

**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 5664
Application Date 8/7/2017
Physical Location END OF BROOK RD (PHASE IV)
Map ID 11-254.300 Tax ID 54000-999
Project Description CONSTRUCT 9 BUILDINGS WITH 17 UNITS
Owner COVERED BRIDGE ASSOCIATES LLC
Applicant COVERED BRIDGE ASSOCIATES LLC KEN BIEDERMANN
Applicant Address PO BOX 1139
STOWE VT 05672

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	9/12/2017	10/12/2017	10/12/2021

Richard Baker

Zoning Office

Date

9-12-17

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

IN RE: Covered Bridge Associates
 PO Box 1139
 Stowe, VT 05672

5664

PROCEDURAL HISTORY:

The Development Review Board received this application on August 7, 2017. The application was warned in the Stowe Reporter on August 17, 2017. A public hearing was held on September 5, 2017 at which time the hearing was closed. The Board rendered this decision electronically on September 12, 2017.

FINDINGS OF FACT & CONCLUSIONS OF LAW: During its review of this application, the Board made the following Findings of Fact:

1. Covered Bridge Associates LLC own 13.43 acres at the end of Brook Road. The parcel is known as Phase IV of the Covered Bridge Condominiums. The parcel is currently vacant and partially cleared. As part of an approval on December 26, 2015, Phase IV has 21 units of density. The parcel is zoned Rural Residential (RR) 5 and is within the Ridge and Hillside Overlay zone (RHOD).
2. The applicant is requesting approval to construct 9 buildings with a total of 17 units. A zoning permit was previously issued for building 17.
3. The applicant submitted prepared a site plan dated 8/17/17 prepared by Grenier Engineering, elevations and floor plans(not dated), a narrative dated 8/4/17, a Vermont stormwater permit, an Act 250 permit, a visual analysis prepared by the applicant and samples of proposed coloring and lighting that matches previously approved units in Phase III.
4. Staff submitted the RHOD review for the first duplex (building 17) on Phase IV (Project 5206) and an email from the Fire Department dated 9/1/17.
5. This project was reviewed as a conditional use within the RHOD.

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):

6. **Section 3.7(2)(A)(1) – Capacity of existing or planned community facilities and services:** There is an existing town water line that comes over from Trapps and runs through Phase IV to connect the Phase III units. Additional town water lines will be constructed to serve the units on side streets. The Municipal Engineer has reviewed the proposed water infrastructure and finds it to be generally acceptable. The new water lines are proposed to be accepted and taken over by the Town upon completion. The developer will need to enter into a public infrastructure agreement before the lines are installed. The Fire Department has recommended that the following conditions be part of the approval:

- a. That turnarounds located at unit 18 and unit 21 be improved to accommodate a fire truck
- b. That 911 address signage be added to all building
- c. That a lock box shall be installed if a building has a fire alarm.

Conclusion: The Board will require, as a condition of approval:

- a. That turnarounds located at unit 18 and unit 21 be improved to accommodate a fire truck before a Certificate of Occupancy is issued for the buildings on those streets.
- b. That 911 address signage shall be added to all building before a Certificate of Occupancy is issued.
- c. That a lock box shall be installed before a Certificate of Occupancy is issued if a building has a fire alarm.

7. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The proposed density is not more than originally contemplated as part of the original PUD approval. The traffic will enter onto Brook Road (which is private for much of the way) and exit unto VT Route 108.

Conclusion: The project will not create undue adverse impact on traffic congestion on VT Route 108.

8. **Section 3.7(2)(A)(3) – The character of the area affected:** Phase IV is part of the a much larger PUD complex which included similar style development.

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

9. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** The use is part of the approved PUD. Seventeen units are proposed. The Phase IV approval allowed for 21 units on this parcel.

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

10. **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:

11. **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 the location.

Conclusion: The project 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.

12. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** The project will not create anymore water, noise or air pollution than originally contemplated as part of the original PUD approval.

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

13. **Section 3.7(2)(B)(3) – Access Management:** Access will be through an existing road within Phase III.

Conclusion: Adequate access will be provided.

14. **Section 3.7(2)(B)(4) – Shared Access:** The road through Phase III and most of Brook Road is private. Existing easements and agreements are in place to allow use of these roads for the Phase IV development.

Conclusion: Adequate shared access is provided. The Board will require, as a condition of approval, that during construction of the 17 units in 9 buildings, the developer shall maintain the road in a condition equal to, or better than, the condition that existed prior to the commencement of construction activities and shall promptly repair any damage caused to the roadway by construction vehicles and equipment.

15. **Section 3.7(2)(B)(5) – Circulation and Parking:** Each unit will have at least two parking spaces either internally or on the unit's driveway.

Conclusion: Adequate parking is provided.

16. **Section 3.7(2)(B)(6) – Pedestrian Circulation and Access:** There are no sidewalks in the area. The traffic within Phase IV will be minimal.

Conclusion: No additional pedestrian access is needed.

17. **Section 3.7(2)(B)(7) – Landscaping:** A landscaping plan, dated 2/25/16 was submitted by the applicant to the Board during the hearing. Screening will be provided utilizing existing trees as shown on the site plan.

Conclusion: The Board will require, as a condition of approval, that no clear cutting shall occur within the areas marked as the proposed tree line on the site plan. The Board will also require that all landscaping shall be consistent with the plan as submitted and no non-native invasive species shall be used.

18. **Section 3.7(2)(B)(8) – Stormwater Management:** A Vermont Stormwater Discharge permit has been obtained.

Conclusion: The requirement for state approval of the stormwater management satisfies this condition.

Section 3.7(2)(C) – Additional RR District Standards:

19. **Section 3.7(2)(C)(2)(f):** The buildings are at least 20 feet from the roadways. The only driveways in the front yards are those serving the individual units.

Conclusion: The additional RR District conditional use standards are satisfied.

Section 4.8 – Outdoor Lighting

20. **Section 4.4(2) – Lighting plan:** The lighting will be the same as approved for Phase III.

Conclusion: The Board will require, as a condition of approval, that all proposed lighting, including roadway lighting, shall be indicated on revised drawings and elevations and submitted to the Zoning Administrator; and cut sheets for all lighting fixtures shall be submitted for approval by the Zoning Administrator prior to the issuance of a zoning permit.

SECTION 9 – RIDGELINE AND HILLSIDE OVERLAY DISTRICT

21. **Section 9.5 RHOD Guidelines:**

Standard 1: The applicant proposes to construct the homes on a gently sloping area above the Phase III development. The site has a state stormwater permit.

Standard 2: This standard concerns forest management. The standard is not applicable to this project.

Standard 3: This standard concerns pre-development clearing. The standard is not applicable to this project.

Standard 4: Development will not take place on fragile environments.

Standard 5: The proposed building site is setback on a gentle slope back behind the Phase III development. The applicant submitted photographs from the site looking towards Route 108. The applicant also submitted photographs from Route 108 looking towards the project area. The Board previously found that building 17, approved in August, 2016, had no public vantage points. VT Route 108 is not visible from the site due to the existing topography and vegetation to remain.

Standard 6: No public vantage points were identified. The dwelling will be below the elevation of the ridge line.

Standard 7: Some of the site has been cleared. A landscaping plan, dated 2/25/16 was submitted by the applicant to the Board during the hearing (see Finding #17). Pockets of existing vegetation will remain undistributed as shown on the site plan.

Standard 8: The roads and driveway to the proposed units are less than 12%.

Standard 9: No public vantage points were identified. The dwelling will be below the elevation of the ridge line.

Standard 10: The siding and roofing materials will be earth-tone colors similar to that approved for the Phase III development.

Standard 11: The lighting will be similar to that approved for the Phase III development (see Finding #20).

Standard 12: The dwellings are on slopes less than 15%. This standard is not applicable to this project.

Conclusion: The proposed development meets the RHOD standards.

3. That 911 address signage shall be added to all buildings before a Certificate of Occupancy is issued.
4. That a lock box shall be installed before a Certificate of Occupancy is issued if a building has a fire alarm.
5. That during construction of the 17 units in 9 buildings, the developer shall maintain the road in a condition equal to, or better than, the condition that existed prior to the commencement of construction activities and shall promptly repair any damage caused to the roadway by construction vehicles and equipment.
6. That no clear cutting shall occur within the areas marked as the proposed tree line on the site plan; and that all landscaping shall be consistent with the landscaping plan dated 2/25/16, as submitted and no non-native invasive species shall be used.
7. That all proposed lighting, including roadway lighting, shall be indicated on revised drawings and elevations and submitted to the Zoning Administrator; and cut sheets for all lighting fixtures shall be submitted for approval by the Zoning Administrator prior to the issuance of a zoning permit.

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

The motion carries 7-0; the application 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.