subdivision:** The Roberts lot is developed with a single-family dwelling and accessory apartment and the McGovern lot is developed with a single-family dwelling. The vicinity is also developed with single-family dwellings.

Conclusion: There is nothing in the character of the parcel that would preclude it from being used as proposed.

7. **Section 5.1(2) – Natural and Scenic Features:** There are no natural of scenic features.

Conclusion: This provision is not applicable.

8. **Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities:** Deer wintering areas are located on the western edge of the parcels. No new development is proposed at this time.
Conclusion: The potential deer yard areas are minimal and on the fringe of the larger deer yard area and require no mitigation.
9. **Section 5.1(4) – Historic Resources and Community Character:** No historic features are known to exist on the parcel.
Conclusion: This provision is not applicable.
10. **Section 5.1(5) – Reserved Strips:** No reserved strips are proposed.
Conclusion: This provision is not applicable.
11. **Section 5.1(6) – Screening and Landscaping:** No additional landscaping is proposed. Both lots are developed.
Conclusion: No screening or landscaping is required.
12. **Section 5.1(7) – Pedestrian Access:** No sidewalks exist in the area.
Conclusion: There is no need for the applicant to provide for pedestrian access as part of this application.
13. **Section 5.1(8) – Traffic:** No new lots are being created.
Conclusion: This provision is not applicable.
14. **Section 5.1(9) – Municipal Facilities:** No municipal department review forms returned indicated that the proposed development would have any adverse impact on their respective departments.
Conclusion: The subdivision of this parcel will not have an undue adverse impact on any municipal facilities.
15. **Section 5.1(10) – Lot Configuration:** No irregular shape lots are being created.
Conclusion: The lot configuration is adequate as proposed.
16. **Section 5.1(11) – Building Zone:** The building zones will be the required setbacks for the district.
Conclusion: The required district setbacks are adequate.
17. **Section 5.1(12) – Fire Protection Facilities:** No new development is proposed.
Conclusion: Adequate fire protection can be provided.
18. **Section 5.1(13) – Disclosure of Subsequent Development Plans:** No new development is proposed at this time.
Conclusion: No further disclosure is required.
19. **Section 5.1(14) – Private Enforcement Mechanisms:** No new private enforcement mechanisms are proposed.
Conclusion: No private enforcement mechanisms are required.
20. **Section 5.2 – Prominent Hillides and Ridgelines:** A small portion of the rear of the McGovern lot is within the RHOD. No new development is proposed. Any future development in the RHOD would require town approval.
Conclusion: No RHOD review is required at this time.

21. **Section 5.3 – Open Space and Cluster Development:** No open space is required with a lot line adjustment.

Conclusion: This provision is not applicable.

22. **Section 5.4 – Road Standards and Coordination with Public Highways:** No new roads or driveways are proposed.

Conclusion: This provision is not applicable.

23. **Section 5.5 – Utilities and Stormwater Management:** No new development is proposed.

Conclusion: This provision is not applicable.

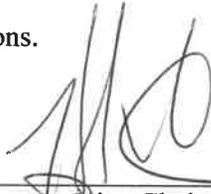
DECISION

Based upon the foregoing Findings of Fact, in RE: **55271 (Roberts/McGovern)**, the Board found that the application meets the Subdivision Regulations criteria for approval with the following conditions:

1. 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. Pursuant to V.S.A. Title 24, Chapter 117, the approval of this final subdivision application shall expire after 180 days from such approval unless a final subdivision plat shall have been duly filed or recorded in the office of the Town Clerk. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records.
3. The subdivision plat shall be prepared in accordance with 27 VSA § 1403 and Section 4.3 of the Stowe Subdivision Regulations.

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

The motion carries 4– 0; the application is approved with conditions.

By: 
Drew Clymer, Vice-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.

CC: Grenier Engineering