

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



PROJECT: 6014

SUBJECT PROPERTY: 844 Barnes Hill Road; #03-066.040

PROPERTY OWNER: Karen Nicholson Family
Trust
PO Box 961
Stowe, VT 05672

APPLICANT: Todd Hill
Environmental Consulting & Design
2247 Crossett Hill
Duxbury, VT 05676

APPLICATION:

The Applicant, Todd Hill of Environmental Consulting & Design on behalf of property owner Karen Nicholson Family Trust (herein referred to as the "Applicant"), requests approval to amend a previously issued Development Review Board decision (Project 5606) issued on June 13, 2017. The Applicant seeks to amend condition #2 to allow for the conversion of an existing accessory building to a single-family dwelling and related improvements including upgrades to the existing driveway and installing underground utilities, septic and potable water. Condition # 2 of the Board's decision states "*Any future development of Lot 1A shall require review and approval by the Board.*" The Applicant received approval in 2002 to construct a 14' 7" x 20' storage shed. At an unknown time, a 6' x 14' covered porch was added to the building. The Applicant seeks approval to convert this building to a single-family dwelling.

The subject ±34.38-acre parcel is owned by Karen Nicholson Family Trust and located 844 Barnes Hill Road (#03-066.040). The parcel is within in the Rural Residential 5 (RR5) zoning district and contain lands within the Ridgeline and Hillside Overlay District (RHOD). No development or site clearing is proposed within the RHOD. The parcel is accessed via 50' right-of-way over the adjacent Lot 1B, connecting to Barnes Hill Road, a Class 3 Town Highway (TH-51). The parcel, Lot 1A, was created in 2017 [Project 5606] approved by the Development Review Board under the Nicholson 2-Lot Final Subdivision & Boundary Line Adjustment. 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 amended subdivision review and under applicable standards of the Town of Stowe Zoning Regulations (as adopted October 9, 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 subdivision review was filed by Applicant Todd Hill of Environmental Consulting & Design on May 7, 2019. 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 June 4, 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 May 16, 2019. 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 June 4, 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:

- Todd Hill, 2247 Crossett Hill, Duxbury, VT 05676
- Karen Nicholson, PO Box 961, Stowe, VT 05672

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

- Town of Stowe Development Application (2 pages); dated 05/03/2019;
- List of Abutters, no date;
- Previously approved and recorded subdivision plat (#5606);
- DRB Decision (#5606), dated 6/13/2017;
- Site plan showing location of cabin and proposed improvements, prepared by Todd Hill, dated 5/6/2019;
- Photographs showing existing building, dated 5/8/2019;
- Previously approved subdivision plat showing location of existing building, revised by Todd Hill as noted, dated 5/6/2019;
- [Revised] Site Plan 'Karen C Nicholson Family Trust- Lot 1A of 2017 Nicholson Subdivision, prepared by Todd Hill, dated 6/3/2019;
- Deed language with Driveway Maintenance Requirements provided by Karen Nicholson, 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 subdivision review was reviewed by the Stowe Development Review Board (DRB) for conformance with applicable requirements of 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

The Development Review Board (DRB) also reviewed the application for conformance with applicable requirements of the Town of Stowe Zoning Regulations (as adopted 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 15- Parking Regulations

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

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcel is within the Rural Residential 5 (RR-5) and the Ridgeline and Hillside Overlay District (RHOD) as shown on the Official Town of Stowe Zoning Map (as adopted October 9, 2018).
2. **Lot Area, Lot Width.** The subject parcel is ±34.38 acres and exceeds 400 ft in lot width. No changes to lot width or lot area are proposed under this application.
3. **Setbacks.** Required minimum district setbacks for the RR5 district are front (70'), side (75') and rear (75'). The site plan prepared by Todd Hill shows the location of the existing building proposed to be converted to a single-family dwelling and related improvements. The proposed improvements are located outside the required setbacks.
4. **Maximum Building Coverage.** Does not apply to the RR5 zoning district.
5. **Use.** The Applicant proposes to convert an existing accessory building into a single-family dwelling. Single-family dwellings are a permitted use in the RR5 district.
6. **Density.** The RR5 district allows single-family dwellings at a density of 1 unit per 5 acres. The subject parcel is ±34.38 acres, sufficient density exists to support the project.
7. **Height.** The maximum building height in RR5 is 28' feet. The regulations define building height as the *"Vertical distance measured from the average elevation of the proposed finished grade at the front or rear of the building to the highest point of the roof for flat and mansard roofs, and to the average height between the highest ridge and its contiguous eave for other types of roofs. On sloping sites the height will be measured on the uphill side."* The Applicant provided photographs of the existing building and indicated a height of 18' on the application materials. No changes or increases in height are proposed under this application.

SUBDIVISION REGULATIONS

SECTION 5.1 – GENERAL PLANNING STANDARDS:

8. **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 seeks to amend condition #2 of the Board's decision dated 6/13/2017 to allow for development on Lot 1A. The lot was created in 2017 under Project 3876. No new lots or changes to existing property boundaries are proposed under this application.

Conclusion: The Board finds the lot was previously subdivided but included a condition that any future development of the lot be subject to additional review by the Development Review Board. The Board concludes the ±34.38 acre previously subdivided parcel, as conditioned, 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

9. **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 requests to amend a prior subdivision approval to allow development of the lot. According to the ANR Natural Resources Atlas map the parcel contains mapped wetlands, a pond, a stream, prime agricultural soils, and forest resources. The Applicant proposes to convert an existing building into a single-family dwelling, install utilities, and on-site septic and potable water. The existing woods road will be improved to provide access to the dwelling. The revised site plan shows the location of a building zone and limits of clearing.

Conclusion: The Board concludes the Applicant’s request to amend a prior condition of approval to allow development of the lot conforms to Section 5.1(2) and 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.

10. **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 requests to amend a prior subdivision approval to allow development of the lot. No wildlife habitat or natural communities are shown on the provided plan. Staff provided a copy of ANR Natural Resource Atlas. The ANR Natural Resources Atlas shows the subject parcel containing a high priority habitat block. No rare, threatened, or endangered species, deer wintering areas, or significant natural communities are shown on the parcel. The provided site plan shows the location of Class 2 wetlands and associated buffer. No impacts are proposed to these areas.

Conclusion: The Board concludes the proposal will not have an undue adverse impact on significant wildlife habitat and natural communities.

11. **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 the lot. Section 5.1(4)(b)(i-vi) outlines methods for preserving rural character, including prohibiting building zones in visually prominent areas, requiring vegetated buffer to provide screening, among others. The Applicant provided a revised site plan showing the location of a designated building zone in the vicinity of the existing building.

Conclusion: The Board concludes that there are no identified historical resources located on the parcel and a designated building zone and clearing limits have been designed to minimize undue adverse impact on rural character of the area.

12. **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. The lot was created in 2017 under Project 5606 with the condition the following condition “*Any future development of Lot 1A shall require review and approval by the Board.*” The parcel is accessed via 50’ right-of-way over the adjacent Lot 1B, connecting to Barnes Hill Road, a Class 3 Town Highway (TH-51). No reserved strips are proposed.

Conclusion: This provision is not applicable.

13. **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. No landscaping is shown on the plan however based on aerial images, the lot contains mature connected forested blocks. The Applicant provided a revised site plan showing the location of a building zone and clearing limits.

Conclusion: The Board concludes the parcel contains existing forested canopy. Limited clearing will be necessary to provide for the installation of utilities and improvements to the driveway.

14. **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.

Conclusion: This provision is not applicable.

15. **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. No new lots are proposed.

Conclusion: This provision is not applicable.

16. **Section 5.1(9) – Municipal Facilities:** The Board must find that the proposed subdivision will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services. Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.

The Applicant proposes to convert an existing building into a year-round single-family dwelling served by a private driveway and install on-site septic and potable water. Staff met with the Fire Chief Mark Sgantus on May 21, 2019 to review the project. The Fire Chief noted that based on the information provided, the department could not provide fire protection. The Fire Chief asked for additional information to be provided regarding the width, grade, and condition of the driveway. During the hearing, the Applicant testified that the driveway would be improved to be 12' in width and approximately 15.8% slope. During the hearing, the Board heard considerable testimony from the Applicant regarding the proposed improvements to the driveway and grades and agreed that the Applicant would either need to design the driveway to meet the standards or receive positive comments from the Fire Department.

No other Municipal Department review forms returned indicated that the proposed development would have any adverse impact on municipal facilities and services.

Conclusion: The Board concludes the proposal, as conditioned, will not create an undue burden on the Town's existing or planned facilities or services. The proposed dwelling will be served by on-site septic and potable water.

17. **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. No changes to lot size, shape, or configuration are proposed under this application.

Conclusion: This provision is not applicable.

18. **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. The regulations define Building Zone as *'The area designated on a plat within which shall be located the principal building and/or house site.'* The lot was created in 2017 under Project 5606 with the condition the following condition *"Any future development of Lot 1A shall require review and approval by the Board."* A building zone was not required under prior approvals. The Applicant provided a revised site plan showing a designated building zone in the vicinity of the existing building and clearing limits.

Conclusion: The Board concludes the subject lot contains an adequate building site for the intended purpose. As a condition of approval, the Applicant will be required to record a revised survey plat showing the location of the designated building zone.

19. **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. The Applicant is proposing to improve an existing woods road to serve the dwelling. According to the site plan, the improved woods road will approximately have an average grade of 16%. During the hearing the Applicant confirmed the proposed driveway would include grades of approximately 15.8%. The Board discussed the grade of the driveway and the need for fire protection.

Conclusion: The Board finds the proposed driveway is not designed in general compliance with the Stowe Fire Department Construction Standards. As a condition of approval, the Applicant will be required to redesign the driveway to be no more than 15% grade or submit written positive recommendations from the Fire Department.

20. **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. The Applicant proposes to convert an existing building into a year-round single-family dwelling served by a private driveway and install on-site septic and potable water. No additional development plans are proposed under this application. The revised site plan indicates a proposed addition and carport to be added at a later date.

Conclusion: The Board concludes any future proposal to develop the lot will require review under the Regulations in effect at time of application.

21. **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 subject lot is served by a 50’ right-of-way which provides access to Lot 1B and the adjacent parcel. The Applicant provide a copy of the deed language regarding shared maintenance responsibilities of the driveway and right-of-way.

Conclusion: The Board concludes the existing lot contains deeded shared maintenance requirements for the shared portion of the access. No further information is required.

22. **Section 5.2 – Prominent Hillsides and Ridgelines (RHOD)-** The subject lot contain lands within the RHOD. The boundary of this overlay district is shown on previously approved plans. No development or clearing is proposed within this district.

Conclusion: The Board concludes any future proposal to develop lands within the RHOD will require review under the Regulations in effect at time of application.

23. **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.

24. **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. The subject lot, Lot 1A, is accessed via 50' wide right-of-way, connecting to Barnes Hill Road- a Class 3 Town Highway. Section 3.1(1) requires rights-of-way serving not more than three (3) family dwelling units or lots be a minimum of 25' feet wide. The right-of-way provides access to three (3) parcels and is therefore considered a driveway, as defined under the zoning regulations.

Conclusion: The Board concludes the subject lot has access via shared driveway connecting to Barnes Hill Road.

25. **Section 5.5 – Utilities and Stormwater Management:** All subdivisions shall make adequate provisions for stormwater and required utilities.

The DRB is authorized to require the underground installation of power and telephone lines wherever it is appropriate to maintain and protect the visual character and property values of an area or neighborhood. In addition, the DRB may place restrictions on the location and design of utility transformers, trans closures, meter boards and related equipment in order to minimize adverse visual impact. The provided application materials note the utilities will be below-ground.

The DRB is authorized to require the installation of street lighting in any subdivision in the Stowe Village or commercial areas. Lighting shall be installed in accordance with the Stowe Zoning Regulations. The subject parcel is in the RR5 district. This provision does not apply.

All stormwater management activities required by the Town shall adhere to current State of Vermont erosion prevention and sediment control standards and to the requirements of Section 3.12 of the Stowe Zoning Regulations. The improved woods road lies on steep slopes. The Applicant provided a revised site plan showing driveway improvements and related stormwater improvements including stone lined ditches on both sides of the driveway.

Monuments shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors. No change in lot dimensions or boundaries are proposed under this application.

Conclusion: The Board concludes the proposal provides adequate provisions for stormwater and required utilities. Additional review is required prior to any additional clearing outside of the designated clearing zone.

DECISION

Based upon the foregoing Findings of Fact, in RE: **6014** the Board finds (6-1) that the application meets the Stowe Zoning Regulations, as adopted October 8, 2018, criteria for approval with the following conditions of approval:

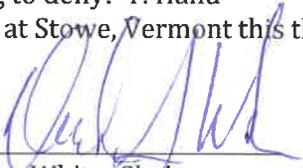
1. This project shall be completed according to the plans hereby approved. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required. The Zoning Administrator is granted the authority to review and administratively approve non-material modifications to the approved plans upon finding that the proposed change or alteration would not have affected the decision made or any conditions if had been included in the plans as approved. All conditions of prior approvals, except as amended herein, remain in full force and effect.
2. The Board approves revising Condition 2 to allow for the conversion of an existing accessory building to a single-family dwelling and related improvements including upgrades to the existing driveway, installing underground utilities and septic and potable water. Any future development of the lot shall be subject to review under the regulations in effect at the time of application.
3. The Applicant shall file a revised survey plat showing the designated building zone and clearing areas, 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. Prior to recording said plat, the Applicant shall submit to the Zoning Administrator revised driveway designs prepared by a registered engineer showing the proposed driveway improvements to not exceed 15% or written comments from the Stowe Fire Department indicating the ability to provide fire protection services.
4. The subdivision survey plat depicting the designated building zone and clearing limits 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. The Applicant shall file two (2) paper copies of said plat with the Zoning Administrator.
5. 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".
6. The Zoning Administrator shall not issue a zoning permit for the change of use to a single-family dwelling until conditions 3- 5 are satisfactorily met.
7. The driveway shall be maintained to be a minimum of twelve (12) feet travel width.
8. All outdoor lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property.
9. Exterior lighting shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA). Exceptions to this standard to accommodate a particular "period" or architectural style are allowed, provided the maximum initial lumens generated by each fixture not exceed 2,000 (equivalent to a 150 watt incandescent bulb).
10. Site construction shall be conducted in a manner that keeps the amount of soil exposed at any one time to a minimum.
11. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, shall be stabilized.

12. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
13. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided to ensure compliance with the provisions of Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
14. An adequate stormwater drainage system must be maintained to ensure that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
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.
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 this approval, the Applicant 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, M. Diender, C.Walton, A. Volansky, T.Mumley

Voting to deny: T. Hand

Dated at Stowe, Vermont this the 17 day of June 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.