

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



PROJECT: 6037

SUBJECT PROPERTY: 18 Main Street (#7A-034.000)

PROPERTY OWNER & APPLICANT:

Ampersand Properties LLC
Ken Biedermann
PO Box 1139
Stowe, VT 05672

APPLICATION:

The Applicant, Ampersand Properties LLC (herein referred to as the "Applicant"), requests design review approval to enclose the two-story front porch on the Green Mountain Inn located at 18 Main Street. No changes to the building footprint are proposed. The parcel is located within the VIL-PUD zoning district, Stowe Historic Overlay District (SHOD), and is served by Main Street (TH-1), a Class 1 Town Highway. The application has been reviewed by the Stowe Development Review Board (DRB) under applicable standards of the Town of Stowe Zoning Regulations (as adopted October 9, 2018) for the purpose of design 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 design review was filed by Applicant Ken Biedermann on June 17, 2019. The application was accepted as administratively complete by Town of Stowe Zoning Director Sarah McShane and referred to the Stowe Development Review Board for a public hearing. A public hearing of the DRB was scheduled for July 16, 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 June 27, 2019 and posted in three public places (library, town office, and police station). The Applicant provided a completed certificate of service in accordance with Section 2.14(1)(B).

The public hearing to consider the application convened on July 16, 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:

- Ken Biedermann, PO Box 1139, 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 6/17/2019;
- Architectural drawings 'Proposed Main St. Elevations' prepared by Sam Scofield, Sheets A1 & A2 [3 pages] dated 2/10/2019.
- HPC Recommendation form, dated 6/12/2019;
- [Historic photographs- as shown during the hearing]

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 design review approval was reviewed by the Stowe Development Review Board (DRB) 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 10- Stowe Historic Overlay District and Historic Buildings
- Section 13.8- Stowe Village PUD

SECTION 10-STOWE HISTORIC OVERLAY DISTRICT AND HISTORIC BUILDINGS:

Within the Stowe Historic Overlay District and for Historic Buildings outside the district, no structure may be erected, reconstructed, substantially altered as indicated in Section 10.5, moved, or demolished without review of the plans by the Stowe Historic Preservation Commission (SHPC) and approval of the application by the DRB (or the Zoning Administrator in accordance with Section 10.6).

10.12 General Guidelines for Alterations, Additions and New Construction

(1) Alterations to Buildings. The emphasis of the guidelines for alterations is on façades. The most significant views of a building are those immediately visible from a public street or road (primary façade). Therefore, primary façades are most important and shall be carefully reviewed for adherence to the guidelines. Façades that are not in the public view (secondary façades) may not have to conform as closely to the guidelines. It is recognized that some alterations may be required in order to meet applicable building codes. These guidelines are not meant to prevent code renovations. The restoration of buildings should coordinate the goal of retaining original elements of the structure with the necessity of bringing the structure into compliance with current building code requirements. When feasible, non-historic code renovations should be located on secondary façades.

A. Alterations of primary façades shall and alterations of secondary façades should:

- 1. Preserve the proportion of a building and its original elements, massing and roofline.*
- 2. Retain and repair historic features, when possible.*
- 3. Remove non-historic materials, when possible.*
- 4. Locate changes (such as a new window, handicap ramp, etc.) on the secondary façades, as much as possible.*
- 5. In the case of storefronts, upper floors should have progressively smaller and/or fewer windows than the first floor.*

B. Alterations of primary façades shall not and alterations of secondary façades should not:

- 1. Extend or cut back roof overhangs.*
- 2. Block primary façades from the street or road.*

3. *Include or result in oversize dormers and windows.*
 4. *Change the location of principal entranceways, unless to restore the original historic entrance location or unless the new location would not diminish the building's historic integrity.*
1. The Applicant proposes to enclose the two-story front porch on the Green Mountain Inn located at 18 Main Street. The property is located within the Stowe Historic Overlay District, as regulated under Section 10 of the Stowe Zoning Regulations, as adopted October 9, 2018.
 2. The Stowe Historic Preservation Commission (HPC) reviewed the application on June 12, 2019 and unanimously voted (3-0) to recommend approval of the project as presented. A copy of the HPC recommendation was provided by staff.
 3. During the hearing the Applicant provided a series of historic photographs dating back to the 1800s. The photographs depicted the evolution of façade changes including the addition and removal of the prominent front porch and the hotel entrances.

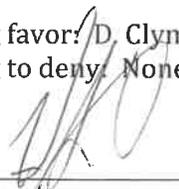
Conclusion: The Board concludes the proposed alteration meets the requirements as outlined in Section 10.12 and is compatible with the historic character of the village.

DECISION

Based upon the foregoing Findings of Fact, in RE: 6037 the Board finds (6-0) the proposal meets the Stowe Zoning Regulations, as adopted October 9, 2018, subject to the following conditions of approval:

1. The 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.
2. All relevant prior conditions of approval, unless amended herein, remain in full force and effect.
3. A Certificate of Occupancy must be obtained from the Zoning Administrator prior to occupancy and use to ensure that the project has been completed as approved by the Development Review Board, as required under Section 2.10 of the zoning regulations.
4. 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 purpose of ascertaining compliance with the conditions of approval.

Voting favor: D. Clymer, P.Aumand, A. Volansky, T.Mumley, M. Diender, P. Roberts
 Voting to deny: None

By:  5/29/19
 Drew Clymer, Acting 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.