

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 5531
Application Date 12/15/2016
Physical Location 56 OLD FARM RD
Map ID 07-313.C2A Tax ID 03044
Project Description CONSTRUCT ADDITION FOR OFFICE AND MULTI-FAMILY DWELLING UNITS
Owner PEAK PROPERTIES LLC
Applicant PEAK PROPERTIES LLC
Applicant Address 5430 WATERBURY-STOWE RD
WATERBURY CTR VT 05677

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	1/24/2017	2/23/2017	2/23/2019

Richard Baker

Zoning Office

1/24/17
Date

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

IN RE: Peak Properties LLC
5430 Waterbury-Stowe Rd
Waterbury Center, Vermont 05677

5531

PROCEDURAL HISTORY:

The Development Review Board received this application on December 12, 2016. The application was warned in the Stowe Reporter on December 22, 2016. A public hearing was held on January 17, 2017 at which time the hearing was closed. The Board rendered this decision electronically on January 24, 2017. John Lupien 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. Peak Properties LLC owns a 2.052-acre parcel at 567 Old Farm Road within the Rural Residential (RR) 1 zoning district and the Stowe Historic Overlay District (SHOD). The building is used as an office.
2. The applicant is seeking approval to construct a 46'3" x 60' addition to be used for a mix of offices and six multi-family units.
3. A similar project, but slightly larger project, was approved by the Board on June 28, 2016 (see Project 5364)
4. The applicant submitted a site plan, elevations, and floor plans prepared by Kim Brown dated 1/11/17 and lighting cut sheets.
5. The Stowe Historic and Preservation Commission (SHPC) submitted a letter of recommendation dated 12/14/16.
6. David Kresock submitted an email dated 12/20/16 regarding the need to upgrade the electrical service.
7. 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):

8. **Section 3.7(2)(A)(1) – Capacity of existing or planned community facilities and services:** The building has on-site water and wastewater. No Municipal Department review forms returned indicated that the proposed development would have any adverse impact on their respective departments except that Stowe Electric has determined that the existing electrical service will need to be upgraded.

Conclusion: The Board will require, as a condition of approval, that the updated electrical service shall be in place before the commencement of construction.

9. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity** Some additional traffic will be generated on Old Farm Road. No traffic analysis was submitted given the scope of the project. Old Farm Road connects to Route 100.

Conclusion: The addition will create limited additional traffic on Route 100.

10. **Section 3.7(2)(A)(3) – The character of the area affected:** Old Farm Road is comprised of commercial buildings on the front portion and residential lots on the rear section. The RR1 district contains a specific purpose "to allow for higher density closer to available municipal services while maintaining the quality of the neighborhoods."

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

11. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** All setbacks and coverage requirements are met. The size of the lot would allow six multi-family dwelling units (2.05 acres * 3 units/acre). The applicant is proposing one floor for offices and six multi-family units on the other floors. The building coverage is 7.48% and 8% is allowed in the RR1 Zoning District.

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

12. **Section 3.7(2)(A)(5) – Utilization of renewable energy resources:** 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:

13. **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 known resources on this site.

Conclusion: This development will not have an undue adverse effect on the scenic or natural beauty of the area, historic sites, or rare and irreplaceable natural resources.

14. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** The project is not expected to result in a significant change in water, noise or air pollution. Additional stormwater will be directed toward an existing swale.

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

15. **Section 3.7(2)(B)(3) –Access Management:** No new access is proposed.

Conclusion: The proposed and existing access is suitable.

16. **Section 3.7(2)(B)(4) – Shared Access:** The property has an existing shared access with the parcel to the south. No changes in the shared access are proposed.

Conclusion: The existing shared access is acceptable.

17. **Section 3.7(2)(B)(4) – Circulation and Parking:** The existing lot is being expanded and a new parking area is being created near the addition. The site plan includes a parking tabulation. Twenty-five spaces are required for the existing office space. The proposed addition requires another 22 spaces, or a total of 47

spaces. The proposed plan has 46 parking spaces. The applicant is requesting a waiver of one space under Section 14.3 (3) since the office peak parking hours differ from the multi-family peak parking times.

Conclusion: Adequate parking has already been provided. The Board waives the requirements for one parking space.

18. **Section 3.7(2)(B)(6) – Pedestrian Circulation and Access:** No major changes in pedestrian circulation are proposed. Parking is not in front of the main door accesses.

Conclusion: The existing pedestrian circulation is adequate.

19. **Section 3.7(2)(B)(7) – Landscaping and screening:** Some additional landscaping is proposed along the sides of the building that face Route 100 and some of the existing white pines will remain. No new mechanicals are shown on the plans. Existing mechanicals are inside a fenced area. On the previous approval, the Board required that that any new mechanicals not within the wall area of the existing mechanicals shall require review and approval of the Board.

Conclusion: The proposed and existing landscaping is adequate. The Board will require, as a condition of approval, that that any new mechanicals not within the wall area of the existing mechanicals shall require review and approval of the Board.

20. **Section 3.7(2)(B)(8) – Stormwater Management:** Some additional impervious surface areas will be created. This new impervious surface will sheet drain to an existing swale along Old Farm Road.

Conclusion: The requirements of the state permit will adequately address any additional stormwater.

Section 3.7(2)(B) – RR District Standards

21. **Section 3.7(2)(A)(3)- RR District Standards:** Within the RR District, a continuous strip not less than twenty (20') feet deep shall be maintained between the street line and the balance of the lot, which strip shall be suitably landscaped; parking shall be located in the rear and/or side of all commercial and multi-family residential properties, except as provided under section 14.3 of these regulations; and driveways shall be the minimum width necessary to provide safe vehicular access and promote pedestrian circulation. A 20-foot landscaping strip is provided and the driveway is not changing from what was previously approved. Five new spaces are proposed on the side of the building facing Old Farm Road. These spaces are adjacent to the addition entry and include one handicapped space. Section 14.3 allows the Board to waive the provisions for parking regulations.

Conclusion: The five spaces are permitted in the front yard since the majority of the parking is in the rear or side yards

Section 4.8 – Outdoor Lighting

22. **Section 4.8 – Lighting plan:** Lighting cut sheets have been provided. All lighting is downward lighted.

Conclusion: The lighting is acceptable.

Section 10.3 Stowe Historic Overlay District and Historic Buildings:

23. **Section 10 Stowe Historic Overlay District and Historic Buildings:** Within the Stowe Historic Overlay District, no structure may be erected, reconstructed, substantially altered without review of the plans by the Stowe Historic Preservation Commission (SHPC). The SHPC reviewed and recommended approval of the additions under the addition guidelines in Sections 10.12.

Conclusion: The Board accepts the recommendation of the SHPC as submitted. The renovations meet the Section 10 Design Review guidelines.

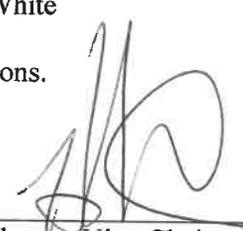
DECISION

Based upon the foregoing Findings of Fact, in RE: **5531 (Peak Properties LLC)**, the Board found that the application met the criteria for approval with the following conditions:

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 Board will require, as a condition of approval, that that any new mechanicals not within the wall area of the existing mechanicals shall require review and approval of the Board.
3. The updated electrical service shall be in place before the commencement of construction.

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.