

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



**PROJECT:** 5930

**SUBJECT PROPERTY:** Liftline Drive; #14-011.000 (Lots 23 & 24)

**PROPERTY OWNER:** Spruce Peak Realty LLC  
7320 Mountain Road  
Stowe, VT 05672

**APPLICANT:** Rob Apple, Spruce Peak Realty LLC, 7320 Mountain Road, Stowe, VT 05672

**APPLICATION:**

The Applicant, Robert Apple (herein referred to as the “Applicant”) on behalf of property owner Spruce Peak Realty LLC, request conditional use and amended SKI-PUD approval for a revised design of One Spruce Peak-the residential addition to the existing Spruce Camp Base Lodge. The building is proposed to be 111,718 sf and contain twenty-seven (27) residential dwelling units along with related improvements (i.e. landscaping, outdoor swimming area and a mix of indoor and outdoor parking.)

The building is proposed to be six (6) stories in height to include indoor parking, ski lockers, and the first floor of six (6) two-story townhomes on the first story; the second floor of the six (6) two-story townhomes on the second story; eighteen (18) one-story condo “flats” on the 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> stories; and three (3) larger penthouse units on the upper floor, two of which accommodate a mezzanine loft space over the living areas. As noted in the application materials, Phase I of the project included the construction of Spruce Camp, a base lodge with a restaurant, skier services, and support spaces. One Spruce Peak is the second phase (Phase II) of the project originally designed to contain an alpine club with a member dining facility, locker rooms, thirty (30) residential units and a parking garage on the lowest level. The design of Phase II had progressed into construction documents when construction of the project was deferred. The current project, a redesign of the previously approved Phase II, is a condominium residential building with ground floor parking, ski lockers, and outdoor pool facilities.

The subject parcels, Lots 23 & 24, are part of a designated SKI-PUD comprised over ±3188 acres originally approved by the Stowe Planning Commission on May 5, 2003 under S-03-05 recorded in Map Book 14 pages 2-17. The roadways, utilities, infrastructure, and related items were later approved by the Planning Commission as part of the SKI-PUD amendment (S-03-05). Most recently, the SKI-PUD was amended under Project 5757 to include an additional 2.87 acres for a total of ±3188 acres.

Conceptual development of the SKI-PUD, as outlined in the SMR 2000 Spruce Peak Master Plan, was approved by the Development Review Board (DRB) on March 10, 2004 (BA-14-002-25) and included the following project elements:

- 371 residential units in twenty (20) buildings;
- Three (3) retail buildings;
- A multi-story parking garage;
- Amenities including a spa, performing arts center, and a community pool;
- The Spruce Base Lodge;

- Utility tank farm and telecommunications building;
- An 18-hole golf course, club house, and maintenance facility;
- Expanded snowing making pump house;
- The “Tom Lot” snowmaking reservoir;
- Six (6) ski lifts;
- Three (3) new parking lots;
- Two new Spruce ski trails;
- Two mountain maintenance facilities;
- Expanded employee housing at the AIG Dorm.

As noted in previously approved Board decisions, the SMR 2000 Spruce Peak Master Plan, was the result of several years collaborative planning with representatives from the Town of Stowe and other interested parties. The Board’s decision approving the Master Plan noted that given the relatively large scope of the project, the Board would first issue a Master Findings of Fact and Conclusions of Law for all criteria that would apply project wide and individual project elements would be reviewed separately with individual Findings of Fact and Conclusions of Law for each element.

This specific project received original approval by the Development Review Board (BA 14-002-25(C)) on April 22, 2004 for a project consisting of the construction of a 105,139-sf building known as the Spruce Peak Base Lodge. The project was subsequently revised in 2005 under Project BA 14-002-25(C)(1) on February 22, 2005 to include an increased area of 134,080 sf and changed the name of the building to Spruce Camp.

In 2006, the project was further revised to increase the total area to 174,304 sf consisting of eleven (11) residential units totaling forty-four (44) bedrooms, forty-nine (49) underground parking spaces, and eleven (11) surface parking spaces. These revisions were approved by the Board on February 13, 2006 under the same application number ‘BA 14-002-25(C)(1)’.

In 2007, the project was again revised to amend the final building configuration and area to be 195,838 sf. The revised project was proposed to contain the plaza, ice rink, additional skier services, as well as twenty-seven (27) residential units with a total of forty-five (45) bedrooms, thirty-six (36) underground parking spaces, eleven (11) surface parking spaces, and seven (7) additional drop-off spaces. These revisions were approved by the Board on March 29, 2007 under Project 3328.

Most recently, the project (Z 3680) received administrative approval on February 07, 2008 as a minor alteration. The permit described the project as “minor alterations to zoning permit #3328 (Spruce Camp) to reflect reduction of overall sf from 195,838 sf to 190,914 sf. and an increase of residential units from 27 to 28. There will now be 60 bedrooms and 20 surface parking spaces and 1 emergency vehicle parking space.” This zoning permit expired on March 10, 2014.

The Applicant now seeks approval of the redesigned project as described above and presented in the application materials. The proposed redesign of One Spruce Peak involves Lots 23 and 24 owned by Spruce Peak Realty LLC (#14-011.000.) The parcels are located within a SKI-PUD in the Rural Residential 5 (RR5) Zoning District. The proposed building, commonly referred to as One Spruce Peak, will be served by Lifeline Drive with indirect access to Route 108, a highway maintained by the State of Vermont. The application has been reviewed by the Development Review Board (DRB) for the purpose of conditional use and amended SKI-PUD approval under applicable standards of the Town of Stowe Zoning Regulations (as adopted on October 9, 2018), as well as prior DRB decisions and applicable conditions of approval including the following:

- Project BA-14-002-25 (i.e. SMR 2000 Spruce Peak Master Plan); dated 3/10/2004
- Project 3328; DRB Decision dated 3/29/2007
- Project 3680; Zoning Permit dated 2/7/2008
- Project 4707 (i.e. approval to extend Phase I construction to 3/10/2024); DRB Decision dated 12/26/2012.

[Note: The above list contains the identified applicable prior approvals; there may be additional prior approvals not noted above.]

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 conditional use and amended SKI-PUD review approval was filed by Applicant Robert Apple on November 19, 2018. The application was accepted as administratively complete by Town of Stowe Zoning Director Sarah McShane and referred to the Development Review Board for a public hearing. A public hearing of the DRB was scheduled for December 18, 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 November 29, 2018. The Applicant submitted a completed certificate of service in accordance with Section 2.14(1)(B).

The public hearing to consider the application convened on December 18, 2018 at the Akeley Memorial Building, 67 Main Street, with a quorum of the DRB present. During the December 18<sup>th</sup> hearing Board member Tom Hand noted his firm has previously contracted with Spruce Peak Realty and abstained from voting. No other 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 - Rob Apple, Spruce Peak Realty LLC, 7320 Mountain Road, Stowe, VT 05672
- Sam Gaines, Spruce Peak Realty LLC, 7320 Mountain Road, Stowe, VT 05672
- Robert P. Ball, 135 North Hill Lane, Stowe, VT 05672
- John Ashworth, Bull Stockwell Allen, 300 Montgomery Street, Suite 1135 San Francisco, CA 94104
- John Schnee, Director of Resort Operations [schnee@vailresorts.com]

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

1. Town of Stowe Development Application, dated 11/19/2018;
2. Cover Sheet Re: Spruce Peak Realty LLC- One Spruce Peak Amendment Application from Rob Apple, dated 11/19/2018;
3. Project Narrative- Stowe Development Review Board Conditional Use & Site Plan Review of Construction Plan Amendment (5 pages), dated 11/19/2018;
4. Spruce Peak Parking Affidavit, dated 11/19/2018;
5. One Spruce Peak- Liftline Drive Stowe, VT project design and plans prepared by Bull Stockwell Allen (except as otherwise noted) dated 11/19/2018 including the following:

- Contents & Spruce Peak Master Plan (table of contents);
  - Project Description;
  - Site Plan Rendering (Sheet LA-0.0) Project 21420 prepared by VHB, dated 11/16/2018;
  - Planting Plan (Sheet LA-3.0) Project 21420 prepared by VHB, dated 11/16/2018;
  - Lighting Plan (Sheet LA-4.0) Project 21420 prepared by VHB, dated 11/16/2018;
  - Elevations (southwest and northwest) with material legend;
  - Elevations (northeast and southeast) with material legend;
  - Material samples (depicting proposed building materials);
  - Building Parking Diagram with overall parking summary;
  - Schematic Building- Plan Comparison;
  - Schematic Building- Sections Comparison;
  - Schematic Building- Massing Comparison;
  - Exterior lighting Fixtures- Landscape;
  - Exterior Lighting Fixtures- Building;
6. Site Location Plan (Sheet C1.00) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
  7. Existing Conditions Site Plan (Sheet C1.10) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
  8. Proposed Site Improvements Plan (Sheet C2.00) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
  9. Overall Utility Site Plan (Sheet C2.10) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
  10. Proposed Drainage Plan (Sheet C2.20) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
  11. Proposed Water & Sewer Plan (Sheet C2.30) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
  12. Proposed Electrical & Communications Plan (Sheet C2.40) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
  13. Retaining Wall Profile & Sections (Sheet C2.50) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
  14. EPSC Pre-Construction Site Plan (Sheet C3.00) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
  15. EPSC Phase I Site Plan (Sheet C3.10) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
  16. EPSC Details and Specifications (Sheet C3.20) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
  17. EPSC Details and Specifications (Sheet C3.30) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
  18. Specifications (Sheets C5.30, C5.40, and C5.50) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
  19. Email from Craig Keller, VTrans Chief of Permitting Services, dated 11/26/2018;
  20. Spruce Peak at Stowe Development Plan Summary, no date;
  21. Stowe Development Review Board Decisions for Projects 3328; 4707; BA-14-002-25;
  22. Diagram showing unit configuration and building stories, dated 12/12/2018;
  23. Email from DPW Director Harry Sheppard Re: DRB 5930; One Spruce Peak, dated 12/12/2018 (includes water and sewer easement map);
  24. Email from Rob Apple, Re: One Spruce Peak Questions, dated 12/12/2018 at 1:28 PM;
  25. 'Floor Plan Level 0' Sheet A2.01 prepared by Bull Stockwell Allen, dated 10/15/2018, submitted via email on 12/13/2018;

26. Proposed Water & Sewer Plan (Sheet C2.30) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; (last revised 11/27/2018);
27. Email comments from Fire Chief Mark Sgantus, dated 12/17/2018.

The DRB continued the hearing to January 15, 2019 at 5:00 PM at the Town Hall and requested that the Applicant provide additional information. Prior to the January 15, 2019 hearing the following additional submittals were provided:

28. One Spruce Peak- project design and plans (32 pages) prepared by Bull Stockwell Allen dated January 2019;
29. Site Location Plan (Sheet C1.00) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; last revised 1/9/19 [Building & Utility Update];
30. Existing Conditions Site Plan (Sheet C1.10) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; last revised 1/9/19 [Building & Utility Update];
31. Proposed Site Improvements Plan (Sheet C2.00) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; last revised 1/9/19 [Building & Utility Update];
32. Overall Utility Site Plan (Sheet C2.10) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; last revised 1/9/19 [Building & Utility Update];
33. Proposed Drainage Plan (Sheet C2.20) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; last revised 1/9/19 [Building & Utility Update];
34. Proposed Water & Sewer Plan (Sheet C2.30) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; last revised 1/9/19 [Building & Utility Update];
35. Proposed Electrical & Communications Plan (Sheet C2.40) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; last revised 1/9/19 [Building & Utility Update];
36. Retaining Wall Profile & Sections (Sheet C2.50) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; last revised 1/9/19 [Building & Utility Update];
37. EPSC Pre-Construction Site Plan (Sheet C3.00) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; last revised 1/9/19 [Building & Utility Update];
38. EPSC Phase I Site Plan (Sheet C3.10) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; last revised 1/9/19 [Building & Utility Update];
39. EPSC Details and Specifications (Sheet C3.20) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
40. EPSC Details and Specifications (Sheet C3.30) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
41. Specifications (Sheets C5.30, C5.40, and C5.50) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018;
42. Written (email) comments from Robert P. Ball, 135 North Hill Lane, Stowe, VT 05672, dated 1/14/2019;
43. Comments (email) from Harry Sheppard DPW Director, dated 1/15/2019;
44. Existing Conditions Site Plan (Sheet C1.10) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; last revised 1/15/19 [area drain and easement revisions];
45. Overall Utility Site Plan (Sheet C2.10) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; last revised 1/15/19 [area drain and easement revisions];
46. Proposed Drainage Plan (Sheet C2.20) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; last revised 1/15/19 [area drain and easement revisions];
47. Proposed Water & Sewer Plan (Sheet C2.30) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; last revised 1/15/19 [area drain and easement revisions];
48. Retaining Wall Profile & Sections (Sheet C2.50) Project 18153 prepared by Civil Engineering Associates Inc, dated 11/16/2018; last revised 1/15/19 [area drain and easement revisions].

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 conditional use and amended SKI PUD approval was reviewed by the Development Review Board (DRB) for conformance with applicable requirements of the Town of Stowe Zoning Regulations (as adopted on October 9, 2018), 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 13- Planned Unit Development
- Section 15- Parking Regulations

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

1. **Zoning District.** The subject parcels are located within the Rural Residential 5 (RR5) Zoning District as shown on the Official Town of Stowe Zoning Map (as adopted on October 9, 2018). Sheet C1.00 Site Location Plan prepared by Civil Engineering Associates shows the proposed location in comparison with existing resort buildings.
2. **Lot Area, Lot Width.** As noted above, the subject parcels are located in the Rural Residential 5 (RR5) Zoning District which conventionally requires a minimum lot area of five (5) acres and 300 ft minimum lot width. The parcels are part of a SKI-PUD approved by the Stowe Planning Commission on May 5, 2003 under S-03-05. Section 13(4)(3) allows the Board the authority to modify applicable dimensional requirements of the underlying zoning districts in association with PUD approval. No changes to lot area or lot width are proposed under this application.
3. **Setbacks.** The parcels are part of a SKI-PUD approved by the Stowe Planning Commission on May 5, 2003 under S-03-05. Setback requirements within a SKI-PUD are outlined under Section 13.6(4)(B), as discussed below.
4. **Maximum Building Coverage.** Does not apply to the RR5 district.
5. **Use.** The Applicant seeks approval for a revised design of One Spruce Peak- the residential addition to the existing Spruce Camp Base Lodge. The building is proposed to contain 111,718 sf including twenty-seven (27) residential dwelling units and related improvements (i.e. outdoor swimming area and a mix of indoor and outdoor parking.) The parcels are part of a SKI-PUD approved by the Stowe Planning Commission on May 5, 2003 under S-03-05. Allowed uses within SKI-PUDs are outlined in Section 13.6(3). The Applicant seeks approval for a multi-family dwelling unit as defined as follows: *“16.176 Unit, Multi-Family Dwelling: A building on a single lot containing more than two (2) dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall, except for a common stairwell exterior to both dwelling units.”* Multi-family dwellings are a conditional use in PUDs, as noted in Section 13.3(2)(A). The Board concludes the proposed use is allowed, subject to conditional use review, in approved SKI-PUDs.

6. **Density.** The Applicant provided a Development Plan Summary outlining the total dwelling units completed and under construction (232), and the total number dwelling units for future development, including the proposed One Spruce Peak project. The density table notes that the planned community is permitted for 400 dwelling units, twenty-seven (27) of which are not allocated in the table and are available for future use. The Board concludes there is sufficient density to support the proposed project.
7. **Height.** As noted in the application materials and shown on the Schematic Building Sections Comparison drawing prepared by Bull Stockwell Allen, the proposed height of the building, as defined under the regulations, is 82' 2.5". Within a SKI-PUD there is no maximum building height (see Section 13.6(G) states "maximum building height by review of each individual building.") The provided drawings show the proposed height in comparison with the previously approved building in 2007. The Board reviewed the proposed building elevations in comparison with previous approvals and surrounding buildings and finds, after considerable discussion, the proposed height acceptable.
8. **Section 13.6 SKI – PUD.** The parcel is part of a SKI-PUD approved by the Stowe Planning Commission on May 5, 2003 under S-03-05, as recorded in Map Book 14 Pages 2-17 in the Land Records of the Town of Stowe. The SKI-PUD is comprised over ±3188 acres of multiple private and public entities. Section 13.6(1)(B) requires "*Upon submission of an application for a Ski PUD, or an amendment to an existing Ski PUD, the owner shall submit a density affidavit stating the acreage available for density.*" Section 13.6(1)(C) further states "*Upon issuance of required local permits, the owner shall amend the affidavit to confirm and maintain a current record of the total acreage, including those that have been allocated for density purposes, that have been sold, and that have been retained by the owner. The amended affidavit shall be approved by the DRB and recorded in the land records in accordance with this section.*" As noted above, the Applicant provided a density calculation showing the completed and planned number of dwelling units. See discussion above.

Additional specific requirements of SKI-PUDs include private internal road system, supplementary fire and police protection, density of development, and maximum building height based on review of individual buildings. Section 13.6(4)(B) outlines the standards of development and requires building containing conditional uses be setback not less than permitted by the Vermont Department of Fire Safety. The project will require a permit from the Vermont Division of Fire Safety. The portion of the lot proposed to be developed is of gentle grade and in conformance with Section 13.6(A)(B)(B) which restricts development within SKI-PUDs on areas characterized by slopes of twenty (20%) percent or greater. No changes are proposed to the previously approved open space plan.

**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:

9. **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. DPW provided email comments dated 12/12/2018 and follow-up comments dated 1/15/2019. Mark Sgantus, Stowe Fire Chief provided comments dated 12/17/2018. No other Municipal Department review forms were received.

The application notes that the proposed building height to be 82' 2.5" and that the building will have complete fire protection system including fire alarms, sprinklers, and dry standpipes, as well as a fire command panel for use by the Stowe Fire Department. The building will be served by previously installed water and waste water systems and does not require an amendment to the existing State of VT Water Supply and Wastewater Permit.

In advance of the January 15<sup>th</sup> hearing, the Applicant submitted to the Department of Public Works a maintenance allocation agreement outlining the cost sharing responsibilities and updated drawings showing the revised connection details, the mechanical room, and interior drainage oil/water separator details. The Department of Public Works responded to these submittals noting that many of the original comments had been addressed and were acceptable to DPW. Outstanding issues noted include the need for water and sewer allocation calculations and a Water and Sewer Easement and Maintenance Allocation Agreement.

**Conclusion:** As noted above, the Applicant seeks approval for a revised design of One Spruce Peak- the residential addition to the existing Spruce Camp Base Lodge. The building is proposed to contain 111,718 sf including twenty-seven (27) residential dwelling units and related improvements (i.e. landscaping, outdoor swimming area, and a mix of indoor and outdoor parking.) The Board received written testimony from the Town of Stowe Department of Public Works regarding necessary revisions to the project to ensure the project will not interfere with public infrastructure, most notably public water mains. Follow-up comments were provided indicating many of the original concerns had been addressed and were satisfied with the exception of water and sewer allocation calculations and a Water and Sewer Easement and Maintenance Allocation Agreement. The Board accepts the comments from the Department of Public Works and incorporates applicable items into conditions of approval. The Board received written testimony from the Town of Stowe Fire Chief Mark Sgantus regarding necessary revisions to the project to ensure the Fire Department can provide adequate fire protection services. The Board accepts the comments from the Town of Stowe Fire Chief Mark Sgantus and incorporates applicable items into conditions of approval. The Board concludes the proposal, if constructed and maintained as conditioned, will not result in an undue adverse effect on the Town's existing or planned facilities or services.

10. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The Applicant seeks approval for a revised design of One Spruce Peak- the residential addition to the existing Spruce Camp Base Lodge. The building is proposed to be 111,718 sf and contain twenty-seven (27) residential dwelling units along with related improvements (i.e. landscaping, outdoor swimming area, and a mix of indoor and outdoor parking.) As noted in the application, the *“refinements made to this structure will not alter the traffic flow created by the SMR 2000 Community Master Plan that was reviewed and approved previously by the Board.”* During review of the SMR 2000 Community Master Plan, the Board reviewed traffic study prepared by Resource Group Systems (RSG) in 1999 and ultimately concluded that traffic will increase as a result of the project. A number of mitigation measures were required as conditions of approval, including access and road improvements, as well as ongoing traffic analysis and monitoring. The Board's decision required a report be provided every other year starting in the winter of 2005-2006 which outlined skier day count and an analysis from its traffic engineer of any traffic impacts. Most recently a traffic report was submitted in January 2018. The report evaluated turning movement counts, traffic volume during peak hours, and intersection capacity analysis. The report concluded that unacceptable peak period congestion on minor legs of the subject intersections did not occur during the 2017-2018 monitoring period.

**Conclusion:** The Board concludes the proposal, as conditioned, will not create an undue adverse impact on traffic on roads and highways in the vicinity. Ongoing traffic monitoring is required under prior conditions of approval. All prior conditions of approval, unless amended herein, remain in full force and effect.

11. **Section 3.7(2)(A)(3) – The character of the area affected:** The subject parcels are in the RR5 zoning district with indirect access to Vermont Route 108. The general purpose of the Rural Residential district is as follows:

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

The specific purposes in RR 3 and RR 5:

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

The project is located at the base of Spruce Peak and Mount Mansfield within a previously developed ski resort. The base of the resort consists of a number of buildings including the Village Green/Ice Rink, Adventure Center, Alpine Club, retail, Spruce Camp, Over Easy Gondola, Stowe Mountain Lodge, spa, Building C, underground parking, Pavilion, Lower Mountain Cabins, Slopeside Townhomes, Village Townhomes, Performing Arts Center, Building D, Parking Garage, Golf Cottage, and associated parking areas. The resort area is surrounded by mountainous terrain, portions of which are within the Vermont State Forest. The Applicant provided building elevations showing the proposed design of the building and building materials. The building is described as a “podium type structure with residential units above.” The application states that the proposed building materials are consistent with the existing buildings and reflect “the mountain setting.” During the December 18<sup>th</sup> hearing the Board raised concerns regarding the proposed design, mass, and overall size of the building. The Board requested the Applicant provide additional renderings showing the proposed building in context with the nearby existing buildings, as viewed from public vantage points.

In advance of the January 15<sup>th</sup> hearing, the Applicant submitted additional photographic renderings from multiple positions along Mountain Road. The renderings depicted the proposed building in comparison to the existing resort buildings. The Board closely reviewed the renderings and discussed the overall architectural design, mass, and scale of the building. Concerns were raised regarding these elements. The Board discussed at length the purpose of the zoning district and

character defining features of the resort area including the architecture of the existing buildings. Members reviewed the Board's past decision approving the Stowe Mountain Resort Community Master Plan. See additional discussion below under Section 3.7(2)(B)(1).

**Conclusion:** The Board confirms prior findings that the larger Stowe Mountain Resort development has altered the character of the area, however, concludes the proposed project is in keeping with the previously approved expansion of the resort as reviewed by the Board during the master planning process. The Board finds the proposed project is located within a previously approved SKI-PUD in the RR5 zoning district and is consistent with the overall purpose of the district. Prior approvals required a number of mitigation measures including the layout and design of the resort area, clearing restrictions, and the use of appropriate architecture and colors. As noted in prior decisions, these mitigation measures have been instrumental in keeping the changes from becoming unduly adverse. Based on the above findings, the Board concludes the proposal will not adversely affect the character of the area as defined under the Stowe Zoning Regulations (as adopted on October 9, 2018).

12. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** Applicable bylaws include the Stowe Zoning Regulations as adopted on October 9, 2018. The Applicant proposes connecting to municipal sewer and water services under the Town's Sanitary Sewer Ordinance. No other municipal bylaws or ordinances apply to this project. Initial review by the Department of Public Works raised concerns over the proposed connection to One Spruce Peak thru Spruce Camp, which is now under separate ownership (Vail). The Department of Public Works provided comments stating the town's sewer ordinance requires that each lot be connected directly to the municipal system and acknowledged that this is a potentially very unique circumstance. Upon receiving comments from DPW, the Applicant revised the proposed utilities to directly connect the proposed building to the municipal system.

**Conclusion:** The Board concludes the proposal is in conformance with the Stowe Zoning Regulations, as adopted on October 9, 2018. The Applicant will be required to obtain all necessary municipal water and sewer allocations, approvals, and connections as required under the Town's Sanitary Sewer Ordinance. No other municipal bylaws or ordinances apply to this project.

13. **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:**

14. **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 proposed project is located at the base of Spruce Peak and Mount Mansfield within a previously developed ski resort. The base of the resort consists of a number of buildings and parking areas. During the December 18<sup>th</sup> hearing the Board raised concerns regarding the proposed building design, mass, and overall size. Members noted the project's location at the base of Mount Mansfield and the natural and scenic beauty of the surrounding area. Members requested the Applicant provide additional information demonstrating how the proposal relates to the existing buildings in overall context and location. Members raised concerns regarding the project's visibility from Mountain Road and Mount Mansfield and its compatibility with surrounding resort buildings. In advance of

the January 15<sup>th</sup> hearing, the Applicant submitted additional photographic renderings from multiple positions along Mountain Road. The renderings showed the proposed One Spruce Peak in comparison to the existing resort buildings and depicted the proposed landscaping at maturity. The proposed project site has been previously disturbed and contains an existing building, the Spruce Ski Patrol Building, which will need to be relocated in connection with this project. Members reviewed the Board's past decision approving the Stowe Mountain Resort Community Master Plan. The Board's prior decision concluded that the overall Stowe Mountain Resort Community Master Plan would likely have an adverse effect on the scenic and natural beauty of the area. The Board found that the adverse effect could be mitigated by restricting clearing and regrading, clustering buildings, and the architecture, colors and materials proposed. The Board concluded if the project was completed as conditioned, the adverse effects would not be undue.

**Conclusion:** The Board closely reviewed and discussed at length the proposed building elevations, building materials, and numerous renderings of the proposed building. Board members raised concerns that the proposed design of the building was not in keeping with the Stowe Mountain Resort Community Master Plan and was not compatible with existing resort buildings. The Board struggled with the overall size, scale, and design of the building but recognizes that the proposed location is within a previously developed compact resort area and that the overall size of the building has been reduced from the original approved design. The Board noted it's limited authority on the overall architectural design of the building. The Board agrees with the prior findings that the overall development of the Spuce Peak Resort area has had an adverse effect on the scenic and natural beauty of the area, however, concludes that required mitigation measures have reduced this impact. Taking into consideration these required mitigation measures and the above findings, the Board concludes the proposed project ultimately 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.

15. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** The Applicant request approval for a revised design of One Spruce Peak- the residential addition to the existing Spruce Camp Base Lodge. The building is proposed to be 111,718 sf and contain twenty-seven (27) residential dwelling units along with related improvements (i.e. landscaping, outdoor swimming area, and a mix of indoor and outdoor parking.)

**Conclusion:** The Board concludes the project, if completed as conditioned, will not result in undue water, noise, or air pollution.

16. **Section 3.7(2)(B)(3) -Access Management:** The proposed project is served by Liftline Drive with indirect access to Vermont Route 108. 24 VSA §4416 requires proposals involving access to a state highway provide a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 VSA §1111. Staff requested comments from Craig Keller, Chief of Permitting Services (VTrans). In an email dated 11/26/2018, Mr. Keller notes that he has no concerns with the proposed project.

The application reports that minor changes to the building's access have been made from the previously approved plans. The site plan shows one access entering the covered residence parking below the building and one access to serve the valet parking area. Both accesses will be served by Liftline Drive. During its review, the Fire Department requested that the Applicant install signage prohibiting vehicular parking along Liftline Drive. During the hearing the Applicant testified that Liftline Drive contains existing signage to that effect.

As shown in the drawings and discussed during the hearing, the existing temporary access and curb cut northwest of the Stowe Mountain Lodge entrance will be closed and landscaped following construction of the project. The Applicant testified that the removal of this curb cut is required under State permits.

**Conclusion:** The Board finds that the proposal, if constructed and maintained as proposed, provides adequate access management in accordance with Section 3.1.

17. **Section 3.7(2)(B)(4) – Shared Access:** The project is proposed to be served by Liftline Drive with indirect access to Vermont Route 108. Liftline Drive provides common and shared access to other users. Except as noted above, no changes to the previously approved internal shared access are proposed.

**Conclusion:** The Board finds the existing Liftline Drive will provide adequate access and circulation for the existing and proposed uses.

18. **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. As noted above, the Applicant seeks approval for a revised design of One Spruce Peak- the residential addition to the existing Spruce Camp Base Lodge. The building is proposed to be 111,718 sf and contain twenty-seven (27) residential dwelling units along with related improvements (i.e. landscaping, outdoor swimming area, and a mix of indoor and outdoor parking.)

As required under BA-14-002-25(B) Condition 9, the Applicant provided a copy of a Spruce Peak Parking Affidavit outlining the existing conditions, existing conditions with proposal, and Spruce Peak Masterplan Buildout. [Note: BA-14-002-25(B) was for the construction of a 222,970 square foot structure to be known as the Mount Mansfield Club and Spruce Hotel.] The affidavit reports there are 941 parking spaces under existing conditions, 979 parking spaces under existing conditions and the proposal, and a total of 1185 parking spaces under the Spruce Peak Master Plan Buildout. The Applicant also provided an overall parking summary on the Building Parking Diagram prepared by Bull Stockwell Allen, dated 11/19/2018. As shown on the provided parking diagram, Level 1 (surface parking) consist of ten (10) overflow valet parking spaces and fifty-eight (58) valet parking spaces. Level 0 (covered parking) consist of three (3) ADA parking spaces and twenty-seven (27) parking spaces. Combined Level 0 and Level 1 provide a total of ninety-eight (98) parking spaces. The site rendering plan (Sheet LA-0.0) shows the location of thirty-eight (38) outdoor parking spaces and thirty (30) covered parking spaces below the One Spruce Peak building.

Table 15. 2 outlines the minimum parking requirements for residential units to include two (2) parking spaces per unit. Multi-family Units with 400 sf or more are required to have two (2) parking spaces per dwelling unit. The Applicant seeks approval for twenty-seven (27) dwelling units, which under the regulations requires a total of fifty-four (54) parking spaces.

**Conclusion:** The Board concludes the proposed circulation and parking improvements represents safe and adequate parking and circulation for the intended use.

19. **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 Applicant seeks approval for a revised design of the residential addition to the

existing Spruce Camp Base Lodge, known as One Spruce Peak. The building is proposed to contain twenty-seven (27) residential dwelling units along with related improvements (i.e. landscaping, outdoor swimming area, and a mix of indoor and outdoor parking.) All of the residential units will be served by three (3) separate elevators. The site plan rendering prepared by VHB (dated 11/16/2018) shows the location of the building, associated parking, and service area. As noted above, the Level 1 (surface parking) consist of ten (10) overflow valet parking spaces and fifty-eight (58) valet parking spaces. The remainder of the provided parking spaces are covered and will have internal elevator access. The site plan shows a semi-circular “drop off” area. Walkways between the “drop off” area and building entrances are provided. Existing walkways and sidewalks connect buildings within the resort area. The application materials note the “updated plans do no change the location, use, and maintenance of the permanent walking paths reviewed and approved previously by the DRB and the access of the One Spruce Peak structure to the Spruce Village area.”

**Conclusion:** The Board concludes the proposed site layout, including pedestrian circulation and access, represents safe and adequate pedestrian access and circulation for the intended use.

20. **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 planting plan prepared by vhb (Sheet LA-3.0). A mix of deciduous trees, evergreen trees, shrubs, grasses, and perennials are proposed around the building and along the Liftline Drive access. During the December 18<sup>th</sup> hearing the Board asked for additional information regarding the proposed landscaping. In response, the Applicant provided an updated planting plan (Sheets LA-3.0 and 3.1; last revised 1/8/09). The revised planting plan included additional evergreen trees and shrubs along VT Route 108 to “soften views of parking cars.” The revised planting plan provides a plant schedule with the size, spacing, and species listed. The proposed plantings are located along Route 108 and Liftline Drive, as well as surrounding the proposed building.

**Conclusion:** The Board concludes the proposed landscaping and screening are appropriate for the intended use and site location.

21. **Section 3.7(2)(B)(8) – Stormwater Management:** The Applicant seeks approval for a revised design of One Spruce Peak- the residential addition to the existing Spruce Camp Base Lodge. The building is proposed to be 111,718 sf and contain twenty-seven (27) residential dwelling units along with related improvements (i.e. landscaping, outdoor swimming area, and a mix of indoor and outdoor parking.) Section 3.12(2) provides stormwater and erosion control standards for construction-related activities associated with any new construction. The Applicant provided Sheet C300 EPSC Pre-Construction Site Plan which includes notated requirements for earth disturbing activities between October 15 – April 15<sup>th</sup>.

The Applicant provided multiple plans involving stormwater management and erosion control prevention. The plans were prepared by Civil Engineering Associates Inc. (dated 11/16/2018) from South Burlington, VT and stamped by David S. Marshall, Professional Engineer, State of Vermont No. 6019, satisfying the requirement that a stormwater management plan be prepared and sealed by a registered engineer before a zoning permit is issued.

In subsequent email correspondence with staff, the Applicant reported “the total amount of impervious area for the One Spruce Peak project will be 1.43 acres, however this cannot be considered new impervious area as the project is located on a 1.49 acre existing gravel parking lot

which is part of the entire 21.6 acres of impervious surfaces permitted and managed under the resort's current VT Operational Stormwater Permit # 3929-9010.R." As noted in the application materials, the project will not require an amendment to the previously issued Vermont Operational Construction Permit for the Spruce Peak Master Plan. The small area of soil disturbance is noted as requiring a Vermont General Low Risk Construction Permit.

The site location plan Sheet C1.00 notes the Tom Lot as a material storage location. The Applicant provided testimony that material removed as part of the project will not be stored at the Tom Lot and that the Tom Lot is indicated on the site plan simply to show existing locations in comparison to the project area.

**Conclusion:** The Board finds the project area has an approved stormwater management permit from the State of Vermont and is in conformance with Section 3.12 of the regulations. As a general condition of approval, the Applicant will be required to follow 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 or state highways or surface waters.

22. **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 HT, **RR**, MOD, UMR Standards: Within the Highway Tourist (HT), (**Rural Residential (RR)**, Meadowland Overlay (MOD)) and Upper Mountain Road (UMR) Districts, site plans shall re-enforce efficient traffic circulation, preserve such important landscape features as open fields, scenic vistas, natural and cultural focal points and a well landscaped highway corridor.

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

- a. Front Yard Treatment: A continuous strip not less than twenty (20') feet deep, measured from the edge of the highway right of- way, shall be maintained between the street line and the balance of the lot, which strip shall be suitably landscaped. Only driveways and pedestrian walks may traverse the required strip. In addition, no portion of the front yard may be used for storage or for any purpose except as provided herein.
- b. Parking: Parking shall be located in the rear and/or side of all commercial and multi-family residential properties, except as provided under Section 14.3 of the regulations. 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. Driveway Access: Driveways shall be the minimum width necessary to provide safe vehicular access and promote pedestrian circulation.

- f. Additional RR Standards: Within the Rural Residential (RR) Districts the following is required:
  - i. Treatment of front yard and driveways for all conditional uses in the RR districts: A continuous strip not less than twenty (20') feet deep shall be maintained between the street line and the balance of the lot in all RR Districts, which strip shall be suitably landscaped. Only driveways and pedestrian walks may traverse the required strip. 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.

**Conclusion:** The Board finds the proposed site plan and architectural drawings satisfy the requirements of Section 3.7(2)(C)(2). Where appropriate, the Board waived the specific requirements when it was found that mitigation through design, screening or other mitigation has accomplished the objectives of the RR5 district.

23. **Section 4.8 Outdoor Lighting.** The regulations require that all outdoor lighting be installed in accordance with the standards outlined in Section 4.8. The Applicant provided a Lighting Plan (Sheet LA-4.0) prepared by vhb dated 11/16/2018. The Lighting Plan provides specifications for Fixture A and Fixture B along the access and circular entrance/drop off. Fixture A is a pole mounted Architectural Area Lighting (wood pole with 15' light fixture mounting height). Three (3) Fixture A lights are shown on the Lighting Plan. Fixture B is a Teka beacon shaded bollard. Four (4) Fixture B lights are shown along the drop off entrance.

The elevation drawings include a notation "Light fixture uplights will be floor mounted at penthouse level and are located on the inside face of columns. This will illuminate and accentuate the inside face of column and give a warm glow to the underside of the roof." The Applicant subsequently removed these uplights in the submittals provided for the January 15<sup>th</sup> meeting. The material legend on the elevation drawings prepared by Bull Stockwell Allen also includes LF-1 and LF-2, wall mounted sconce cut-off light fixtures. The LF-2 fixture, described as a 'x-large wall mounted sconce, typ. full cut-off fixture', is shown in two locations on the northeast and northwest building elevations. The LF-1 fixture, described as a 'large wall mounted sconce, typ. full cut-off fixture' is shown on all building elevations except the southeast. The Applicant subsequently revised the lighting plans to replace the wall mounted sconce (LF-1 fixture) with a step light positioned lower to the outer floor.

The Applicant provided manufacturer details for the pole mounted fixture, the floor mounted Fixture B -a bollard fixture proposed near the entrance of the building, the recessed lighting, the building mounted LED wall sconces, and the uplight fixtures at the timber columns. As noted above, the uplight fixtures were removed from the original designs. During the hearing, the Board requested that the Applicant provide the manufacturer specifications for the proposed step light.

The Board's Master Findings of Fact and Conclusions of Law decision contains conditions of approval pertaining to outdoor lighting- See BA 14-002-25. These conditions remain in full force and effect.

**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. As a condition of approval, the Applicant will be required to submit the manufacturer specifications for the proposed step light. All prior conditions of approval, unless amended herein, remain in full force and effect.

24. **Section 15 Parking Regulations.** – See discussion above.

## **DECISION**

Based upon the foregoing Findings of Fact, in RE: **5930** the Board finds (4-1-1) the proposal meets the Stowe Zoning Regulations, as adopted on October 9, 2018, 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 relevant prior conditions of approval, unless amended herein, remain in full force and effect.
3. Prior to the issuance of the zoning permit the Applicant shall complete the following:
  - An amendment to Water and Sewer Easement and Maintenance Allocation Agreement shall be accepted by Spruce Peak Realty and the Town of Stowe Water and Sewer Commission. The Applicant shall submit a copy to the Zoning Administrator.
  - The Applicant shall submit the manufacturer specifications for the proposed step light.
4. In accordance with Section 13.6(1)(C), upon issuance of the zoning permit, the Applicant shall amend the density affidavit to confirm and maintain a current record of the total acreage, including those that have been allocated for density purposes, that have been sold, and that have been retained by the owner. The amended affidavit shall be signed by the DRB Chair prior to being recorded in the land records.
5. The final project design and plans shall incorporate the following elements:
  - Three standpipes shall be located within the parking garage. The standpipes shall be located in an open area and not in the staircase.
  - The mechanical room shall be located to the right of the garage door and contain an exterior door. The mechanical room shall provide servicing for the entire building.
  - The mechanical room shall contain exhaust fan controls for the Fire Department to control use.
  - The exterior balconies shall contain dry sprinkler heads on the exterior.
  - The east side of the building shall include stabilized fire truck access. A signed fire lane shall be located on slope side of the building.
  - Interior standpipes shall be located on main landing of each floor within all three stairwells
  - The parking garage shall contain a dry sprinkler system.

As noted below, verification of these elements is required prior to the issuance of a Certificate of Occupancy.

6. Prior to construction the Applicant shall submit the following:

- Water and sewer allocation calculations. The water and sewer allocations must include allowances for pool make-up water and filter sanitary discharge, as well as any other ancillary uses proposed that may require allocations.
  - Two paper copies (11' x 17') and one electronic copy of interior floor plans showing the internal layout of each story of the building.
7. The Applicant shall obtain all necessary municipal water and sewer allocations, approvals, and connections from the Department of Public Works.
  8. The subject zoning permit shall expire on March 10, 2024 to coincide with SMR 2000 Master Plan update expiration in accordance with Project 4707 issued on 12/26/2012.
  9. Vehicular parking along Liftline Drive is strictly prohibited. The access shall remain free and clear along the roadway to provide adequate passage for emergency vehicles. The Applicant shall maintain signage prohibiting vehicular parking along Liftline Drive.
  10. Landscaping shall be installed as shown in provided plans prepared by vhb, last revised 1/8/19. Any dead and dying plants and trees as shown on said plans shall be replaced within one (1) year of death.
  11. Prior to relocating the Spruce Ski Patrol Building, the Applicant shall file for and obtain a zoning permit.
  12. Site construction shall be conducted in a manner that limits the amount of soil exposed at any one time to a minimum. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, shall be stabilized.
  13. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
  14. The floor mounted uprights at the penthouse level shall be removed from project designs are specifically not included in this approval.
  15. A certificate of occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that is has been constructed as approved by the Development Review Board, as required under Section 2.10 of the zoning regulations. Prior to the issuance of a Certificate of Occupancy, the Applicant shall schedule a site visit to be conducted by a representative of the Fire Department to ensure all necessary fire related improvements have been completed in accordance with relevant conditions of approval.
  16. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of a 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.Mumley, P.Roberts  
Voting to deny: P.Aumand  
Abstain: T. Hand

Dated at Stowe, Vermont this the 29 day of January 2019

By: Douglas White  
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 a permit based on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.