

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



PROJECT: 5941

SUBJECT PROPERTY: 105 Mountain Haus Drive; #11-149.00

PROPERTY OWNER: Mountain House LLC
145 Pine Haven Shores Road, Suite 1150
Shelburne, VT 05482

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

APPLICATION:

The Applicant, Doug Moses (herein referred to as the “Applicant”) on behalf of property owner Mountain House LLC, request conditional use and amended PUD approval for revisions to the previously approved site plan, building elevations, and number of units approved under Project 5124. The amended Building A is proposed to contain 45,172 sf and twenty-four (24) residential dwelling units as well as related site improvements (i.e. landscaping, lighting, parking etc.) The Applicant previously received approval under Project 5124 for a Planned Unit Development (PUD) and to construct two (2) multi-family dwellings each with thirty-six (36) dwelling units. Minor site plan revisions were subsequently permitted including modifications to the landscaping and parking. Building B has been constructed and is currently occupied.

The amended Building A is proposed to be three (3) stories in height and include twenty-four (24) residential dwelling units of separate ownership. Associated parking is planned on the north and south sides of the building with an additional parking area comprised of eighteen (18) parking spaces closer to Mountain Road. The parcel is located within a previously approved PUD (Project 5124 & Project 5808) in the Upper Mountain Road (UMR) and Rural Residential 2 (RR2) Zoning Districts. The proposed building will be served by Mountain Haus Drive which directly connects 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 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 5124 approved by the DRB in a written decision dated 6/23/2015;
- Project 5537 approved by the DRB in a written decision dated 4/11/2017;
- Project 5690 approved by the DRB in a written decision dated 10/27/2017;
- Project 5730 approved by the DRB in a written decision dated 12/12/2017;
- Project 5808 approved by the DRB in a written decision dated 6/15/2018.

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 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, Doug Moses, 145 Pine Haven Shores Road, Suite 1150, Shelburne, VT 05482
- Jesse Beck (Architect - Freeman French Freeman) 81 Maple Street, Burlington, VT 05401
- Nick Smith (Lamoureux and Dickenson) 14 Morse Drive, Essex, VT 05452

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

1. Town of Stowe Development Application, dated 12/14/2018;
2. Concept Rendering- Southeast Corner Winter Haus PH. 2, prepared by Freeman, French, Freeman, dated 12/17/2018;
3. West and North Elevations Winter Haus, prepared by Freeman, French, Freeman, dated 12/17/2018;
4. East and South Elevations Winter Haus, prepared by Freeman, French, Freeman, dated 12/17/2018;
5. Level 1, 2, 3 Plans Town House 181217 & Flats 181217 Winter Haus, prepared by Freeman, French, Freeman, dated 12/17/2018;
6. Level 1 Townhouse Floor Plan Winter Haus PH 2, prepared by Freeman, French, Freeman, dated 12/17/2018;
7. Level 2 Townhouse Floor Plan Winter Haus PH 2, prepared by Freeman, French, Freeman, dated 12/17/2018;
8. Level 3 Townhouse Floor Plan Winter Haus PH 2, prepared by Freeman, French, Freeman, dated 12/17/2018;
9. Overall Site Plan, Sheet 1, Project 14091, 'Winter Haus PUD' prepared by Lamoureux & Dickenson, dated 12/14/2018;
10. Site Plan Grading and Utilities, Sheet 2, Project 14091, 'Winter Haus PUD' prepared by Lamoureux & Dickenson, dated 12/14/2018;
11. Landscaping and Lighting Plan, Sheet 3, Project 14091, 'Winter Haus PUD' prepared by Lamoureux & Dickenson, dated 12/14/2018;
12. Typical Details and Specifications, Sheet 4, Project 14091, 'Winter Haus PUD' prepared by Lamoureux & Dickenson, dated 12/14/2018;
13. Details and Specifications Water, Sheet 5, Project 14091, 'Winter Haus PUD' prepared by Lamoureux & Dickenson, dated 12/14/2018;
14. Details and Specifications Stormwater and Sanitary System, Sheet 6, Project 14091, 'Winter Haus PUD' prepared by Lamoureux & Dickenson, dated 12/14/2018;
15. Erosion Prevention & Sediment Control Plan, Sheet 7, Project 14091, 'Winter Haus PUD' prepared by Lamoureux & Dickenson, dated 12/14/2018;

16. Details and Specifications Erosion Protection and Sediment Control, Sheet 8, Project 14091, 'Winter Haus PUD' prepared by Lamoureux & Dickenson, dated 12/14/2018;
17. DRB Decision Project 5124, dated 6/23/2015; (staff)
18. DRB Decision Project 5537, dated 4/11/2017; (staff)
19. Signed plat approved under Project 5808; (staff)
20. Overall Site Plan, Sheet 1, Project 14091, 'Winter Haus PUD' prepared by Lamoureux & Dickenson, dated 12/14/2018; [last revised 1/14/2019- to show subdivision line and updated data];
21. Email comments from DPW, Harry Sheppard, dated 1/14/2019;
22. Tower Truck Turning Diagram provided by Lamoureux & Dickenson, no date.

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 and 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 parcel (±18.56 acres) is located within the Upper Mountain Road (UMR) Zoning District as shown on the Official Town of Stowe Zoning Map (as adopted on October 9, 2018).
2. **Lot Area, Lot Width.** As noted above, the subject parcel is located in Upper Mountain Road (UMR) and Rural Residential II (RR2) Zoning Districts. The proposed building will be located in the UMR district which requires a minimum lot area of one (1) acre and 200 ft minimum lot width. The parcel is part of a PUD originally approved by the Board on 6/23/2015 under Project 5124. No changes to lot area or lot width are proposed under this application. The subject ±18.56-acre parcel was created in 2018 under Project 5808- see Mountain Haus 2-lot Subdivision.
3. **Setbacks.** The parcel is part of a PUD originally approved by the Board on 6/23/2015 under Project 5124. The double 100' perimeter setback is shown on the Overall Site Plan prepared by Lamoureux & Dickenson, Sheet 1, dated 12/14/2018.
4. **Maximum Building Coverage.** The maximum building coverage in UMR district is 8%. The subject parcel contains ±18.56 acres or approximately ~808,473 sf. The Applicant provided a revised 'Overall Site Plan, Sheet 1, Project 14091, 'Winter Haus PUD' prepared by Lamoureux & Dickenson, dated 12/14/2018; last revised 1/14/2019' with updated data. The proposed building coverage is 15,890 sf or 1.94% satisfying the maximum building coverage requirement.

5. **Use.** The Applicant seeks amended approval for a multi-family dwelling to contain twenty-four (24) residential dwelling units and related improvements (i.e. parking, landscaping, lighting). The parcel is part of a PUD originally approved by the Board on 6/23/2015 under Project 5124. 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 UMR, as noted in Table 6.1. The Board concludes the proposed use is allowed, subject to conditional use review, in the UMR district.
6. **Density.** The Applicant provided an Overall Site Plan prepared by Lamoureux & Dickenson outlining the total dwelling units allowed within the previously approved PUD. The density calculation notes that total area in each zoning district and the allowed multi-family density. Staff made note that these calculations do not include the parcel and associated density incorporated into the PUD under Project 5808. Applying the density of the two parcels each equally 18.56 acres there are 72.31 multi-family dwelling units allowed. The adjacent parcel contains thirty-six (36) dwelling units (Building A). The Applicant proposes to develop twenty-four (24) dwelling units, for a total of sixty (60) dwelling units. The Board concludes there is sufficient density to support the proposed project. [Note: This does not take into account the additional density associated with the parcel 11-145.000- 45 Mountain Haus Drive, incorporated in the PUD under Project 5808 approved by the Board on June 15, 2018.]
7. **Height.** As noted on the elevation drawings prepared by Freeman French Freeman dated 12/17/2018, the proposed height of the building, as defined under the regulations, is 40' as measured to the mid-point of the roof slope. The UMR district allows a maximum building height of 28'. As stated under Section 12.2, the Board has the authority to modify dimensional requirements within approved Planned Unit Developments (PUDs). Under prior approval, the Board granted a height waiver for a 40' 3" building, finding that the proposed buildings would not be visible from a public road. The Board reviewed the proposed building elevations in comparison with previous approvals and surrounding buildings and finds the proposed height acceptable and therefore grants a waiver to the maximum building height.
8. **Section 13.6 PUD.** The parcel is part of a PUD originally approved by the Board on June 23, 2015 under Project 5124. The original PUD is comprised of ±37.11 acres, of which ±23.5 acres was designated as open space, as well as a double perimeter setback. The PUD was subsequently amended under Project 5808, which included incorporating the single-family dwelling, related accessory dwelling, and 1.72 acres located at 45 Mountain Haus Drive into the Mountain House LLC PUD and final subdivision approval to subdivide the 37.11± acre parcel into two lots; Lot A being 18.56 acres and Lot B being 18.56 acres containing the existing thirty-six (36) unit multi-family dwelling. Under Project 5808 the PUD was increased to contain three (3) lots (Lot A 18.56 acres, Lot B 18.56 acres, and 1.72 acres at 45 Mountain Haus Drive). The density of the PUD was increased from 72 units to 77 units based on three (3) units per acre in the UMR district. 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. No Municipal Department review forms were received.

The Applicant previously received approved water and sewer allocation for 120 bedrooms from the Stowe Water & Sewer Commissioners. This allocation is still in effect. Prior to connection the Applicant will be required to pay the remaining fees and satisfy any requirements of the Department of Public Works.

Fire Chief Mark Sgantas met with the Zoning Director on January 7th. The Fire Chief noted that the building will have access on all four sides and the only possible concern is ensuring the driveway and parking areas meet the turning radius for a large fire truck. During the hearing the Applicant responded to the Fire Department comments and provided a diagram showing the turning radius for a large fire truck around the parking lot.

DPW Director Harry Sheppard provided the following email comments dated 1/14/2019:

Mountain Haus Modifications:

No exceptions noted. Nicely done plans. I think the parking and drive around the Phase 2 building is a project enhancement for all. Note that they expanded the stormwater management basin for the increased impervious area. Also note that although they are reducing the number of units, the number of bedrooms for allocation purposes remains unchanged at 36.

Conclusion: As noted above, the Applicant seeks approval for a revised design of a previously approved multi-family dwelling. The building is proposed to contain twenty-four (24) residential dwelling units and related improvements (i.e. parking, lighting, landscaping, etc.) 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 a previously approved multi-family dwelling to contain twenty-four (24) residential dwelling units, a total reduction of twelve (12) dwelling units from the previous approval. Under prior approvals, the Board found that the project was not anticipated to adversely impact traffic in the area. The Applicant proposes modifications to the buildings overall design and site plan and a reduction of twelve (12) dwelling units.

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

11. **Section 3.7(2)(A)(3) – The character of the area affected:** The subject parcel is in the RR2 and UMR zoning districts with direct access to Vermont Route 108. The proposed building will be located within the UMR district. The general purpose of the UMR district is... “to control development along the “upper” Mountain Road in a manner that allows for residential, recreation and low-density commercial uses of property while preserving the rural character of the landscape, discouraging strip development and promoting the ongoing viability of existing land uses.” Existing uses within the general vicinity include a mix of residential and commercial uses. The Board's previous decision concluded that the proposal would not adversely affect the character of the area and required the Applicant maintain trees within the 100-foot setback near the buildings. This condition remains in full force and effect. The limits of clearing are shown on the Overall Site Plan

prepared by Lamoureux and Dickinson dated 12/14/2018. The limits of clearing are consistent with those previously approved under Project 5124- no changes to these limits are proposed or requested.

Conclusion: 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.

Conclusion: The Board concludes the proposal is in conformance with the Stowe Zoning Regulations, as adopted on October 9, 2018. 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.

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. During the hearing the Applicant testified that the building will be constructed to meet the Vermont Energy Code and in some aspects, exceed the energy code.

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.** There are no known or identified scenic or historic sites shown or identified in the application materials. Under previous conditions of approval, the Board required the rear portion of the lot and adjacent lot to be designated open space. These areas are shown on the Overall Site Plan dated 12/14/2018 and on the recorded plat approved under Project 5808.

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.

15. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** The Applicant seeks amended approval for a multi-family dwelling to contain twenty-four (24) residential dwelling units and related improvements (i.e. parking, landscaping, lighting). The parcel is part of a PUD originally approved by the Board on 6/23/2015 under Project 5124. Prior Board approval concluded that the proposal would not result in undue water, noise or air pollution and noted a proposed construction noise restriction. Included within the previously approved open space are Class II wetlands and associated 50’ wetland buffer. No development or impacts are proposed to the mapped wetlands.

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 project is proposed to be served by Mountain Haus Drive with direct 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. Under prior permit application materials, the Applicant provided a copy of the VT AOT Letter of Intent. No changes to the existing access are proposed under this application.

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 served by the existing Mountain Haus Drive with direct access to Vermont Route 108. Mountain Haus Drive provides common and shared access to other users including Building B. No changes to the previously approved internal shared access are proposed.

Conclusion: The Board finds the existing Mountain Haus Drive will provide adequate access 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 amended approval for a multi-family dwelling to contain twenty-four (24) residential dwelling units and related improvements (i.e. parking, landscaping, lighting). This project was originally approved under Project 5124. The Applicant proposes modifications to the building design, site plan, and total number of units.

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 amended approval for twenty-four (24) dwelling units, which, under the Regulations, requires a total of forty-eight (48) parking spaces. The Applicant provided an Overall Site Plan that shows the proposed building footprint and associated parking. The site plan shows twenty (20) 90° parking spaces (9' x 18') to the rear of the building served by a 24' travel aisle, twenty (20) 90° parking spaces (9' x 18') located in front of the building served by a 24' travel aisle, and a lower parking area with eighteen (18) (9' x 18') 90° parking spaces, including four (4) electrical vehicle charging stations. A total of fifty-eight (58) parking spaces are shown for use by Building A.

During the hearing the Board noted that the provided plans did not provide a parking tabulation and requested that it be added to the plans. Under the original approval the Board granted a waiver of the total number of required parking spaces and concluded “adequate parking is provided and the waiver of spaces is granted.” Under the current application, forty-seven (47) parking spaces are shown to generally serve the existing Building B. Fifty-eight (58) parking spaces are proposed to generally serve Building A. A total of 105 parking spaces are shown to serve the existing and proposed buildings (Building A and Building B). Under standard parking requirements, 120 parking spaces would be required for both buildings. As noted above, the Board granted a parking waiver under Project 5124 for uses requiring more than 100 parking spaces. An area noted as ‘reserved for additional parking (32 spaces) if needed’ is shown on the adjacent lot.

Conclusion: The Board finds the proposed circulation and parking improvements represents safe and adequate access and circulation for the intended use. A parking waiver of up to 30% was

granted by the Board under Project 5124. As a condition of approval, the Applicant will be required to submit revised plans depicting the parking calculations.

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. As noted above, the Applicant seeks amended approval for a multi-family dwelling to contain twenty-four (24) residential dwelling units and related improvements (i.e. parking, landscaping, lighting). This project was originally approved under Project 5124. The Applicant proposes modifications to the building design, site plan, and total number of units. As shown on the Overall Site Plan dated 12/14/2018, a sidewalk is proposed to run along all four (4) sides of Building A, with sidewalk/path leading to individual entrances and main common entrances on the eastern and western building elevations. A path appears to connect the two proposed parking areas on the southern side of Building A. No other pedestrian improvements are shown or noted within the application.

Conclusion: The Board finds 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 Landscape and Lighting Plan prepared by Lamoureux & Dickinson (Sheet 3, dated 12/14/2018). A mix of deciduous trees, evergreen trees and shrubs are proposed around the building and surrounding the parking areas. The landscape plan including a planting schedule with proposed species and sizes. The site plan (grading and utilities- Sheet 2) depicts a new dumpster enclosure located near the south-west corner of Building A.

Conclusion: The Board concludes the proposed landscaping and screening are appropriate for the intended use and site location. The Board will require as a standard condition of approval that the Applicant replace any dead and dying plants and trees within one (1) year of death.

21. **Section 3.7(2)(B)(8) – Stormwater Management:** The Applicant seeks approval for a multi-family dwelling containing twenty-four (24) residential dwelling units and related improvements (i.e. parking, landscaping, lighting). Section 3.12(2) provides standards for stormwater and erosion control for construction-related activities associated with any new construction. The Applicant provided multiple plans involving stormwater management and erosion control prevention. The plans were prepared by Roger Dickenson, P.E. of Lamoureux & Dickenson (dated 12/14/2018), satisfying the requirement that a stormwater management plan be prepared and sealed by a registered engineer before a zoning permit is issued. The provided plans show areas of disturbance, a 4' wide grass channel, pea stone filter strips, infiltration basin, 18" PE Storm Pipes, a forebay spillway, and an existing stormwater pond to the south-east of Building B.

Conclusion: The Board finds the project 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(sic) 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.

Additional **UMR** Standards: In addition to the conditional use criteria of the regulations, the DRB shall find that the proposed development is designed in a manner compatible with the area's rural character. At a minimum, the Board will consider:

(i) Adequacy and appropriateness architectural design and visual context of the project. Generally, architectural designs shall reinforce the rural landscape of the district through contextual scale and orientation of the buildings within the site and should reflect vernacular Vermont residential and agricultural building styles and incorporate, where appropriate, traditional materials.

(ii) Buildings should generally be designed with a pitched roof and be of a mass and scale compatible with neighboring properties and the site.

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 UMR district. The Board further concludes the proposal has been designed in a manner compatible with the areas rural character and is consistent with the defined purpose of the UMR district.

23. **Section 4.8 Outdoor Lighting.** The regulations require that all outdoor lighting shall be installed in accordance with the standards outlined in Section 4.8. The Applicant provided a Landscape and Lighting Plan (Sheet 3) prepared by Lamoureux & Dickenson dated 12/14/2018. The plan shows the details for proposed parking light fixture and pole height. Seven (7) pole mounted light fixtures are evenly dispersed throughout the parking areas. The Applicant provided testimony that the only building mounted lighting will be recessed can lighting under the entry canopies. The plan shows the light illumination contours around each fixture and the relative footcandle measurement.

Conclusion: The Board concludes the proposed outdoor lighting is in conformance with Section 4.8, 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 manufacturer cut sheet for the proposed outdoor lighting fixtures prior to the issuance of a zoning permit.

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

DECISION

Based upon the foregoing Findings of Fact, in RE: **5941** the Board finds (6-0) 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 a zoning permit the Applicant shall submit the following:
 - Revised Overall Site Plan depicting the parking calculations;
 - Manufacturer cut sheet for the proposed outdoor lighting fixtures.
4. The Applicant shall replace any dead and dying plants and trees as shown on the Landscaping and Lighting Plan, Sheet 3, Project 14091, 'Winter Haus PUD' prepared by Lamoureux & Dickenson, dated 2/14/2018 within one (1) year of death.
5. The Applicant shall obtain all necessary municipal water and sewer allocations, approvals, and connections from the Department of Public Works.
6. 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.
7. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
8. A certificate of occupancy must be obtained from the Zoning Administrator 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.
9. 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, T. Hand, P.Aumand, D. Clymer, P.Roberts, T.Mumley

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.