

**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 5746
Application Date 1/19/2018
Physical Location 255 TAMARACK RD THE MARKET GARDEN SCHOOL
Map ID 10-074.000 Tax ID 18062
Project Description OPERATE AN EDUCATIONAL FARM PROGRAM AND CLASSES FOR YOUTH
Owner LELIA EVANS
Applicant LELIA EVANS
Applicant Address 255 TAMARACK RD
STOWE VT 05672

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	2/27/2018	3/29/2018	3/29/2020

Richard Baker

Zoning Office

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

IN RE: **Lelia Evans**
 PO Box 1139
 Stowe, Vermont 05672

5746

PROCEDURAL HISTORY:

The Development Review Board received this application on January 9, 2018. The application was warned in the Stowe Reporter on February 1, 2018. A public hearing was held on February 20, 2018 at which time the hearing was closed. This decision was rendered electronically by the Board on February 28, 2018. Lelia Evans 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. Lelia Evans owns a 5.1-acre parcel at 255 Tamarack Road within the Rural Residential (RR) 5 Zoning District. The parcel includes a single-family dwelling and various accessory structures.
2. The applicant has previously operated a home childcare for not more than six children. Under Section 4.2(1) a home childcare with not more than six children is considered a permitted use of a single-family residence and does not need require any additional zoning approvals.
3. The applicant is requesting to operate a farm educational program with up to fifteen children during the summer and an after-school program in the fall. In the fall, also, a school bus would bring up to 25 children during school hours.
4. The applicant submitted a narrative describing the proposed operations and a site map indicating parking areas.
5. An email was also received from Mil Lonetto dated 2/20/18 supporting the application.
6. Under the provisions of the Zoning Ordinance, 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):

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 departments. The parcel has on site sewer and water.

Conclusion: The project has no effect on the Town's existing or planned facilities or services

8. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The program would have up to fifteen students being dropped off and picked up during the day. In the fall, a school bus would bring up to 25 students to the farm during school hours. The property has access onto Tamarack Road, a Class 3 town road.

Conclusion: The change of use will not adversely affect traffic on Tamarack Road.

9. **Section 3.7(2)(A)(3) – The character of the area affected as defined by the purpose of the zoning district:** The vicinity consists of various residential and agricultural uses on separate lots. The general purpose of the rural residential districts includes:

- To maintain the natural and scenic qualities which create and preserve the best possible environment for residential development.
- To promote the preservation of adequate open space through carefully planned cluster types of development.
- To encourage agricultural productivity of good farmlands and of forest resources.
- To permit the establishment of recreational and resort facilities when compatible with the primary purpose of a residential environment.

Specific RR 5 purposes includes:

- To eliminate undue demand for new or extended municipal services in outlying areas which would cause a burden on the town.
- To maintain the rural character and beauty of the existing neighborhoods.
- To discourage intensive development in areas where slopes or soil conditions dictate otherwise.

The farm education program will not alter the existing residential and agricultural use of the parcel. The proposed use includes agricultural uses and preservation of the rural character.

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

10. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** A school is defined as “a public or private facility for the training of students.” The narrative describes the program as an outdoor classroom to teach food production and basic cooking. Schools are a conditional use within the Rural Residential districts. The program will use the existing buildings. No new structures are proposed to be built except for a greenhouse that was previously approved as an accessory structure to the existing dwelling.

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

11. **Section 3.7(2)(A)(5) – Utilization of renewable energy sources:** No new buildings are proposed.

Conclusion: The proposed use will not adversely affect the utilization of renewable energy sources.

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 areas.** The existing parcel will remain unchanged except for the additional of the educational farm program.

Conclusion: The building 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.

13. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** Much of the program is outdoors and it is anticipated that there would be some additional noise from the students. The

use should not create any additional water or air pollution. Various residential uses are adjacent to the parcel.

Conclusion: This development will not have an undue adverse effect on water, noise or air pollution.

14. **Section 3.7(2)(B)(3) – Access Management:** No new driveway openings are proposed.

Conclusion: This provision is not applicable.

15. **Section 3.7(2)(B)(4) – Shared Access:** No share access is proposed.

Conclusion: This provision is not applicable.

16. **Section 3.7(2)(B)(5) – Circulation and Parking.** Parking will be needed for students to be dropped off and picked up. Parking will also be needed for a school bus. The applicant’s narrative identifies proposed parking area. The applicant proposes parking using the existing driveway and an adjacent field.

Conclusion: The existing parking is adequate.

17. **Section 3.7(2)(B)(6) – Pedestrian Circulation and Access.** There are no sidewalks in the area. All activities would occur on the parcel.

Conclusion: No additional pedestrian circulation is required.

18. **Section 3.7(2)(B)(7) – Landscaping:** No changes in landscaping are proposed. The existing parcel will remain unchanged except for the additional of the educational farm program.

Conclusion: No additional landscaping is required.

19. **Section 3.7(2)(B)(8) – Stormwater Management:** No additional impervious surfaces are proposed except for the additional of a greenhouse that already has a permit.

Conclusion: This provision is not applicable.

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

20. **Section 3.7(2)(A)(1)- RR District Standards:** There are no proposed changes in driveways, front yard treatment, parking, pedestrian circulation and orientation of buildings.

Conclusion: This provision is not applicable.

Section 4.8 – Outdoor Lighting

21. **Section 4.8 – Lighting plan:** No changes in lighting are proposed.

Conclusion: This provision is not applicable.

DECISION

Based upon the foregoing Findings of Fact, in RE: **5746 (Evans)**, the Board found that the application meets the conditional use criteria for approval with the following conditions:

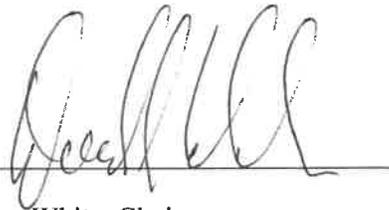
1. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required.

Voting in favor: Mr. Diender, Mr. Clymer, Mr. Walton, Mr. Mumley, Mr. Hand, Mr. White and Mr. Aumand (alternate), Voting to deny: None. Voting to abstain: None Absent:

The motion carries 7- 0; the motion is approved.

Dated at Stowe, Vermont this the 27th day of February 2018

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.