



**Notice of DRB Decision**  
**Town of Stowe Zoning Office**  
**PO Box 730**  
**Stowe VT 05672**

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

---

**APPLICATION INFORMATION**

**Project Number** 6216  
**Application Date** 3/20/2020  
**Physical Location** 17 TOWNE FARM LN  
**Map ID** 07-004.000 **Tax ID** 25014  
**Project Description** HOST FOOD TRUCK(S); CONSTRUCT PREP KITCHEN AREA  
**Owner** MARC CHRETIEN  
**Applicant** STOWE CIDER DAN SNYDER. MARK RAY  
**Applicant Address** 17 TOWN FARM LANE  
STOWE VT 05672

---

**APPROVALS ON RECORD**

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	5/19/2020	6/18/2020	6/18/2022

*Sarah McShane*

Zoning Office



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



**PROJECT:** 6216

**SUBJECT PROPERTY:** 17 Town Farm Lane; #07-004.000

**PROPERTY OWNER:**

Marc Chretien  
3639 36<sup>th</sup> Road  
N. Arlington, VA 22207

**APPLICANT:**

Dan Snyder/Mark Ray (Stowe Cider)  
17 Town Farm Lane  
Stowe, VT 05672

**APPLICATION:**

The Applicant, Dan Snyder & Mark Ray of Stowe Cider, on behalf of property owner Marc Chretien (herein referred to as the "Applicant"), requests approval to install a prep kitchen and host 1-2 food trucks from May 1, 2020 to October 31, 2020. The subject parcel, consisting of ±3.1 acres and located at 17 Town Farm Lane (# 07-004.000), is in the Highway Tourist (HT) Zoning District, Source Protection Overlay District, Flood Hazard Overlay District (portions), and contains an existing commercial building currently occupied by the Applicant Stowe Cider. The subject parcel is generally bound to the north by property currently owned by Stowe Country Club LLC, to the west by a parcel currently owned by Nail LLC containing the Rusty Nail, to the south by Town Farm Lane, and to the east by property currently owned by Ronald & Lisa Mashaal (99 Town Farm Lane). 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 amended conditional use review including Section 4.15 (temporary structures).

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 conditional use review was filed by Applicant Dan Snyder on March 13, 2020. 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 May 5, 2020 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 April 16, 2020.

The virtual public hearing to consider the application convened May 5, 2020 with a quorum of the DRB present. The remote hearing utilized Go To Meeting with no physical meeting space provided. No ex parte communications or conflicts of interests were reported. Members who participated in the review included: D. Clymer, A. Volansky, L. Wasserman, T. Hand, F.Aumand III, P. Roberts, C.Walton.

The following persons attended and participated in the hearing process, and may be afforded status as interested persons with rights to appeal:

- Dan Snyder-Stowe Cider, 17 Town Farm Lane, Stowe, VT 05672
- Mark Ray- Stowe Cider, 17 Town Farm Lane, Stowe, VT 05672

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

1. Town of Stowe Development Application, received 3/13/2020;
2. Project narrative, no date;
3. Previously approved Site Plan prepared by North American Consulting Group Limited 'Stowe Cider Patio Project' [last dated 7/7/95];
4. Main Level Floor Plan 'Stowe Cider' Sheet A1, prepared by Tektonika, dated 11/26/2019;
5. Comments from Dave Kresock of Stowe Electrical Department, dated 4/15/2020;

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 conditional use 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 6- Uses, Dimensional Requirements and Density
- Section 15- Parking Regulations

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

1. **Zoning District.** The subject parcel contains ±3.1 acres with direct access to the Town Farm Lane, a privately owned and maintained road. The parcel is located in the Highway Tourist (HT) Zoning District and Source Protection Overlay District as shown on the Official Town of Stowe Zoning Map (as adopted October 9, 2018). Rear portions of the parcel are also within the Flood Hazard Overlay District (FHO); no development is proposed within the FHO.
2. **Lot Area, Lot Width.** The ±3.1-acre parcel is located in the HT district, requiring a minimum lot area of one (1) acre. No changes to lot area or lot width are proposed under this application.
3. **Setbacks.** Required minimum district setbacks in the HT district are front (50'), side (50') and rear (50'). The existing building is entirely within the HT district. No changes to the building footprint are proposed. The Applicant proposes to host 1-2 food trucks (temporary structures) from May 2020-October 31, 2020. The locations of the food trucks are shown on the provided site plan.
4. **Maximum Building Coverage.** The maximum building coverage in HT is 10%. No changes in building coverage are proposed under this application.
5. **Use.** The subject building contains a commercial use, Stowe Cider- a light manufacturing/retail facility and a special events space. Under Project 5468, the Board approved Stowe Cider as a light manufacturing facility with 800 sf of retail use. Under Project 6185, the Board approved the expansion of the cider production/retail/taproom into the adjacent vacant space formerly occupied by the West Branch Gallery (retail). Under the prior application, the Board approved the use of the space for private rental space for special events. Under this application, the Applicant proposes to construct a prep kitchen and host 1-2 food trucks. Food trucks are regulated under Section 4.15 (temporary structures) see below. Although not proposed for immediate use, the kitchen will ultimately be used to prep food prepared by off-site caterers and food trucks for special events. The

Applicant is not proposing to have a food menu for patrons. The Board reviewed the defined uses and considers this to be an accessory restaurant as defined below.

*16.127 Restaurant, Accessory: A restaurant that is clearly subordinate to a primary conditional use located within the same building.*

6. **Density.** No changes or increases in density are proposed.
7. **Height.** The maximum building height in HT 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." No changes in building height are proposed under this application.

#### **Section 4.15 – Temporary Structures**

1. **Section 4.15(2)** requires "All temporary structures including, but not limited to, trailers, tents, trucks and other registered vehicles and carts with an area greater than 32 sq. ft. selling or serving goods or food, and mobile homes used for temporary office or storage space may be permitted as a temporary accessory structure to an existing or proposed approved use. Such structures shall not be used for dwelling purposes." The Applicant proposes to host 1-2 food trucks from May 2020- October 31, 2020. The proposed locations of the food trucks are shown on the site plan provided with the application.
2. **Section 4.15(3)** states "A permit for a temporary structure may be issued for a specified period of time not to exceed six (6) months." As noted above, the Applicant proposes to host 1-2 food trucks. Temporary structures may be issued a permit not to exceed six (6) months.
3. **Section 4.15(4)** states "A temporary structure that is to be used as an extension or expansion of a conditional use will require conditional use approval from the DRB, unless the Zoning Administrator determines that the structure is a minor alteration to a conditional use and can be administratively approved." Staff referred the application to the Board for conditional use review.
4. **Section 4.15(5)** states "A temporary structure shall be dismantled or removed upon expiration of the permit, unless the applicant applies for a new permit."

**Conclusion:** The Board concludes the proposal is in conformance with the applicable provisions for temporary structures. As conditions of approval, the Board will require that the temporary structures not be used for dwelling purposes and that the zoning permit expire six (6) months following the date of Board decision. At such time, the temporary structure(s) shall either be removed from the premises or the Applicant shall obtain a new permit in accordance with Section 4.15(5).

**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:

5. **Section 3.7(2)(A)(1) – 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 returned indicated that the proposed development would have any adverse impact on existing or planned community facilities and services.

Dave Kresock of Stowe Electrical Department provided the following comments:

*Project #6216 – No SED Impact. Note: The location of the food truck/cart on the northeast side of the building is near Stowe Cider’s overhead electrical service. During an emergency if the truck/cart is not easily movable, it may delay Stowe Electric’s restoration efforts if our line trucks are not able to reach the service wires.*

**Conclusion:** The Board concludes the proposal will not result in an undue adverse effect on the Town’s existing or planned facilities or services.

6. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The Applicant proposes to install a prep kitchen for special events and to host 1-2 food trucks from May 2020-October 31, 2020. The proposal is not expected to generate a significant increase in the number vehicle trips.

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

7. **Section 3.7(2)(A)(3) – The character of the area affected:** The subject parcel is in the HT zoning district. The purpose of the HT district is *“To control development along the portion of the “lower” Mountain Road between designated growths centers in a manner that encourages continued moderate-density commercial and residential land uses while maintaining high quality development and site design.”* The Board previously approved under Project 5953 temporary food trucks on this parcel. There are other similar uses in the general vicinity.

**Conclusion:** The Board concludes the proposal will not adversely affect the character of the area as defined under the town’s zoning regulations.

8. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** The application was reviewed under applicable Conditional Use criteria. Applicable bylaws include the Stowe Zoning Regulations, as adopted October 9, 2018. The proposal will likely require additional water and sewer allocation. No other known municipal bylaws or ordinances apply to this project.

**Conclusion:** The Board concludes the proposal is in conformance with the Stowe Zoning Regulations, as adopted October 9, 2018. As a condition of approval, the Applicant will be required to obtain and secure any necessary additional municipal water and sewer for the proposal.

9. **Section 3.7(2)(A)(5) – Utilization of renewable energy sources:** No permanent changes to the approved site plan or building are proposed under this application. No change is proposed with regard to the use of, or access to, the utilization of renewable energy resources.

**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:**

10. **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.** The Applicant proposes to host 1-2 temporary food trucks from May 2020- October 31, 2020 and construct a prep kitchen. No permanent changes to the approved site plan or building footprint are proposed under this application. The site is previously developed and contains an existing commercial building and related improvements.

**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.

11. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** The Applicant proposes to host 1-2 temporary food trucks from May 2020- October 31, 2020 and construct a prep kitchen. No changes to the approved site plan or building are proposed under this application. Under prior conditions of approval, the Board required that no amplified music be audible at the property line beyond 10:00 PM, this condition remains in effect.

**Conclusion:** The Board concludes the project, as conditioned, will not result in undue water, noise, or air pollution.

12. **Section 3.7(2)(B)(3) –Access Management:** The parcel is served by Town Farm Lane with indirect access to Mountain Road (VT-108), a state-maintained highway. No expansions or improvements to the existing curb cut are proposed under this application.

**Conclusion:** The Board concludes that no changes to the existing access are proposed under this application.

13. **Section 3.7(2)(B)(4) – Shared Access:** The parcel is served by Town Farm Lane. The parcel contains a commercial building currently occupied by Stowe Cider. No changes are proposed to the existing shared access.

**Conclusion:** The Board concludes that no changes to the existing access are proposed under this application.

14. **Section 3.7(2)(B)(5) – Circulation and Parking:** The regulations require parking be provided per the requirements of Section 15 and be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. The Applicant proposes to host 1-2 temporary food trucks from May 2020- October 31, 2020 and add an accessory restaurant. The parking area is shared by other nearby users including the Rusty Nail. No changes to the number or location of parking spaces or circulation patterns are proposed under this application. The parking area serving the subject building is shared with the Rusty Nail and operates under a previously approved shared parking agreement presented during the reconstruction of the Rusty Nail. The Board's decision approving Stowe Cider's original application (Project 5468) acknowledges the shared parking arrangement and unique usage with the Rusty Nail. Most recently under Project 6185, the Board approved expansion into the formerly occupied by West Branch Gallery. In the decision, the Board found that unique usages and special conditions exists and agreed to reduce the parking requirement given the buildings location to existing lodging facilities, access to pedestrian and bicycle sidewalks and paths, and proximity to public transit routes. Temporary structures and accessory uses do not require additional parking under Table 15.2.

**Conclusion:** The Board concludes no changes to the previously approved parking plan are proposed under this application or required under the regulations.

15. **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. No changes to existing pedestrian circulation or access improvements are proposed under this application. No changes to the approved site plan or building footprint are proposed under this application.

**Conclusion:** The Board concludes that no changes to the existing pedestrian circulation and access are proposed under this application.

16. **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. No changes to the existing landscaping or screening are proposed under this application.

**Conclusion:** The Board concludes that no changes to the existing landscaping and screening are proposed under this application.

17. **Section 3.7(2)(B)(8) – Stormwater Management:** No changes to the approved site plan or building footprint are proposed under this application. No increases in impervious surfaces or changes to existing storm drainage patterns are proposed.

**Conclusion:** The Board concludes no increases in impervious surfaces or changes to existing drainage patterns are proposed.

18. **Section 3.7(2)(C).** In addition to other provisions of Section 3.7, the Board 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 Board 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 of these 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.
- d. **Additional HT Standards:** In addition to the conditional use criteria of these regulations, the DRB shall find that proposed development is designed in a manner that promotes an overall high quality of design and construction and, where appropriate, incorporates traditional building materials.

**Conclusion:** The Board concludes no site plan improvements or exterior building alterations are proposed under this application. Does not apply.

#### **Section 4: Specific Use Standards**

19. **Section 4.8 Outdoor Lighting.** The regulations require that all outdoor lighting shall be installed in accordance with the Section 4.8(A-C). When reviewing lighting plans pursuant to Section 4.8, including proposed gas station canopy or apron lighting, proposed illumination of building façades or parking area lighting, the DRB shall consider appropriate levels and distribution of illumination. In determining appropriate levels of illumination, the Board will consider the guidelines outlined in Section 4.8(2)(A-F). No changes are proposed to the existing outdoor lighting.

**Conclusion:** This provision does not apply.

20. **Section 15- Parking Regulations-** See discussion above.

#### **DECISION**

On a motion by C.Walton seconded by F.Aumand III,, the Development Review Board hereby approves (7-0) Project 6216 based upon the foregoing Findings of Fact and concludes the proposal as presented in application dated 3/13/2020 and supporting materials meets the Stowe Zoning Regulations, as adopted on 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 conditions of previous approvals, except as amended herein, remain in full force and effect.
3. The temporary structures (food trucks) shall not be used for dwelling purposes.
4. The approval for the temporary structures (food trucks) shall expire six (6) months from the date of this decision. At such time, the temporary structures (food trucks) shall either be removed from the premises or the Applicant shall obtain a new permit in accordance with Section 4.15(5).
5. The temporary structures (food trucks) shall use on-site electrical utilities. The use of generators is strictly prohibited without additional review.

6. The approved days and hours of operation for the temporary structures (food trucks) are limited to Sunday through Saturday from 9:00 AM-10:00 PM.
7. All temporary signage must comply with Section 14 of the town's zoning regulations.
8. The Applicant must obtain any necessary additional municipal water and sewer allocation for the project.
9. 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.
10. 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 in favor: D. Clymer, A. Volansky, L. Wasserman, T. Hand, F.Aumand III, P.Roberts, C.Walton  
Voting to deny: None

Motion PASSED 7-0.

Dated at Stowe, Vermont this the 19 day of May 2020

By: \_\_\_\_\_

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.