



**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.

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**APPLICATION INFORMATION**

**Project Number** 6234  
**Application Date** 5/3/2020  
**Physical Location** 1186 LUCE HILL RD (LOT1)  
**Map ID** 06-010.010 **Tax ID** 32022  
**Project Description** CONSTRUCT SINGLE-FAMILY DWELLING AND RELATED IMPROVEMENTS  
**Owner** ALICIA SECOR & JIM MCGORRY  
**Applicant** CUSHMAN DESIGN GROUP CHAD FORCIER  
**Applicant Address** PO BOX 655  
STOWE VT 05672

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**APPROVALS ON RECORD**

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	6/16/2020	7/16/2020	7/16/2022

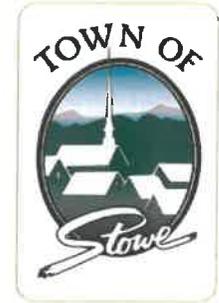
*Sarah McShane*

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Zoning Office



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



**PROJECT:** 6234

**SUBJECT PROPERTY:** 1186 Luce Hill Road, Stowe, VT (#06-010.010)

**PROPERTY OWNER:**

Alicia Secor & Jim McGorry (*under contract*)  
246 Lazell St.  
Hingham, MA 02043

**APPLICANT:**

Chad Forcier- Cushman Design Group  
PO Box 655  
Stowe, VT 05672

**APPLICATION:**

The Applicant, Chad Forcier- Cushman Design Group on behalf of property owners, Alicia Secor & Jim McGorry (*under contract*) (herein referred to as the "Applicant"), requests RHOD review to construct a single-family dwelling, attached garage, and related improvements at 1186 Luce Hill Road. The property is served by a private shared right-of-way/driveway off from Luce Hill Road.

The subject parcel, consisting of ±6.49 acres and located at 1186 Luce Hill Road, Stowe, VT (06-010.010), is in the Rural Residential 5 (RR5) Zoning District and the Ridgeline and Hillside Overlay District (RHOD). The parcel was originally created in 2008 under Project 3660 as part of the Chase three-lot subdivision. The application has been reviewed by the Development Review Board under applicable standards of the Town of Stowe Zoning Regulations (as adopted October 9, 2018) for the purpose of Ridgeline and Hillside Overlay District (RHOD) 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 RHOD review was filed by Applicant Chad Forcier on April 30, 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 Development Review Board was scheduled for June 2, 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 May 14, 2020. 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 June 2, 2020 using the virtual meeting platform Zoom, with a quorum of the DRB present. No ex parte communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, Leigh Wasserman, Tom Hand, Paco Aumand III, Andrew Volanksy, Chris Walton, and Peter Roberts.

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

- Chad Forcier & Milford Cushman- Cushman Design Group, PO Box 655 Stowe, VT 05672
- Alicia Secor & Jim McGorry (*under contract*), 246 Lazell St., Hingham, MA 02043
- David Cole, 7 Saunders Terrace, Wellesley, MA 02481
- Elizabeth Croes, PO box 1434, 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 4/30/2020;
- Architectural Drawings prepared by Cushman Design Group, dated 4/30/2020;
  - Proposed Site Plan- View Line Analysis, Sheet RH-1;
  - Proposed Site Plan, Grading/Planting, Sheet RH-2;
  - Proposed Photos to and From View Sites, Sheet RH-3;
  - Proposed Floor Plans, Sheet A2-1;
  - Building Elevations, Sheets A3.0;
  - Exterior Materials & Color Selections
- Lighting Cut-Sheets
  - EX-CM-A (1)
  - EX-WM-A(4)
  - Secor McGorry R1(10)
- DRB Decision for Project 3660- 3 Lot Subdivision (staff)

The Development Review Board 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 RHOD approval was reviewed by the 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 9- Ridgeline and Hillside Overlay District
- Section 15- Parking Regulations

**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 ±6.49 acres. 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 provided site plan shows the location of the proposed dwelling and related improvements (i.e. driveway, septic, etc.) in relation to the front, sides, and rear setbacks. The proposed dwelling and attached garage all appear to be located outside of any required setback.
4. **Maximum Building Coverage.** Does not apply to the RR5 zoning district.
5. **Use.** The Applicant proposes to construct a single-family dwelling and attached garage. Single-family dwellings are a permitted use in the RR5 district.

6. **Density.** The RR5 district allows single-family dwellings at a density of one (1) per five (5) acres. The subject parcel is  $\pm 6.49$ .
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."* During the hearing, the Applicant testified that the roof height of the dwelling is approximately 23' 3" from grade.

**SECTION 9 – RIDGELINE AND HILLSIDE OVERLAY DISTRICT.** (1) Under the provisions of the Town of Stowe zoning regulations (as adopted October 8, 2018), the application was reviewed under the applicable provisions of Section 9- Ridgeline and Hillside Overlay District. Staff referred the application to the Board since the project is not eligible for an exemption under Section 9.4(2).

**Section 9.5 RHOD Guidelines:**

8. **Standard (1) General Requirements:** To protect the unique visual and environmental character of the RHOD, especially those characterized by steep slopes, prominent knolls, ridgelines and significant focal points, the regulations require that all development be designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and the physical environment of the town. The Applicant proposes to construct a single-family dwelling, attached garage, and related improvements. Except for a clump of trees that is noted to be cleared for the septic system, the proposed dwelling and garage are generally sited in areas previously cleared. The lot is part of a three-lot subdivision approved in 2008. The Board finds that the proposal has been designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and the physical environment of the town.
9. **Standard (2) Designation of Vantage Points:** The regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties. The Applicant provided several photographs showing the project vicinity and a visual assessment of the project area. The view line analysis shows the project location and three (3) viewpoint study areas; A) Luce Hill Road  $\pm 0.62$  miles; B) Mountain Road  $\pm 0.91$  miles; and C) West Hill Road  $\pm 2.61$  miles. The site section on Sheet RH.2 shows the location and elevation of the dwelling, driveway, and tree canopy. During the hearing it was noted that there is some visibility of the dwelling from Luce Hill Road through the driveway cut. The Applicant reported that trees have been proposed to help mitigate this minor visual impact. The Board finds the proposal will not negatively impact public vantage points and will have limited visibility from public vantage points.
10. **Standard (3) Standards and Guidelines:** Standard 3 provides guidelines and accompanying illustrations to guide development in a visually and environmentally sensible way without an undue adverse impact to scenic and environmental resources. The Applicant proposes to construct a single-family dwelling, attached garage, and related improvements. Except for a clump of trees that is noted to be cleared for septic, the proposed dwelling and garage are generally sited in areas previously cleared. The existing shared driveway enters the parcel from Luce Hill Road and spurs off to provide private access to the proposed dwelling. The private driveway/parking is generally located to the side/rear of the dwelling. The Board reviewed the applicable standards and guidelines and finds that the proposed improvements will not adversely impact the character of the scenic landscape.

11. **Standard (4)** The regulations require that development not result in an undue adverse impact on fragile environments, including designated wetlands, wildlife habitats, streams, steep and extremely steep slopes and unique features. All efforts should be made to protect/preserve such areas and promote suitable buffers. The Applicant proposes to construct a single-family dwelling, attached garage, and related improvements. The proposed dwelling and garage are generally sited in areas previously cleared on lands that are generally flat. The parcel is undeveloped but contains a shared driveway and areas previously cleared. The Board finds that the proposal, if constructed as approved, will not result in an undue adverse impact of fragile environments.
12. **Standard (5)** The regulations require if the project is on a forested hillside, there will be no significant exposure of buildings, and all development be minimally visible and blend in with surroundings in winter months. The amount and location of clearing adjacent to structures shall be limited; additional tree planting may be required in instances where planting is needed to visually interrupt the portion of structures visible from defined vantage points. The site section on Sheet RH.2 shows the location and elevation of the dwelling, driveway, and tree canopy. The application materials indicate the parcel is previously cleared with only minor additional clearing proposed for the septic areas. Building materials and colors are included in the architectural drawings. The Board finds the proposal will be minimally visible and conforms to Standard 5.
13. **Standard (6)** Development shall not detract from the sense of order or harmony of the landscape patterns formed by forests, agricultural fields and open meadows. The Applicant proposes to construct a single-family dwelling, attached garage, and related improvements. The proposed dwelling and garage are generally sited in areas previously cleared on lands that are generally flat. The subject lot was created in 2008 and is part of a previously approved three-lot subdivision. The Board finds that the proposal has been designed and sited in a manner that will not detract from the sense of order or harmony of the landscape patterns.
14. **Standard (7)** During construction, trees identified on the landscaping plan are to be protected. The Applicant provided a site plan showing the existing tree canopy, proposed clearing, and a landscaping plan depicting proposed landscaping and screening. A small clump of trees is proposed to be cleared along northern property line to accommodate the septic area. Three (3) trees are proposed along the private driveway- three (3) balsam fir 14' x 16' in height. Three (3) white pines 12'-14' in height are proposed to mitigate existing understory view from Luce Hill Rd. No other clearing or landscaping is noted in the plans. The proposal maintains much of the existing treeline around the project site. No other clearing or removal of trees is proposed under this application.
15. **Standard (8)** The regulations require that driveway grades not exceed fifteen (15%) percent and have an average grade that does not exceed twelve (12%) percent. Where necessary, limited steeper grades are acceptable if they serve to better minimize overall erosion potential and environmental/aesthetic impacts, provided adequate access is ensured for fire and rescue vehicles. The existing shared driveway enters the parcel from Luce Hill Road. The private driveway to serve the dwelling spurs off the shared driveway in the center of the parcel. During the hearing it was noted that the topography is generally flat with gentle slopes. The ANR Natural Resources Atlas indicates the majority of the lot contains slopes of less than 15%.
16. **Standard (9)** The regulations require that development not result in any building, roof or appurtenant structure being located in a manner which would allow the building, roof or structure to visually exceed the height of land or tree line if it is protected serving as the visual and physical backdrop to the structure as viewed from vantage points. The site section on Sheet RH.2 shows the location and elevation of the dwelling, driveway, and tree canopy. The Board finds the proposal is

in conformance with Standard 9 and has been designed in a manner that will not visually exceed the height of the land or tree line.

17. **Standard (10)** The regulations require that massing of a project be designed to minimize visual impacts and contribute to, and harmonize with, the scenic quality of the surrounding landscape. The Applicant provided a building material schedule and colors. Proposed materials and colors are natural earth tones and compatible with the surrounding landscape. The Applicant provided a sheet showing the exterior materials and color selections which include stained wood, standing seam roofing, asphalt shingles- all of brown, dark red, and grey color palette. The Board finds the proposal is in conformance with Standard 10 and has been sensitively designed to minimize visual impacts and compliment the scenic quality of the surrounding landscape.
18. **Standard (11)** Offsite light impacts shall be minimized. Outdoor lighting must comply with the standards contained in Section 4.8 of the regulations. The architectural drawings prepared by Cushman Design Group show the location of outdoor light fixtures with a fixture key- a mix of wall mounted fixtures and recessed lighting. Cut sheets were provided for each of the proposed outdoor lighting fixtures. The elevation drawings indicate location and placement of each of the proposed light fixtures: Fixture EX-CM-A (1) is a wall/ceiling mounted decorative fixture located over a window; Fixture EX-WM-A(4) is a shielded wall mounted sconce located above the garage doors and near building entrances; Fixture Secor McGorry R1(10) is an incandescent lamp. During the hearing, the Applicant testified that the recessed lighting has been designed with a maximum of 800 lumens, equivalent to approximately 60 watts. The Board finds the proposed lighting is in conformance with Section 4.8 of the regulations and has been designed to minimize impacts.
19. **Standard (12)** The regulations require that the minimum area for all lots in existence prior to August 3, 1998 be as established for the underlying district. Minimum area for any lot created after August 3, 1998 shall be as established for the underlying district, excluding any portion of the lot with an average steepness (slope gradient) in excess of twenty (20%) percent. The lot area must have an area four times (4x) the minimum lot area identified in the underlying district for that portion of the parcel exceeding 20%. No change in lot area is proposed under this application. The provisions of this section do not apply.

**Conclusion:** The Board concludes the proposed development is in conformance with all applicable RHOD standards and guidelines.

### **DECISION**

On a motion by F.Aumand III, seconded by T.Hand the Development Review Board hereby approves (7-0) the Applicant's request to construct a single-family dwelling and related improvements as outlined in the application dated 4/30/2020 and supplemental materials, subject to 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.
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Clearing for construction shall be restricted to the areas shown on the approved site plan entitled 'Proposed Site Plan, Grading/Planting' Sheet RH-2' prepared by Cushman Design

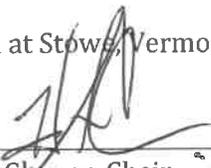
Group, dated 4/30/2020 and amended herein. The 'Existing Canopy Tree to Remain', as shown on the approved site plan, shall be maintained to provide a natural backdrop and screening of the dwelling and be left undisturbed except as necessary to remove dead or diseased trees and to promote the health of the forest.

4. Landscaping shall be installed as shown on the approved plans. Any dead and dying plants and trees shall be replaced within one (1) year of death.
5. 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.
6. 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, providing the maximum initial lumens generated by each fixture not exceed 2,000 (equivalent to a 150-watt incandescent bulb).
7. The use of reflective exterior surfaces or windows is strictly prohibited.
8. Site construction shall be conducted in a manner that keeps the amount of soil exposed at any one time to a minimum.
9. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, shall be stabilized.
10. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
11. 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.
12. 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.
13. 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.
14. 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: Drew Clymer, F.Aumand III, C.Walton, A.Volanksy, Leigh Wasserman, Tom Hand, and Peter Roberts.

Voting to deny: None

Dated at Stowe, Vermont this the 16 day of June 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.

