

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



**PROJECT:** 5940

**SUBJECT PROPERTY:** 352 South Main Street; #7A-002.000

**PROPERTY OWNER:** Parker & Day Realty LLC  
352 South Main Street  
Stowe, VT 05672

**APPLICANT:** John D. Grenier PE, Grenier Engineering, PO Box 445, Waterbury, VT 05676

**APPLICATION:**

The Applicant, John D. Grenier PE on behalf of property owner Parker & Day Realty LLC (herein referred to as the "Applicant"), has requested final subdivision review for a 2-lot subdivision of parcel #7A-002.000 located at 352 South Main Street. The Applicant proposes to subdivide the existing parcel into two lots, Lot #1 being ±2.7 acres and Lot #2 being ±1.44 acres. Lot #1 will contain the existing retail (±3197 sf), warehouse, and storage building (354 South Main Street). Lot #2 will contain the existing woodworking shop (356 South Main Street) and the existing office building (±1166 sf) (352 South Main Street). Lot #2 will be served by an existing 25' wide right-of-way across property owned by the Town of Stowe (283/40-41) and an existing 25' wide right-of-way across Lot #1 connecting to a proposed 32' wide right-of-way over Lot #1 to serve Lot #2. The Little River forms the northern boundary of both lots. No changes to the existing building footprint, height, or use is proposed under this application.

The subject parcel is owned by Parker & Day Realty LLC and located on South Main Street (#7A-002.000) in the Village Commercial 10 (VC10) zoning district, Flood Hazard Overlay District, and the Stowe Historic Overlay District. The application has been reviewed by the Development Review Board (DRB) under applicable standards of the Town of Stowe Subdivision Regulations (as amended through July 16, 2012) for the purpose of final subdivision 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 final subdivision review was filed by Applicant John D. Grenier PE on December 17, 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 January 15, 2019 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 December 27, 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 January 15, 2019 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 – Chris Austin, Grenier Engineering, PO Box 445, Waterbury, VT 05676
- David Day (Property Owner)- 352 South Main Street, Stowe, VT 05672

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

- Town of Stowe Development Application, dated 12/11/2018;
- Letter from Grenier Engineering, RE: Proposed 2-lot Subdivision for Parker & Day Realty LLC, dated 12/17/2018;
- Subdivision Site Plan titled 'Parker & Day Realty LLC 352 South Main Street' prepared by Grenier Engineering, sheet 1 of 1, dated 12/17/2018;
- DPW Comments from Harry Sheppard (email), dated 1/14/2019;
- (Revised) Subdivision Site Plan titled 'Parker & Day Realty LLC 352 South Main Street' prepared by Grenier Engineering, sheet 1 of 1, last revised 1/10/2019;

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 final subdivision review was reviewed by the Stowe 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 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 7- Flood Hazard District

The Applicant's request for subdivision review was reviewed under the Town of Stowe Subdivision Regulations (as amended through July 16, 2012) including the following:

- Section 2- General Provisions
- Section 3- Administration and Enforcement
- Section 4- Subdivision Requirements
- Section 5- Planning and Design Standards

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

1. **Zoning District.** The subject parcel is within the Village Commercial 10 (VC10) zoning district, Flood Hazard Overlay District, and the Stowe Historic District Overlay as shown on the Official Town of Stowe Zoning Map (as adopted on October 9, 2018).

2. **Lot Area, Lot Width.** The Applicant proposes a 2-lot subdivision of parcel #7A-002.000 located at 352, 354 & 356 South Main Street. Lot #1 is proposed to be ±2.7 acres. Lot #2 is proposed to be ±1.44 acres. The VC10 District requires a minimum lot area of 10,000 sf and a minimum lot width of 60 ft. The width of Lot #1 appears to be more than 150 ft. The width of Lot #2 appears to be more than 240 ft. Lot width is defined as “The width of a lot measured at right angles to its lot depth at the minimum front yard setback.”
  
3. **Setbacks.** Setback requirements in the VC10 district are 10 feet, front, sides, and rear, as measured from the property line to nearest portion of structure on the lot. The parcel contains existing buildings. No additional buildings are proposed under this application. The 10 ft setback is labeled along the proposed property line. It appears all buildings will maintain the minimum required setback following subdivision. Section 15.6 provides further setback requirements for driveways and parking facilities; these setback requirements do not apply to the VC10 District. Section 3.10 outlines minimum setbacks from watercourses and requires a minimum 50 ft setback including a vegetation buffer be left in an undisturbed state. The existing buildings are within the required riparian setback however are considered lawful nonconforming buildings as defined under the regulations. The Applicant is not proposing any enlargements or additions to the existing buildings under this application. Any future application to enlarge and/or expand the existing buildings or construct any new structures will require review under the regulations in effect at the time of application.
  
4. **Maximum Building Coverage.** The maximum building coverage in VC10 is 50%. Following subdivision, the building coverage for both lots will be as follows:
  - Building coverage % for Lot 1:**  
 Lot 1 area = 2.7 acres (117,612 sf)  
 Lot 1 building sf = 9,835 sf (Parker & Stearns building including all storage portions enclosed and open).  
 % building coverage = ±8.4 %
  
  - Building coverage % for Lot 2:**  
 Lot 2 area= 1.44 acres (62,726 sf)  
 Lot 2 building sf= 7,828 sf (Woodworking shop including outside storage + office building)  
 % building coverage = ±12.5%
  
5. **Use.** The Applicant proposes a 2-lot subdivision. No changes of use are proposed under this application.
  
6. **Height.** No buildings or changes to height are proposed under this application.

**Section 7- Flood Hazard Area**

The Applicant proposes to a 2-lot subdivision, portions of involved lands are within the Flood Hazard Overlay District. In accordance with Section 7.5(1), a copy of the application and supporting information was submitted by the Zoning Director to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. §4424. A permit may be issued only following receipt of comments from the Agency or the expiration of thirty (30) days from the date the application was mailed to the Agency, whichever is sooner. Pursuant to Section 7.5(1), the application was referred to ANR Floodplain

Coordinator Rebecca J. Pfeiffer on 12/17/2018 for review and comment in accordance with 24 V.S.A. §4424. No comments were received from ANR.

## **SUBDIVISION REGULATIONS**

### **SECTION 5.1 – GENERAL PLANNING STANDARDS:**

7. **Section 5.1(1) – Character of Land for Subdivision:** Prior to the approval of a subdivision plat, the subdivider has the responsibility to satisfy the Board that the land to be subdivided is of such a character that it can be used for the intended purposes without undue adverse impact on public health or safety, or the environment or, neighboring properties or the rural and historic character of the community as outlined in the regulations. Subdivision plats shall conform to the zoning regulations, any interim zoning, subdivision regulations, and other applicable statutes, ordinances, bylaws and/or regulations. In addition, subdivision plans should be in general accordance with Stowe’s Municipal Plan. The Applicant proposes to subdivide the existing parcel into two (2) lots, Lot #1 being ±2.7 acres. Lot #2 being ±1.44 acres. Lot #1 will contain the existing retail (±3197 sf), warehouse, and storage building (354 South Main Street). Lot #2 will contain the existing woodworking shop (356 South Main Street) and the existing office building (±1166 sf) (352 South Main Street).

**Conclusion:** The Board concludes the proposed subdivided lots can be used for the intended purposes without undue adverse impact on public health or safety, or the environment or, neighboring properties or the rural and historic character of the community.

8. **Section 5.1(2) – Natural and Scenic Features:** All subdivisions shall be designed to prevent undue adverse impact on: brooks, streams, water bodies, ground water resources and wetlands; prime agricultural soils, farmland resources and scenic meadowland; important forest resources; aesthetic resources and scenic vistas, including views onto and arising from subject property. In order to preserve natural and scenic features, the Board is authorized to:
- a) Establish or limit the building site or other improvements to avoid the parcelization, isolation, or destruction of natural features;
  - b) Require setbacks from property boundaries or identified natural features greater than specified in the Zoning Regulations in order to create buffer zones and prevent degradation to significant natural features;
  - c) Establish preserve areas where development is restricted or prohibited, and specific land management techniques are employed to protect or enhance significant natural features.

The Applicant proposes to subdivide the existing parcel into two (2) lots, Lot #1 is proposed to be ±2.7 acres; Lot #2 is proposed to be ±1.44 acres. Lot #1 will contain the existing retail (±3197 sf), warehouse, and storage building (354 South Main Street). Lot #2 will contain the existing woodworking shop (356 South Main Street) and the existing office building (±1166 sf) (352 South Main Street). Both lots are previously developed and contain lands within the Flood Hazard District.

**Conclusion:** The Board concludes the proposed 2-lot subdivision has been designed to prevent undue adverse impact on natural and scenic features as noted under Section 5.12(C) of the town’s subdivision regulations.

9. **Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities:** All mapped significant wildlife habitat areas are required to be shown on subdivision site plans. If any portion of a proposed subdivision is within an identified significant wildlife habitat area the Board may require the submission of a wildlife habitat assessment, prepared by a wildlife biologist or comparable professional, to identify potentially impacted habitat and provide recommended management strategies. Vermont Fish and Wildlife Department staff may also be consulted to provide guidance with this review. The Applicant proposes to subdivide the existing parcel into two (2) lots, Lot #1 is proposed to be ±2.7 acres, Lot #2 is proposed to be ±1.44 acres. Lot #1 will contain the existing retail (±3197 sf), warehouse, and storage building (354 South Main Street). Lot #2 will contain the existing woodworking shop (356 South Main Street) and the existing office building (±1166 sf) (352 South Main Street). Both lots are previously developed. No additional development is proposed under this application.

**Conclusion:** The Board finds the proposed 2-lot subdivision will not have an undue adverse impact on significant wildlife habitat and natural communities.

10. **Section 5.1(4) – Historic Resources and Community Character:** Subdivisions are required to minimize undue adverse impact on historic sites and the rural character of the Town. Subdivisions in rural areas shall result in minimum undue adverse impact on the rural landscape as characterized by open fields, forested mountains and hillsides. The rural character exists due to the scenic vistas, large uninterrupted forested areas, open fields along public roads, and limited development along roads. Individual lots and building zones shall be delineated so as to mitigate the visual impact of new development on views from existing roadways, adjacent properties, and offsite vantage points. No historic features are shown to exist on either lot. The parcel is located within the Stowe Historic Overlay District. No exterior alterations to the existing buildings are proposed under this application.

**Conclusion:** The Board concludes that there are no known historical resources located on the parcels and the 2-lot subdivision has been designed to minimize undue adverse impact on rural character of the area.

11. **Section 5.1(5) – Reserved Strips:** No privately owned reserved strip which controls access to any part of the subdivision or to any other parcel of land from any street or from any land dedicated to public use shall be permitted. No reserved strips appear to be proposed. Lot #2 will be served by an existing 25' wide right-of-way across property owned by the Town of Stowe (283/40-41) and an existing 25' wide right-of-way across Lot #1 connecting to a proposed 32' wide right-of-way over Lot #1 to serve Lot #2.

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

12. **Section 5.1(6) – Screening and Landscaping:** The DRB is authorized to require the planting or preservation of trees or other vegetation to provide visual screening of development or to otherwise soften and/or lessen the impact of development on natural features and scenic vistas. Street trees along public or private roadways may also be required in order to establish a canopy effect in developed areas and where existing street trees are already present in the vicinity. The size, type, or location of such trees shall depend on the particular land parcel. Section 4.6 (Landscaping Standards) of the Zoning Regulations shall be used as a guideline for any required landscaping. A maintenance plan of all existing and proposed landscaping shall be prepared and submitted for review. Such a plan shall address specific measures to be taken to ensure the survival, and if necessary, replacement, of designated landscaping during and after the construction; parties

to be responsible for ongoing maintenance; and any Town obligations for maintenance. The Applicant proposes to subdivide the existing parcel into two (2) lots, Lot #1 is proposed to be ±2.7 acres and Lot #2 is proposed to be ±1.44 acres. Lot #1 will contain the existing retail (±3197 sf), warehouse, and storage building (354 South Main Street). Lot #2 will contain the existing woodworking shop (356 South Main Street) and the existing office building (±1166 sf) (352 South Main Street). Both lots are previously developed.

**Conclusion:** This provision is not applicable. Any future plan to redevelop the lots will require review under the Regulations in effect at time of application.

13. **Section 5.1(7) – Pedestrian Access:** The Board is authorized to require rights- of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses. The Applicant is not proposing any pedestrian access improvements under this application. The Applicant proposes to subdivide the existing parcel into two (2) lots, Lot #1 is proposed to be ±2.7 acres and Lot #2 is proposed to be ±1.44 acres. Lot #1 will contain the existing retail (±3197 sf), warehouse, and storage building (354 South Main Street). Lot #2 will contain the existing woodworking shop (356 South Main Street) and the existing office building (±1166 sf) (352 South Main Street). Both lots are previously developed. No changes to pedestrian access are proposed. The Stowe Recreation Path connects to the eastern portion of Lot #1.

**Conclusion:** This provision is not applicable. Any future plan to redevelop the lots will require review under the Regulations in effect at time of application.

14. **Section 5.1(8) – Traffic:** The regulations require traffic to be generated by the proposed subdivision not to create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways. To satisfy this standard, the Board is authorized to request the preparation of a traffic impact study to address all concerns relative to traffic impact and safety. The Applicant proposes to subdivide the existing parcel into two (2) lots, Lot #1 is proposed to be ±2.7 acres and Lot #2 is proposed to be ±1.44 acres. Lot #1 will contain the existing retail (±3197 sf), warehouse, and storage building (354 South Main Street). Lot #2 will contain the existing woodworking shop (356 South Main Street) and the existing office building (±1166 sf) (352 South Main Street). Both lots are previously developed. No changes of use are proposed under this application.

**Conclusion:** No additional traffic is expected to be generated by the proposed subdivision. Both lots are previously developed.

15. **Section 5.1(9) – Municipal Facilities:** DPW Director Harry Sheppard provided email comments dated 1/14/2019:

***Parker and Day Subdivision:***

*Separate water service valves for each building have been located but the location, size and materials of the existing water and sewer services for each existing building on the 2 proposed lots remains unknown. We suspect that there is a common water service feeding all 3 buildings and likely a combined sewer lateral connection but this remains to be confirmed. Public Works recommends the following conditions in any approval the DRB is inclined to give prior to filing of the subdivision map:*

*Either or a combination of:*

- 1. Applicant shall provide separate water and sewer service connections to each lot with an independent connection to the existing municipal water and sewer system (private easement between lots is acceptable), or*

2. *The applicant shall establish a common interest ownership entity for both lots and a Consecutive Water (and Sewer?) System Agreement between this entity and the Town be required. If the existing sewer laterals are determined to (sic)*

No other municipal department review forms returned indicated that the proposed 2-lot subdivision would have any adverse impact on their respective departments. The Department of Public Works provided comment stating "To the best of our knowledge, each building currently has individual curb stops off a common water line of unknown size/age."

**Conclusion:** The Board accepts the comments from the Department of Public Works and concludes the project, as conditioned, will not create an undue burden on the Town's existing or planned facilities or services.

16. **Section 5.1(10) – Lot Configuration:** Flag lots, elongated lots, and other odd shaped lots which include narrow strips of land are prohibited unless the Board finds the configuration is appropriate given the existing topography and natural features, existing development, or the existing configurations of internal or adjacent lots. The Applicant proposes to subdivide the existing parcel into two (2) lots, Lot #1 being ±2.7 acres and Lot #2 being ±1.44 acres. Lot #1 will contain the existing retail (±3197 sf), warehouse, and storage building (354 South Main Street). Lot #2 will contain the existing woodworking shop (356 South Main Street) and the existing office building (±1166 sf) (352 South Main Street). Both lots are previously developed. The Applicant proposes a straight and regular property line between the two lots.

**Conclusion:** The Board finds the proposed lot configuration is of regular shape, avoids flag and elongated lots, and contains sufficient buildable area.

17. **Section 5.1(11) – Building Zone:** The Board must find that the proposed subdivision provides adequate building sites for each proposed lot. Such sites may be restricted to a specific building zone, to be depicted on the plat, located and sized to ensure compliance with all of the provisions of Section 5 of the regulations. Both lots are previously developed. No building zone is proposed.

**Conclusion:** The Board concludes the lots are previously developed and contain adequate area for their intended purpose and existing uses.

18. **Section 5.1(12) – Fire Protection Facilities:** The regulations require adequate water storage or distribution facilities for fire protection to be available. This may include the installation of ponds and dry fire hydrants and the extension of public water with fire hydrants. Where practicable, or where required by the Board, fire hydrants shall be installed by the subdivider. Construction of driveways and roads shall be in general compliance with the Stowe Fire Department Construction Standards where applicable. All lots shall be designed to allow for reasonable access by emergency vehicles to the building zones. Lot #2 will be served by an existing 25' wide right-of-way across property owned by the Town of Stowe (283/40-41) and an existing 25' wide right-of-way across Lot #1 connecting to a proposed 32' wide right-of-way over Lot #1 to serve Lot #2. Both lots are previously developed. No changes to existing access are proposed under this application.

**Conclusion:** The lots are previously developed and contain existing buildings. No changes to access are proposed under this application. Any future plan to redevelop the lots will be reviewed under the Regulations in effect at the time of application.

19. **Section 5.1(13) – Disclosure of Subsequent Development Plans:** Whenever a subdivider submits a proposal for development on only a portion of a parcel, the Board is authorized to require a general indication of the intended uses of the remaining portion of land. Such an indication shall include access, type of use, intensity of use, and phasing. The Board is authorized to require the execution of a development agreement between the applicant and Town which ensures the ongoing integration of future development with each phase of subdivision or may require a note on the plat restricting future development of the remaining land without further review by the Board.

**Conclusion:** This provision is not applicable. Any future proposal to develop the lots will require review under the Zoning Regulations in effect at time of application.

20. **Section 5.1(14) – Private Enforcement Mechanisms:** As a condition of subdivision approval, the Board may require the formation of a homeowner’s association, consisting of the owners of all properties within the subdivision, to ensure the continual maintenance of shared driveways and other shared facilities. The Board shall require that such enforcement mechanisms be recorded before any zoning permits are issued. The proposed lots are previously developed. No private enforcement mechanisms were presented during the hearing.

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

21. **Section 5.2 – Prominent Hillides and Ridgelines (RHOD)-** The parcels are not within the RHOD. This provision is not applicable.

22. **Section 5.3 – Open Space and Cluster Development:** Except for exemptions granted under Section 5.3(6), the Board shall, in subdivisions having lots or potential dwelling sites for five (5) or more family dwelling units (excluding accessory apartments), and for all Planned Residential Developments (PRDs), require that the subdivision plat designate one (1) or more areas of character, size, shape and location suitable to be used as open space, park or playground.

**Conclusion:** This provision is not applicable. No delineated open space is proposed or required under this application.

23. **Section 5.4 – Road Standards and Coordination with Public Highways:** All proposed public and private roads shall be designed to ensure the safe and efficient movement of vehicles. Roads shall be logically related to topography so as to produce usable lots and reasonable road grades and shall be in harmony with existing and proposed public highways. Wherever extensions of proposed roads could rationally provide public access to adjacent properties or connection to existing public State or Town highways, a right of way across the subdivider's property may be required. No new driveways or roads are proposed under this application. Both lots are proposed to use the existing improved access. The provided drawing shows the existing and proposed rights-of-way to provide access to each lot.

**Conclusion:** The Board concludes no changes to the existing access are proposed under this application. The application provides for the necessary rights-of-way for all proposed lots.

24. **Section 5.5 – Utilities and Stormwater Management:** All subdivisions shall make adequate provisions for stormwater and required utilities. No new stormwater or utility improvements are proposed under this application.



**Conclusion:** The Board concludes no additional utilities and stormwater management improvements are proposed under this application.

## **DECISION**

Based upon the foregoing Findings of Fact, in RE: **5940** the Board finds (6-0) the requested 2-lot subdivision meets and the Town of Stowe Subdivision Regulations (as amended through July 16, 2012) 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 prior approvals, except as amended herein, remain in full force and effect.
3. The Applicant shall file the Mylar plat, signed by the Chair or other authorized representative of the Development Review Board, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and the Stowe Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.

4. The final survey plat as recorded shall carry the following notation:

*"This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office".*

5. The subdivision plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. Prior to filing the subdivision plat the Applicant shall:

Provide separate water and sewer service connections to each lot with an independent connection to the existing municipal water and sewer system (private easement between lots is acceptable), *or*

Establish a common interest ownership entity for both lots and a Consecutive Water (and Sewer, if needed) System Agreement between said entity and the Town.

6. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of the 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

Voting to deny: None

Dated at Stowe, Vermont this the \_\_\_ day of January 2019

By: Douglas White 1/29/2019  
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.