

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

PROJECT: 5833

SUBJECT PROPERTY: 3314 Mountain Road; 11-149.000

PROPERTY OWNER: Estate of Rita Buchanan
112 Meadow Drive
Morristown, VT 05661

APPLICANT: Bullrock Corporation
Doug Moses
145 Pine Haven Shores Road, Suite 1150
Shelburne, VT 05482

APPLICATION:

(Application materials on file at the Stowe Town Office, procedural history attached.)

The Applicant, Bullrock Corporation (herein referred to as the "Applicant"), request to amend previously approved conditional use (Project 5280) for modifications to the previously approved building elevations and site plan. Project 5280 received previous approval by the Board in a written decision dated 1/12/2016 for the construction of a 30-unit lodging facility and related appurtenances. The proposed modifications to the site plan are in response to comments the Applicant received from the VT Division of Fire Safety and include widening the main access from 12' to 20' to allow two-way travel, reducing the overall size of the parking areas and number of parking spaces from 70 to 55, and minor alterations to the landscaping and outdoor lighting. The Applicant also proposes to revise the grading plan in order to reduce exporting material off-site. The revised building design alterations include changes to the roof-line and roof pitch, building and roof materials, and window configuration. The proposed design alterations impact all four sides of the building.

The subject 2.52 acre parcel (#11-149.000), located at 3314 Mountain Road, is in the Mountain Road Crossroad (MRC) Zoning District and is subject to additional review under Section 10.5(12) since the parcel contains historic buildings listed on the town's historic inventory. The demolition of the historic structures received prior zoning approval, following recommendations by the Stowe Historic Preservation Commission on December 12, 2014. The property is served by direct access to the Mountain Road. The application has been reviewed by the Development Review Board (DRB) under applicable standards of the Town of Stowe Zoning Regulations (as adopted June 12, 2017) for the purpose of amended conditional use review and design review.

The Development Review Board's procedural history and relevant findings are attached.

REVIEW PROCESS:

(Application materials, hearing notices, meeting minutes on file at the Stowe Town Office)

An application for amended conditional use review was filed by Applicant Doug Moses on behalf of Bullrock Corporation, on July 9, 2018. The application was accepted as complete by Town of Stowe Zoning Director Sarah McShane and referred to the Stowe Development Review Board for a public hearing. A public hearing of the DRB was scheduled for August 7, 2018 and warned by the Zoning Director in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on July 19, 2018. The Applicant provided a completed certificate of service in accordance with Section 2.14(1)(B).

The public hearing to consider the application convened on August 7, 2018 at the Akeley Memorial Building, 67 Main Street, with a quorum of the DRB present. No ex parte communications or conflicts of interests were reported.

The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

- Applicant, Doug Moses, 145 Pine Haven Shores Road, Suite 1150, Shelburne, VT 05482
- Jesse Beck (Architect - Freeman French Freeman) 81 Maple Street, Burlington, VT 05401
- Roger Dickenson (Lamoureux and Dickenson) 14 Morse Drive, Essex, VT 05452
- Nick Smith (Lamoureux and Dickenson) 14 Morse Drive, Essex, VT 05452
- Property Abutter- Ed Stahl, Edson Hill Road, Stowe, VT 05672

The following materials were submitted in support of the application and entered into the hearing record:

- Town of Stowe Development Application (2 pages); dated 6/29/2018;
- Stowe Historic Preservation Commission Recommendation, dated 6/28/2018;
- Site Plan Grading & Utilities, prepared by Lamoureux and Dickenson, Sheet #1, last revised 6/22/2018;
- Driveway Plan & Profile, prepared by Lamoureux and Dickenson, Sheet #2, last revised 6/22/2018;
- Landscaping and Lighting Plan, prepared by Lamoureux and Dickenson, Sheet #3, last revised 6/22/2018;
- Typical Details and Specifications, prepared by Lamoureux and Dickenson, Sheet #4, dated 4/9/2015;
- Details and Specifications -Water, prepared by Lamoureux and Dickenson, Sheet #5, last revised 6/09/2016;
- Details and Specifications -Storm & Sewer, prepared by Lamoureux and Dickenson, Sheet #6, last revised 6/28/2018;
- Erosion Prevention & Control Plan, prepared by Lamoureux and Dickenson, Sheet #7, last revised 6/22/2018;
- Details and Specifications- Erosion Prevention & Control Plan, prepared by Lamoureux and Dickenson, Sheet #8, last revised 6/22/2018;
- Lighting Details, prepared by Lamoureux and Dickenson, Sheet #9, last revised 6/25/2018;
- Lands of Buchanan- Hostel South and West Elevation Drawings, prepared by Freeman French Freeman, Project #A1813.00, dated 7/9/2018;
- Lands of Buchanan- Hostel East and North Elevation Drawings, prepared by Freeman French Freeman, Project #A1813.00, dated 7/9/2018;
- Previously approved DRB decision, dated 1/12/2016;
- Comments from Mark Sgantas (Fire Chief) & Kyle Walker (Assistant Fire Chief), dated 8/7/2018 (Exhibit 1);

- Comments from DPW Director Harry Sheppard, dated 8/3/2018 (Exhibit 2);
- Tower Truck Turning Diagram, no date (Exhibit 3).

The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

FINDINGS OF FACT & CONCLUSIONS OF LAW:

The Applicant’s request for amended conditional use approval was reviewed by the Stowe Development Review Board (DRB) for conformance with applicable requirements of the Town of Stowe Zoning Regulations (as adopted June 12, 2017), including the following:

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 10- Stowe Historic Overlay District

During its review of the application, the Board made the following Findings of Fact:

1. **Zoning District.** The subject parcel contains ±2.52 acres with direct access to the Mountain Road in the Mountain Road Crossroad (MRC) Zoning District as shown on the Official Town of Stowe Zoning Map (effective July 3, 2017).
2. **Lot Area, Lot Width.** The ±2.52-acre parcel is located in the MRC district and exceeds the minimum lot area of 20,000 sf. The provided site plan shows the frontage of the parcel along the Mountain Road containing approximately 379’ of frontage, satisfying the minimum lot width of 200’. No changes to lot area or lot width are proposed under this application.
3. **Setbacks.** Required minimum district setbacks are front (20’), side (10’) and rear (20’). The required district setbacks are shown on the provided site plan. No structures or parking improvements are located within the required setback areas.
4. **Maximum Building Coverage.** The maximum building coverage in MRC is 20%. The provided site plan indicates the proposed building coverage to be 11,207 sf or 10.2%, satisfying the maximum building coverage for the MRC district.
5. **Use.** The existing parcel received prior approval to construct a 30-room (124 beds) lodging facility. No changes of use are proposed under this application, however the Applicant proposes to reduce the total number of beds to 120.
6. **Height.** The maximum building height in MRC is 28’ feet. The provided building elevations show a height of 27’ 6” to the mid-point of the finished grade, satisfying the maximum district height requirements.
7. **Design Review.** Pursuant to Section 10.5(12), the Stowe Historic Preservation Commission reviewed the proposed revised building elevations during their June 13th and June 27th meetings and voted to approve the revised building elevations with the following conditions of approval: An additional three feet (minimum) span of standing seam roofing shall be added along the drip edge

on the south and west elevations. The Applicant subsequently revised the architectural drawings to incorporate the recommendations of the Stowe Historic Preservation Commission (SHPC). The Commission also provided the optional change of including 2/1 windows on the buildings first floor.

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 the following:

8. **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. The Department of Public Works provided comments indicating no revisions were necessary. The Fire Department provided the following general comments and concerns dated 8/7/18 from Chief Sagantas and Assistant Chief Kyle Walker:

- The possible need for a fire hydrant closer to the building;
- Concerns regarding the tower truck radius at the top of the driveway turning right and left;
- Access to the building for the tower;
- The possible need for a fire lane and proper signage;
- The sprinkler connection location;
- General concerns regarding times when the parking area is full and winter snow removal;
- The spacing of trees for second floor and roof access via ground ladders.

The Board reviewed the provided comments during the hearing. The Applicant addressed the comments raised from the Fire Department and provided testimony including Exhibit 3 - Tower Truck Turning Diagram showing how the tower truck can properly access the site. The Applicant agreed that some of the request could be incorporated into the project design.

No other Municipal Department review forms returned indicated that the proposed development would have any adverse impact on existing or planned community facilities and services. The Applicant proposes to connect to municipal water and sewer services.

Conclusion: As a condition of approval, the Board will require the Applicant to install a FDC on the building or a fire hydrant in close proximity of the building and clearly delineate and sign a 'No Parking- Fire Lane' along the two-way main access as noted during the hearing. The Board concludes the proposal, if constructed as approved, will not result in an undue adverse effect on the Town's existing or planned facilities or services.

9. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The Applicant is not proposing any additional lodging rooms or any changes of use. Prior DRB decision dated January 12, 2016 granted approval for a 30-unit lodging unit. The Board's decision noted that the parcel is proposed to have improved access to Mountain Road and that the Applicant had provided a traffic impact assessment concluding that the project will not create adverse traffic congestions or unsafe conditions at its proposed Mountain Road driveway intersection or on nearby roads and intersections.

Conclusion: The Board concludes the amended proposal will not create an undue adverse impact on traffic on roads and highways in the vicinity.

10. **Section 3.7(2)(A)(3) – The character of the area affected:** The subject parcel is in the MRC zoning district. The purpose of the MRC district is “To foster a development pattern along the Mountain Road (Route 108) corridor comprised of compact, mixed-use settlements separated by rural countryside. The MRC district is intended to serve as a relatively small, concentrated mixed-use settlement with good pedestrian circulation between uses and properties and a village streetscape;...” The Applicant request approval to amend the previously approved site plan and building design. No changes of use are proposed under this application. The Board’s previous approval found that the proposed use would not adversely affect the character of the area.

Conclusion: The Board concludes the proposal will not adversely affect the character of the area as defined under the Stowe Zoning Regulations (as adopted June 12, 2017).

11. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** The application is being reviewed under as an amended Conditional Use. Applicable bylaws include the Stowe Zoning Regulations, as amended though June 12, 2017. The Applicant proposes connecting to municipal sewer services under the Town’s Health, Sanitation, and Sewer Ordinance. No other municipal bylaws or ordinances apply to this project.

Conclusion: The Board concludes the proposal is in conformance with the Stowe Zoning Regulations, as amended though June 12, 2017. The Applicant is required to obtain all necessary municipal water and sewer allocations, approvals, and connections. No other municipal bylaws or ordinances apply to this project.

12. **Section 3.7(2)(A)(5) – Utilization of renewable energy sources:** No change is proposed with regard to the use of, or access to, the utilization of renewable energy resources.

Conclusion: The Board concludes the project is not expected to interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such 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 or identified scenic sites located on the parcel. The parcel contains a historic dwelling and barn, both of which received prior demolition approval, following recommendations by the Stowe Historic Preservation Commission (SHPC). The SHPC noted structural problems with the buildings in their recommendation.

Conclusion: The Board concludes the proposal will not adversely affect the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

14. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** The Applicant request approval for site plan revisions and to modify the previously approved building elevations. The Board’s previous decision noted that the proposed lodging facility was not expected to generate any significant water or air pollution compared to other uses in the vicinity. Prior approval included a condition of approval that any future outside music will require review and approval by the Board.

Conclusion: The Board concludes the project will not result in undue water, noise, or air pollution. Unless amended herein, all previous conditions of approval remain in full force and effect.

15. **Section 3.7(2)(B)(3) – Access Management:** The parcel is served by direct access to Mountain Road. During prior review, the Applicant provided a VTrans letter of intent noting approval of the revised access. No changes to the previously approved access/curb cut are proposed under this application.

Conclusion: The Board finds no changes to the existing access/curb cut are proposed under this application.

16. **Section 3.7(2)(B)(4) – Shared Access:** The parcel is served by a single access from Mountain Road. The access will be used solely for the lodging facility and will not be shared by adjacent uses or parcels.

Conclusion: The Board finds this provision to be non-applicable.

17. **Section 3.7(2)(B)(5) – Circulation and Parking:** The regulations require that parking be provided per the requirements of Section 14 and be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. The Applicant is proposing the following circulation and parking revisions: 1) increase the width of the western 2-way access drive from 12' to 20'; 2) reduce the overall size of the parking area and number of parking spaces- the eastern and western parking areas have been reduced in size and length resulting in a reduction of parking spaces from 70 to 55; and 3) reconfigure the ADA parking to include three ADA spaces in the eastern parking area. The regulations require one parking space per lodging room and one parking space per employee at peak time. The Applicant is proposing a thirty-room lodging facility requiring a total of 30 parking spaces, plus one per each employee at peak time. It was noted in the previous Board decision that the project would include four (4) employees, requiring an additional four (4) parking spaces.

Conclusion: The Board finds the proposed revisions represents safe and adequate access and circulation for the intended use and satisfy the parking requirements of Section 14.

18. **Section 3.7(2)(B)(6) – Pedestrian Circulation and Access:** The regulations require pedestrian circulation within the site, and access through the site to adjacent properties along public roads, be provided. The proposed site plan includes a covered entrance for the loading and unloading of guests, as well as pedestrian connection on the northern building entrance connecting to the eastern parking area. Along the eastern portion of the site, a 5' wide concrete sidewalk connects the far eastern area of the parking area to the eastern side building entrance. No other pedestrian improvements are shown on the revised site plan.

Conclusion: The Board finds the proposed site layout represents safe and adequate pedestrian access and circulation for the intended use.

19. **Section 3.7(2)(B)(7) – Landscaping and Screening:** The regulations require landscaping details and screening of garbage collection areas, outdoor storage, commercial ventilation systems over two square feet; loading and unloading areas and other outdoor utilities, including solar installations, be provided as part of proposed site development plans. The Applicant provided a landscaping and lighting plan (Sheet #3) which depicts the proposed landscaping including outdoor lighting and screening. The provided planting schedule outlines the species type, common name, size and comments. Planting details were also provided for both trees and shrubs. The dumpster on the eastern end of the parking area is shown to be enclosed with a cedar fence. During the hearing it was noted that landscaping revisions included the planting of ten Eastern Red Cedar

along the Rt. 108 right-of-way. The Board noted that Section 4.6(3)(D)(2) requires that trees along the road frontage be 'an appropriate species of nursery stock deciduous shade tree -not flowering ornamental or conifers.' The Applicant agreed to replace the proposed cedars with a deciduous species.

Conclusion: As a condition of approval the Board will require that the ten Eastern Red Cedars proposed along the Rt. 108 right-of-way be replaced with a deciduous tree and be a minimum of 2.5" - 3.0" caliper (trunk diameter), measured at a height of five (5') feet. The Board concludes the proposed landscaping, if installed and maintained as approved, is appropriate for the intended use and site location.

20. **Section 3.7(2)(B)(8) – Stormwater Management:** The Applicant proposes to reduce the overall size of the parking area including a reduction in the number of parking spaces. The western 2-way access drive is proposed to be increased in width from 12' to 20' to better accommodate emergency vehicles. The provided site plan notes the proposed lot coverage to be 37,193 sf (0.85 acres) or 33.9%. The previously approved site plan included a lot coverage of 0.94 acres or 37.3%.

Section 3.12 outlines the requirements for Stormwater and Erosion Control. Section 3.12(2) provides stormwater and erosion control standards for construction-related activities associated with any new construction as follows:

- A. Site construction will be conducted in a manner that keeps the amount of soil exposed at any one time to a minimum.
- B. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, will be stabilized.
- C. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters. All development involving the disturbance of more than one-half acre shall submit an erosion and sediment control plan that incorporates the State of Vermont erosion prevention and sediment control practices before a zoning permit is issued.
- D. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless in application materials include erosion control measures that are adequate to ensure compliance with (A), (B) and (C) as noted above, taking into account winter and spring conditions.
- E. All development must provide for an adequate stormwater drainage system to ensure that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
- F. All development that creates more than 1/2 (one-half) acre of additional impervious surface must provide for an adequate stormwater drainage system to ensure that stormwater runoff is not increased beyond the boundaries of the project as determined by the standards used for the State of Vermont stormwater management permits. Such development shall submit a stormwater management plan prepared and sealed by a registered engineer before a zoning permit is issued.

The Applicant proposes to create 37,193 sf (0.85 acres) of impervious surfaces triggering the requirement that an erosion and sediment control plan, which incorporates the State of Vermont erosion prevention and sediment control practices, be submitted, including a stormwater management plan prepared and sealed by a registered engineer prior to the issuance of a zoning permit. The Applicant provided a site plan showing grading and utilities (Sheet 1), typical details and specifications sheet showing pea-stone pre-treatment filter strip details (Sheet 4), storm and sewer details and specifications (Sheet 6), Erosion Prevention and Control Plan (Sheet 7), and Erosion Prevention and Control Specifications (Sheet 8). The provided plans were prepared and stamped by Roger Dickenson, #3945 a licensed professional engineer.

Conclusion: The Board finds the Applicant provided a stormwater drainage system plan prepared by a registered engineer that incorporates State of Vermont erosion prevention and sediment control practices. As a condition of approval, the Applicant will be required to meet the requirements of Section 3.12. The Board concludes, if constructed and maintained as approved, the proposed improvements will not cause an undue adverse impact on neighboring properties, town highways or surface waters.

21. **Section 3.7(2)(C).** In addition to other provisions of Section 3.7, the DRB shall be guided by the following standards when reviewing all site development plans in the designated zoning district. These standards apply to all site development plans, including those involving new construction, expansion, alteration or change of use. The DRB may waive the specific requirements of this section when it is found that mitigation through design, screening or other mitigation will accomplish the objectives outlined for the designated districts.
1. Additional MRV, **MRC**, VC, VR, MC and LVC Standards: Within the MRV, **MRC**, VC, VR, MC and LVC Districts, 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.

To help achieve these objectives, the following standards shall apply:

- a. Driveways and Road Edge Treatment: The Board shall require curbing or other appropriate treatment along all road frontage(s) and to define driveway entrances. Driveways shall be the minimum width necessary to provide safe vehicular access and promote pedestrian circulation.
- b. Front Yard Treatment: Required front yards shall be limited to landscaping and yard area, sidewalks and public spaces and shall not be used for parking or outdoor storage. Projects involving the upgrade and expansion of motels and lodges built prior to January 1, 1997, and designed with outside access to individual rooms fronting on parking areas, may continue locating parking within front yards.
- c. Parking: Parking shall be designed to re-enforce an internal street network by maximizing the use of parallel or diagonal parking on internal driveways and streets.
- d. Pedestrian Circulation and Sidewalks: Adequate provision for pedestrian circulation within the site, and for pedestrian access to adjacent properties, shall be required. In addition to internal pedestrian circulation, all site plans shall be

designed in a manner, which allows a minimum five feet (5') wide sidewalk along all frontage roads.

- e. Internal Road Network and Traffic Mitigation: Site plans shall be designed in a manner that facilitates the development of an interconnected network of village streets. In instances where a connector ("side") street is deemed appropriate, internal driveways shall be designed as side streets, shall be separated from parking areas with curbing, sidewalks, landscaping, buildings or other physical features, and shall be configured to provide access to adjacent properties. In instances where driveways will not touch upon adjacent properties, a condition of site plan approval may be the establishment of a right-of way to provide access to and through adjacent properties; in instances where such access has been provided on adjacent properties as part of a prior permit condition, the DRB may require the applicant to connect to the existing driveway (side street).
- f. Orientation of buildings within the site: Buildings shall define a streetscape through a consistent building line and setbacks. Buildings shall front towards and relate to public streets, both functionally and visually, and shall not be oriented toward a parking lot. The Board may impose a maximum setback to achieve a consistent streetscape. The front elevation shall include a main entryway, pedestrian access and appropriate front-yard landscaping. Drive-thru lanes and drive-up windows, where allowed, shall be located in the rear of buildings. Buildings may be clustered around a common focal point, such as a green or public courtyard, providing that an appropriate visual and functional relationship with public roads is maintained.
- g. *[Does not apply]* VR Treatment of Front Yards and Driveways: In any VR District, a continuous strip not less than ten (10') feet wide shall be maintained between the street line and the balance of the lot, which strip shall be suitably landscaped, and may be traversed only by permitted driveway or pedestrian walks. Exceptions to these standards may be granted by the DRB in cases involving pre-existing buildings and/or uses when undue hardship is likely to exist. Cases will be reviewed on an individual basis, taking into account the unique features/circumstances of a site while still providing proper landscaping.
- h. *[Does not apply]* LVC and MC Treatment of Front Yards and Driveway Intersections
 - (i) Front Yards: In LVC and MC, a continuous strip not less than ten (10') feet wide out of the minimum required front yard shall be maintained between the street line and the balance of the lot, which strip shall be suitably landscaped, and which may be traversed only by permitted driveways or by pedestrian walks. Not more than fifty (50%) percent of the required front yard may be used for driveways and parking. No portion of the required front yard may be used for storage or for any purpose except as above provided.

Exceptions to these standards may be granted by the DRB in cases involving pre-existing buildings and/or uses when undue hardship is likely to exist.

Cases will be reviewed on an individual basis, taking into account the unique features/circumstances of a site while still providing proper landscaping.

(ii) Driveway intersections with streets or highways shall be located and designed as approved by the Selectboard, or State Highway Dept. if a state highway. Driveways shall be located not less than one hundred (100') feet from street intersections, where possible, and shall enter the street in such a manner as to provide the maximum sight distance possible.

- i. Additional MRV and **MRC** standards: In addition to the conditional review criteria of these regulations, the DRB shall find that the proposed development is designed to achieve a scale and pattern of development characteristic of traditional village settlements. At a minimum, the Board will consider the adequacy and appropriateness of building materials, architectural design, and visual context of the project. To this end:
 - i. Buildings should be multi-story;
 - ii. Buildings generally shall include a prominent entrance(s) oriented to all public roads, and be designed to maximize pedestrian accessibility and presentation to the streetscape. Buildings may be clustered around a common focal point, such as a green or public courtyard, providing that an appropriate visual and functional relationship with public roads is maintained;
 - iii. Buildings should reflect an overall diversity in size and style, with no single building being out of scale or incompatible with neighboring properties. The visual mass and scale of buildings deemed to be excessively large should be reduced through appropriate design changes, such as a reduction of building's height or width; separation into two or more structures and/or designing a building's façade to interrupt the over-all mass;
 - iv. Expansion of existing uses should emphasize infill development (i.e. the construction of new buildings on existing lots) in a manner, which reinforces pedestrian access and a compact village-scale development pattern.

Conclusion: The Applicant seeks approval to revise previously approved plans to include modifications to the access, landscaping, parking areas, and architectural design of the building. The Board previously found that the requirements of Section 3.7(2)(C)(1) were met. The Board concludes the revised site plan and architectural drawings satisfy the requirements of Section 3.7(2)(C)(1) and have been designed to achieve a scale and pattern of development characteristic of traditional village settlements.

22. Section 4.8 Outdoor Lighting. The regulations require that all outdoor lighting shall be installed in accordance with the following standards:

- A. Sodium vapor lights are prohibited.
- B. All lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property.

- C. The mounting height of a lighting fixture shall be defined as the vertical distance from the grade elevation directly below the fixture to the bottom of the lighting fixture. The height shall be the minimum necessary to illuminate the project area, and in no case shall exceed sixteen (16') feet for parking lot lighting.

(2) When reviewing lighting plans pursuant to this section, including proposed gas station canopy or apron lighting, proposed illumination of building façades or parking area lighting, the DRB shall consider appropriate levels and distribution of illumination. In determining appropriate levels of illumination, the Board will consider the following guidelines.

- A. Parking lot and security lighting should be designed and installed with a minimum illumination level of not less than 0.2-foot candles and not greater than 1.0-foot candles, and with a uniformity ratio of not more than 4:1.
- B. Light fixtures mounted under canopies shall be recessed so that the lens cover does not extend beyond the bottom surface (ceiling) of the canopy; lights should not be mounted on the top or sides of the canopy, and the sides (fascias) of the canopy should not be illuminated.
- C. Areas around the pump island(s) and under canopies should be illuminated so that the maximum horizontal luminance is no greater than 2.0-foot candles and the uniformity ratio is no greater than 4:1. Areas used for parking or vehicle storage should be illuminated in conformance with standards for parking areas.
- D. The maximum illumination on any vertical surface of a building, or angular roof surface, should not exceed 2.5-foot candles and lighting should be carefully located, aimed and shielded so that light is directed only on the building façade.
- E. Lighting installations should include timers, dimmers, and/or sensors to reduce the overall energy consumption and eliminate unneeded lighting.
- F. Exterior lighting shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA). Exceptions to this standard to accommodate a particular "period" or architectural style, providing the maximum initial lumens generated by each fixture not exceed 2,000 (equivalent to a 150 watt incandescent bulb) may be permitted.

The provided site plan shows the location of five luminaires along the north side of the parking area and near the covered building entrance. Recessed lighting will be installed near each entrance. The Applicant provided testimony that the proposed outdoor lighting will be 30w LED lighting, installed on a pole less than 16 feet in height, and down-cast and shielded as required by the regulations.

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

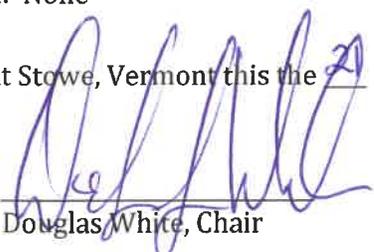
DECISION

Based upon the foregoing Findings of Fact, in RE: **5833** the Board finds (7-0) the requested amendments meet the Stowe Zoning Regulations, as amended through July 3, 2017, subject to the following conditions of approval:

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. All conditions of previous approvals, except as amended herein, remain in full force and effect.
3. Prior to the issuance of a zoning permit, the Applicant shall file the revised site plan showing the amended location of the water line.
4. The architectural building designs shall be revised to incorporate an additional three feet (minimum) span of standing seam roofing along the drip edge on the south and west elevations as recommended by the Stowe Historic Preservation Commission.
5. The Applicant has the option to incorporate 2/1 windows on the buildings first floor.
6. In coordination with the Stowe Fire Chief, the Applicant shall install an FDC on the building or a fire hydrant in close proximity to the building.
7. A fire lane shall be clearly marked along the two-way main access as noted during the hearing. 'No Parking- Fire Lane' signage shall be installed to prevent vehicular parking in the fire lane.
8. The Applicant is required to obtain all necessary municipal water and sewer allocations, approvals, and connections.
9. The ten Eastern Red Cedars as shown on the Landscaping Plan along the Rt. 108 right-of-way shall be replaced with a deciduous tree a minimum of 2.5" - 3.0" caliper (trunk diameter), measured at a height of five (5') feet. A revised Landscaping Plan shall be submitted to the Zoning Director prior to the issuance of a zoning permit.
10. Landscaping shall be maintained in a healthy condition. Dead or dying plants shall be replaced within one growing season with a comparable plant (type, form, size at maturity, etc.).
11. Site construction shall be conducted in conformance with the erosion prevention and sediment control measures as outlined in Section 3.12.
12. A certificate of occupancy must be obtained from the Zoning Director following the construction but prior to occupancy and use to ensure that it has been constructed as approved by the Development Review Board, as required under Section 2.10 of the zoning regulations.
13. 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 purposes of ascertaining compliance with the conditions of approval.

Voting favor: D.White, D.Clymer, T. Hand, P.Aumand, T.Mumley, P. Roberts, M. Diender
Voting to deny: None
Abstain: None

Dated at Stowe, Vermont this the 29 day of August 2018

By: 
Douglas White, Chair

NOTICES:

1. In accordance with 24 V.S.A. § 4449(e), applicants are hereby notified that state permits also may be required prior to land subdivision or construction. The applicant should contact the DEC Permit Specialist for District #5 (802-505-5367) to determine whether state permits are required.
2. The applicant or another interested person may request reconsideration of this decision by the Development Review Board, including associated findings and conditions, within 30 days of the date of this decision by filing a notice of appeal that specifies the basis for the request with the Secretary of the Development Board. Pursuant to 24 V.S.A. § 4470, the board may reject the request within 10 days of the date of filing if it determines that the issues raised on appeal have already been decided or involve substantially or materially the same facts by or on behalf of the appellant.
3. This decision may also be appealed to the Environmental Division of the Vermont Superior Court by the applicant or another interested person who participated in the proceeding before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Division Court Proceedings.
4. In accordance with 24 V.S.A. § 4455, on petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke this permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

