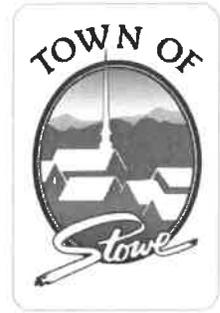


TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law



PROJECT: 6060

SUBJECT PROPERTY: 3314 Mountain Road; #11-149.00

PROPERTY OWNER & APPLICANT:

Bullrock Corporation
143 Pine Haven Shores Road, Suite 1150
Shelburne, VT 05482

APPLICATION:

The Applicant, Bullrock Corporation (herein referred to as the "Applicant"), requests design review approval for exterior modifications to a previously approved Project 5833. The Applicant seeks approval for alterations that were made during the construction process including the elimination of the top cap for the chimney, elimination of the timber window header at four locations, modifications to the divided light configuration of the windows in the middle portion of the building, the installation of ½ glass doors instead of full-glass, and the addition of gutters/downspouts/vents.

The subject parcel, consisting of ±2.52 acres and located at 3314 Mountain Road (#11-149.00), is in the Mountain Road Crossroad (MRC) Zoning District and served by VT-108, a state highway maintained by the Vermont Agency of Transportation. The subject parcel is bound to the north by a parcel owned by Savage Pond Development LLC, to the west by a ±1.5-acre parcel owned by Earle F & Priscilla Williams, to the east by ±1.66-acre parcel owned by Round Hearth at Stowe LLC, and to the south by Mountain Road. 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 approval.

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 approval was filed by Applicant Doug Moses of Bullrock Corporation on July 1, 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 August 6, 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 August 6, 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:

- Doug Moses of Bullrock Corporation, 143 Pine Haven Shores Road, Suite 1150, Shelburne, VT 05482

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

1. Town of Stowe Development Application, dated 7/1/2019;
2. Previously approved architectural drawings by Freeman French Freeman;
3. Multiple photographs showing as built design and conditions;
4. HPC Recommendation form, dated 7/11/2019.

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 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 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).

1. Section 10.12 of the Stowe Zoning Regulations provides General Guidelines for Alterations, Additions and New Construction. Section 10.13(1)(A-C) provides standards for new buildings.
2. The Applicant seeks approval for alterations that were made during the construction process including the elimination of the top cap for the chimney, elimination of the timber window header at four locations, modifications to the divided light configuration of the windows in the middle portion of the building, the installation of ½ glass doors instead of the full-glass, and the addition of gutters/downspouts/vents.
3. The Stowe Historic Preservation Commission (HPC) reviewed the application on July 10, 2019 and unanimously voted (4-0) to recommend approval of the project with the following recommendations:
 - *The Applicant shall provide a manufacturer cut sheet of the proposed alternative door.*
 - *The vents and downspouts visible from Mountain Road shall be painted to match the siding color.*

A copy of the HPC recommendation was provided by staff.

4. During the hearing the Applicant testified that the vents and downspouts visible from Mountain Road have been painted to match the siding color and a manufacturer cut sheet of the proposed alternative door was recently provided to the Zoning Administrator.

DECISION

Based upon the foregoing findings of fact, in RE: 6060 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. The vents and downspouts visible from Mountain Road shall be painted and maintained to match the siding color.
4. 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.
5. 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, T.Mumley, A. Volansky, T.Hand, M. Diender

Voting to deny: None

Dated at Stowe, Vermont this the ___ day of August 2019

By:  8/15/19
Drew Clymer, 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.

