

TOWN OF STOWE
DEVELOPMENT REVIEW BOARD

Findings of Fact & Conclusions of Law

PROJECT: 5802

PROPERTY INFORMATION: 100 Cottage Club Road (#0.6-062.000); 4.19 Acres

APPLICANT:

Sarah Shaw
SunCommon
442 US Route 2
Waterbury, VT 05676

PROPERTY OWNER:

Alchemy Holding LLC
35 Crossroad
Waterbury, VT 05676

PROCEDURAL HISTORY:

The Development Review Board received this application on April 17, 2018. The application was warned in the Stowe Reporter on April 26, 2018 for a public hearing to be held on May 15, 2018. The Board opened the public hearing on May 15th and continued the hearing to June 5, 2018 pending additional information from the Applicant. The public hearing was re-opened on June 5th. The Board closed the hearing that evening initiating the 45-day period for the issuance of a written decision. The application was presented by Sarah Shaw and Michael McCarthy of SunCommon. The property owners Jen and John Kimmich, also attended the hearing.

INITIAL STAFF FINDINGS OF FACT:

1. Alchemy Holding LLC owns the 4.19± acre parcel at 100 Cottage Club Road within the Mountain Road Village (MRV) District and Source Protection Overlay District. The parcel contains a brewery and retail sales outlet.
2. The Applicant has requested conditional use approval to amend their previously approved landscaping and outdoor lighting plan in order to install two solar carport canopies in the brewery parking lot. The Applicant's original proposal included removing three (3) trees and six (6) parking lot light fixtures to accommodate the installation of two (2) solar car canopies in the parking lot. The Applicant subsequently revised the plans to reduce the height of the light poles in order to keep the lights in place and relocate the three trees previously proposed to be removed.
3. The following exhibits were provided for Board consideration:
 - Town of Stowe Development Application, dated 4/17/2018;
 - Site plan prepared by SunCommon showing the location of the two proposed solar canopies, last revised 4/12/2018;
 - Site plan prepared by SunCommon showing the location of the proposed light fixtures and landscaping to be removed (2 pages), last revised 4/12/2018;
 - DRB decision, dated 6/24/2014 (staff);
 - Site plan prepared by SunCommon showing the location of the two proposed solar canopies, last revised 5/25/2018;
 - Site plan prepared by SunCommon showing area for relocated trees and light post, last revised 5/25/2018;
 - Existing Features Plan prepared by SunCommon, last revised 5/25/2018;
 - ANR Natural Resources Map (ANR Map A), last revised 5/1/2018;

- Solar Canopy for SunCommon, Sheet S-101, prepared by RBI Solar, last revised 4/27/2018;
- Solar Canopy for SunCommon, Sheet S-201, prepared by RBI Solar, last revised 4/27/2018;
- Solar Canopy for SunCommon, Sheet S-301, prepared by RBI Solar, last revised 4/27/2018;
- Solar Canopy for SunCommon, Sheet S-302, prepared by RBI Solar, last revised 4/27/2018;
- Center Canopy Photo Rendering, no date;
- Northeast Canopy Photo Rendering, no date;
- Previously approved landscaping plan prepared by Wagner, Sheet L1.0, dated 5/20/2014;
- Letter of Support from the Town of Stowe Selectboard, dated 3/26/2018;
- Letter of Support from the Town of Stowe Planning Commission, dated 3/22/2018;
- Email correspondence from the Town Attorney (Joseph McLean), Re: Alchemist Solar Canopy Project, dated 3/6/2018.

Application materials are kept on file at the Town of Stowe Zoning Office.

4. Under the provisions of the Stowe Zoning Regulations (amended through July 3, 2017), the application is being referred to the Development Review Board as a revision to a previously approved conditional use. The Applicant's original proposal involved removing three (3) trees and six (6) parking lot light fixtures to accommodate the installation of two (2) solar car canopies. Section 2.5(2)(C) exempts the following: *"Power generation and transmission facilities, which are regulated under 30 V.S.A. §248 by the Vermont Public Service Board. Such facilities, however, shall conform to policies and objectives specified for such development in the Stowe Town Plan in accordance with 30 V.S.A. §248(b)(1)."* The proposed solar canopies are regulated under 30 VSA 248 and are therefore exempt from municipal zoning regulations. The Board finds its authority is limited to the proposed alterations to the lighting and landscaping plans.

Section 3.7(2)(A) – Standards of review (Conditional Use Applications): The Development Review Board must determine that the use will conform to the following set of standards and will not result in an undue adverse effect on any of the following:

5. **Section 3.7(2)(A)(1) – Capacity of existing or planned community facilities and services:** Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation. No Municipal Department review forms returned indicated that the proposed development would have any adverse impact on existing or planned community facilities and services.

Conclusion: The Board finds the project will not adversely impact the Town's existing or planned facilities or services.

6. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The Applicant originally proposed to remove three (3) trees and six (6) parking lot lights to accommodate the installation of two (2) solar car canopies in the parking lot. The Applicant subsequently revised the plans to reduce the height of the light poles to them in place and relocate the three trees previously proposed to be removed.

Conclusion: The project will not result in any significant increase in traffic on the Mountain Road or exceed the functional capacity of the local road network.

7. **Section 3.7(2)(A)(3) – The character of the area affected:** The Applicant original proposal involved the removal of three (3) trees and six (6) parking lot light fixtures to accommodate the installation of two (2) solar car canopies in the parking lot. The Applicant subsequently revised the plans to reduce the height of the light poles and relocate the three trees previously proposed to be removed. The existing commercial building on the property contains a brewery and retail sales outlet. The adjacent and nearby parcels contain various commercial and lodging uses. The purpose of the MRV district to foster a development pattern along the Mountain Road corridor comprised of compact, mixed-use settlements separated by rural countryside. The district is intended to serve as a larger commercial village characterized by an integration between land uses, pedestrian accessibility, a mix of uses compatible with a four-season resort community and a village streetscape defined by narrow streets, street-trees, curbing and sidewalks.

Conclusion: The proposed alterations will not adversely affect the character of the area as defined in the Town of Stowe Zoning Regulations.

8. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** The application is being referred to the Board as an amendment to a previously approved conditional use. Applicable bylaws include the Stowe Zoning Regulations, as amended through July 3, 2017. No other municipal bylaws or ordinances apply to this project.

Conclusion: The alterations are in conformance with the bylaws in effect at the time of application.

9. **Section 3.7(2)(A)(5) – Utilization of renewable energy sources:** The Applicant originally requested approval to revise the previously approved landscaping and lighting plan in order to install two solar canopies over the parking area. The Applicant subsequently revised the plans to reduce the height of the light poles and relocate the three trees previously proposed to be removed.

Conclusion: The proposed alterations will accommodate for the sustainable use, access to, and direct use of renewable energy resources.

Section 3.7(2)(B) – Other Standards of Review:

10. **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.** Not applicable- There are no known or identified scenic or historic sites located on the parcel.
11. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** Not applicable.
12. **Section 3.7(2)(B)(3) –Access Management:** The Applicant is not proposing any modifications to the existing access, vehicular circulation pattern, or parking configuration.
13. **Section 3.7(2)(B)(4) – Shared Access:** Not applicable. No modifications are proposed under this application.
14. **Section 3.7(2)(B)(4) – Circulation and Parking:** The Applicant is not proposing any modifications to the existing access, vehicular circulation pattern, or parking configuration.
15. **Section 3.7(2)(B)(6) – Pedestrian Circulation and Access:** No changes in pedestrian circulation or access are proposed.

16. **Section 3.7(2)(B)(7) – Landscaping and Screening:** The Applicant is proposing to relocate three trees to accommodate the installation of two on-site solar canopies.
17. **Section 3.7(2)(B)(8) – Stormwater Management:** No additional impervious surfaces or changes to existing drainage patterns are proposed.

Conclusion: The Board finds the proposal is in conformance with the additional standards for review as outlined in Section 3.7(2)(B)(1-8).

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

18. **Section 3.7(2)(A)(1)- MRV District Standards:** Within the MRV District, site plans shall re-enforce a compact development pattern defined by a pedestrian orientation, the functional and visual integration of neighboring properties, well defined streetscapes and a mix of uses. The Applicant is requesting to amend a previously approved site plan to reduce the height of the lighting and relocate landscaping as shown on the provided site plans.

Conclusion: The Board finds that the proposal is compatible with the MRV district standards.

Section 4.8 – Outdoor Lighting

19. **Section 4.4(2) – Lighting plan:** The Applicant is proposing to reduce the height of six (6) parking lot lights to accommodate the installation of two solar canopies.

Conclusion: The Board concludes that the amended outdoor lighting is in conformance with Section 4.8 and that the lighting has been designed to minimize spill into the night sky and is appropriate for the intended use and site location.

DECISION

Based upon the foregoing Findings of Fact, in RE: 5802 (SunCommon/Alchemy Holding Stowe LLC), the Board finds that the application meets the Stowe Zoning Regulations, as amended though July 3, 2017, 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. All conditions of previous conditional use approval, except as amended herein, remain in full force and effect.
3. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this permit, the permittee agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposed of ascertaining compliance with the conditions of approval.

Voting favor: D.White, D.Clymer, T. Hand, P.Aumand, A. Volansky, C.Walton.

Voting to deny: None

Abstain: T.Mumley

The motion carries 6-0, the application is approved.

Dated at Stowe, Vermont this the 15th day of June 2018

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.

INTERESTED PARTIES:

Donna Adams- Stowe Cemetery Commission Chair

Chuck Baraw -Stoweflake Resort