

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

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Your DRB project listed below was recently denied by the Development Review Board. Attached is a copy of the DRB decision for your records.

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

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**APPLICATION INFORMATION**

Project Number 5690  
Application Date 9/18/2017  
Physical Location 106 MOUNTAIN HAUS DR  
Map ID 11-149.030 Tax ID 25039-010  
Project Description AMEND LANDSCAPING FOR PROJECT 5124  
Owner MOUNTAIN HOUSE LLC  
Applicant MOUNTAIN HOUSE LLC  
Applicant Address 145 PINE HAVEN SHORE RD SUITE 1150  
SHELBURNE VT 05482

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**ACTIONS**

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

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*Richard Baker*

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Zoning Office

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

**IN RE: Mountain House LLC**  
**145 Pine Haven Shores Rd**  
**Suite 1150**  
**Shelburne VT 05482**

5690

**PROCEDURAL HISTORY:**

The Development Review Board received this application on September 18, 2017. The application was warned in the Stowe Reporter on September 28, 2017. A public hearing was held on October 17, 2017 at which time the hearing was closed. This decision was rendered electronically by the Board on October 27, 2017. Doug Moses 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. Mountain House LLC owns 38.83± acres at 3630 Mountain Road within the Upper Mountain Road (UMR) and Rural Residential (RR) 2 Zoning District. The parcel consists of a 37.11-acre lot that include a multi-family building under construction and a 1.72± lot which includes a single-family dwelling and the driveway to the multi-family building. All development is within the UMR portion of the lot.
2. On June 23, 2015 the Board approved constructing two multi-family buildings each with 36 units. Building B is partially constructed (see Project 5124). On April 11, 2017 the Board approved various façade and landscaping amendments (see Project 5537).
3. The applicant is requesting approval to modify the previously approved landscaping and parking lot on Building B. No other changes in landscaping are proposed from was previously approved.
4. The applicant submitted an amended landscaping plan prepared by Lamoureux and Dickson dated 9/12/17.
5. Staff submitted the originally approved landscaping plan prepared by Lamoureux and Dickson dated 3/15/17.
6. Under the provisions of the Zoning Ordinance, this application was reviewed as an amendment of a previously approved 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):

7. **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 .

**Conclusion:** The project will not have an undue adverse impact on municipal services.

8. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** There is no change in the number of units from the previous approval.

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

9. **Section 3.7(2)(A)(3) – The character of the area affected:** The proposed landscaping is on the uphill side of Building B and is not involved in the screening of Building B from off-site.

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

10. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** There is no change in the number of units, building footprint or building height from the previous approval.

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

11. **Section 3.7(2)(A)(5) – Utilization of renewable energy sources:** 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:**

12. **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 area.** The landscaping changes do not affect this criterion.

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

13. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** The landscaping changes do not affect this criterion.

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

14. **Section 3.7(2)(B)(3) –Access Management:** The landscaping changes do not affect this criterion.

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

15. **Section 3.7(2)(B)(4) – Shared Access:** The landscaping changes do not affect this criterion.

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

16. **Section 3.7(2)(B)(4) – Circulation and Parking:** Section 15.4 includes a requirement that parking lots with more than 20 spaces should include landscaped islands or peninsulas in the parking lot design. The previous approval included parking lot peninsulas. The applicant has already constructed the parking lot without the islands. The applicant would need to remedy that defect by putting the islands back in place as per the original approved plans before a final Certificate of Occupancy could be issued.

**Conclusion:** The newly proposed parking lot configuration lacks any landscaped islands or peninsulas and, therefore, does not meet the requirements of Section 15.4.

17. **Section 3.7(2)(B)(6) – Pedestrian Circulation and Access:** The landscaping changes do not affect this criterion.

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

18. **Section 3.7(2)(B)(7) – Landscaping:** A landscaping plan has been prepared. The proposed landscaping is on the uphill side of Building B and is not involved in the screening of Building B from off-site.

**Conclusion:** Adequate landscaping has been provided.

19. **Section 3.7(2)(B)(8) – Stormwater Management:** The landscaping changes do not affect this criterion.

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

20. **Section 3.7(2)(C)(3) – UMR Standards** The landscaping changes does not affect this criterion.

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

#### **Section 4.8 – Outdoor Lighting**

21. **Section 4.4(2) – Lighting plan:** The landscaping changes do not affect this criterion.

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

#### **DECISION**

Based upon the foregoing Findings of Fact, in RE: **5632 (Mountain House LLC)**, the Board found that the application did not meet the criteria for approval.

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

The motion carries 5– 0; the application is denied.

By: Douglas White  
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.