

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



PROJECT: 5936

SUBJECT PROPERTY: 56 Turner Mill Lane, Stowe, VT (#12-048.000)

APPELLANT:

Mary L. Feeny
118 High Street
Bristol, RI 02809

PROPERTY OWNER:

Gregory P. & Mitzi M. Speer
56 Turner Mill Lane
Stowe, Vermont 05672

APPLICATION:

The Appellant, Mary L. Feeny, requests reconsideration of the Development Review Board (DRB) decision dated December 16, 2018. The Appellant appealed a November 20, 2018 “determination” of the Zoning Administrator “for its failure to express the inn building located at 56 Turner Mill Lane was recognized by the Environmental Court in February 2018 as an allowed pre-existing lodging facility with an approved residential density of one unit.” Pursuant to Section 2.11(1)(C) of the Stowe Zoning Regulations and 24 V.S.A. § 4470(a), the DRB rejected the appeal without hearing and rendered a decision concluding that the issues raised in the Appellant’s December 5, 2018 appeal letter had been decided in Docket No. 142-11-16 Vtec or were based on substantially or materially the same facts litigated in that case. The Board therefore determined that a hearing was not necessary to resolve the pending appeal and dismissed the appeal.

In the Appellant’s January 15, 2019 request for reconsideration she states “I ask that you correct the findings of fact set forth in your decision, in as much as they refer to the lodge on the property as Turner Mill” and “I respectfully request you reconsider your decision to make findings of fact in keeping with the zoning regulations and the final and binding decisions of this Board and the Court.”

The request for reconsideration has been reviewed by the Stowe Development Review Board (DRB) under the Town of Stowe Zoning Regulations as amended, effective October 30, 2018, particularly Section 2.11(1)(C), and in light of the relevant findings and conclusions of the Board’s prior decision. The Development Review Board’s procedural history and relevant findings are attached.

FINDINGS OF FACT & CONCLUSIONS OF LAW:

An application for reconsideration was filed by Appellant Mary Feeny on January 15, 2019. The request was subsequently referred to the Stowe Development Review Board that same day [January 15, 2019]. During a regularly scheduled meeting of the DRB on January 15, 2019, the DRB Chair reported that the Board would be reviewing the request in deliberative session.

The following materials were submitted and entered into the record:

- Email correspondence from Mary Feeny to Zoning Director Sarah McShane, Re: Request for Reconsideration, dated 1/15/2019 at 11:22 AM;
- Letter from Mary Feeny to Mr. Doug White, Chair of the DRB (13 pages), Re: Request for reconsideration of the Decision by the DRB, received 1/15/2019;
- Exhibit A- Vermont Secretary of State Business Details- Inn at Turner Mill, no date;
- Exhibit B- Reviews of the Inn at Turner Mill (2 pages), no date;
- Exhibit C, Table 6.1 of the Stowe Zoning Regulations, pages 74-78, no date;
- Exhibit D: Turner Mill Lane, Exploring the Mill Trail map and information, no date;
- Exhibit E: Warranty Deed pages 315-316, dated 10/4/1982;
- Exhibit F: Town of Stowe Development Review Board decision- Project 4511, dated 11/8/2011;
- Exhibit G: Town of Stowe Development Review Board decision- Project 5409, dated 11/7/2016;
- Exhibit H: Page 174 Section 16.30 Change of Use definition highlighted, Page 179 Section 16.84 Lodging Unit definition highlighted, Page 187 Section 16.172 Transient definition highlighted, Page 187 Section 16.175 Unit, Dwelling definition highlighted, Page 174 Section 16.30 Change of Use definition highlighted, Page 172 Section 16.17 Bed and Breakfast definition highlighted, no date;
- Email correspondence from Daniel Richardson, Re: Request for Reconsideration, dated 1/15/2019 at 3:14 PM.

DECISION-RECONSIDERATION

Based upon its review of the above-referenced materials, the Board concludes (0-6-1) that the Appellant's January 15, 2019 request for reconsideration did not provide new evidence or sufficient good cause to reconsider the Board's decision and therefore denies the request pursuant to Section 2.11 of the Stowe Zoning Regulations as amended, effective October 30, 2018, and 24 V.S.A. § 4470(a).

Motion to grant the reconsideration:

Voting favor: None

Voting to deny: D. White, D.Clymer, T. Hand, P.Aumand, C.Walton, T.Mumley

Abstain: A.Volansky

Dated at Stowe, Vermont this the 18 day of January 2019

By: 
Douglas White, Chair

NOTICES:

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