



**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** 6236  
**Application Date** 5/3/2020  
**Physical Location** 39 EDSON HILL RD  
**Map ID** 11-154.000 **Tax ID** 30001  
**Project Description** CHANGE OF USE FROM DORMITORY/LODGING TO RESTAURANT & RETAIL FIRST FLOOR AND SECOND FLOOR RETAIL  
**Owner** MERRY & GRADY VIGNEAU  
**Applicant** ROUND HEARTH AT STOWE MERRY VIGNEAU  
**Applicant Address** 39 EDSON HILL ROAD  
STOWE VT 05672

**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*

Zoning Office



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



**PROJECT:** 6236

**SUBJECT PROPERTY:** 39 Edson Hill Road; #11-154.000

**PROPERTY OWNER:**

Merry & Grady Vigneau  
104 Wells Street  
Greenfield, MA 01301

**APPLICANT:**

Merry Vigneau  
Round Hearth at Stowe  
39 Edson Hill Road  
Stowe, VT 05672

**APPLICATION:**

The Applicant, Merry Vigneau, (herein referred to as the "Applicant"), requests conditional use approval for a two-phase change of use from lodging/dormitory to retail and restaurant use on the first floor and second floor retail. Four (4) existing lodging rooms are intended to remain as such.

The subject parcel, consisting of  $\pm 1.66$  acres and located at 39 Edson Hill Road (#11-154.000), is in the Mountain Road Crossroad (MRC) Zoning District. The property is on the corner of Edson Hill Road and Mountain Road, a state highway maintained by the Vermont Agency of Transportation (VTTrans). The parcel is bound to the north by the Savage Pond Condominiums and a  $\pm 0.4$ -acre parcel owned by Sigler containing a three (3) unit multi-family dwelling, to the east by Edson Hill Road, to the south by Mountain Road, and to the west by a  $\pm 2.52$  acre parcel owned by Mountain House Lodge LLC containing a lodging facility. 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 conditional use 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 conditional use review was filed by Applicant Merry Vigneau on April 15, 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 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 and posted at the Town Office, Library, and Police Station. The Applicant submitted a completed certificate of service in accordance with Section 2.14(1)(B).

The virtual public hearing to consider the application convened on June 2, 2020 using Zoom with a quorum of the DRB present. No ex parte communications or conflicts of interests were reported.

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

- Merry Vigneau, 104 Wells Street, Greenfield, MA 01301

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

1. Town of Stowe Development Application, dated 4/15/2020;
2. Project narrative, dated 4/20/2020;
3. Parking space diagram, no date;
4. Terraced lawn diagram, no date;
5. Lower level floor plan, no date;
6. The Round Hearth at Stowe- second floor plan, 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 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 15- Parking Regulations

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

**Dimensional Requirements:**

1. **Zoning District.** The subject parcel contains ±1.66 acres and is located within the Mountain Road Crossroad (MRC) Zoning District as shown on the Official Town of Stowe Zoning Map (as adopted October 9, 2018).
2. **Lot Area, Lot Width.** No changes to lot area or lot width are proposed under this application.
3. **Setbacks.** No change to the building footprint is proposed.
4. **Maximum Building Coverage.** No change to building coverage is proposed.
5. **Use.** The parcel contains an existing dormitory/lodging facility and related improvements. The Applicant seeks approval for a two-phase change of use from lodging/dormitory to retail and restaurant use on the first floor and second floor retail. Four (4) existing lodging rooms are intended to remain as such. The regulations provide the following use definitions:

*Restaurant: A commercial establishment where food and drink are prepared, served and consumed by the general public, primarily within the principal building.*

*Retail Sales: The delivery of goods and services by any business concerned with the sale, lease or rental of produce, products, equipment to the general public for personal or household consumption and the rendering of services incidental to the sale, lease or rental of such goods.*

*Lodging Facility: A facility operating as a lodge, hotel, motel, conference center, resort or similar facility that offers short-term housing intended for use by paying transient guests.*

6. **Height.** No change to building height is proposed under this application.

**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:

7. **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. The property is served by onsite septic and municipal water system. The Applicant will need to assess the current municipal water allocation and seek additional allocation if the changes of use increase flow.

No Municipal Department review forms returned indicated that the requested modifications would have any adverse impact on existing or planned community facilities and services.

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

8. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The Applicant requests a two-phase change of use from lodging/dormitory to retail and restaurant use on the first floor and second floor retail. Four (4) existing lodging rooms are intended to remain as such. The Applicant did not provide estimated number of vehicle trips generated by the proposed use(s) however the proposed uses are similar to those in the vicinity and are not expected to create undue adverse impact on traffic on roads and highways in the vicinity. During the hearing the Applicant testified that when serving as a lodging facility, a variety of tour buses and personal vehicles visited the site.

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

9. **Section 3.7(2)(A)(3) – The character of the area affected:** The subject parcel is in the MRC zoning district. The purpose of the MRC district is *"To foster a development pattern along the Mountain Road (Route 108) corridor comprised of compact, mixed-use settlements separated by rural countryside. The MRC district is intended to serve as a relatively small, concentrated mixed-use settlement with good pedestrian circulation between uses and properties and a village streetscape..."* The Applicant requests approval for a change of use to retail/restaurant. Adjacent to the subject parcel are other nearby residential, commercial, and lodging uses.

**Conclusion:** The Board concludes the proposal will not result in an undue adverse effect of the character of the area affected.

10. **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. No other municipal bylaws or ordinances apply to this project.

**Conclusion:** The Board concludes the proposal is in conformance with the applicable Stowe Zoning Regulations, as adopted October 9, 2018. No other identified municipal bylaws or ordinances apply to this project.

11. **Section 3.7(2)(A)(5) – Utilization of renewable energy sources:** 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 will not 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:**

12. **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 site is previously developed. The Applicant seeks approval for a change of use. No changes to the site or exterior building changes are proposed. The requested changes of use are not expected to impact the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

**Conclusion:** The Board concludes the requested change of use will not adversely affect the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

13. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** The parcel is previously developed. The requested changes of use are not expected to result in undue water, noise or air pollution.

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

14. **Section 3.7(2)(B)(3) – Access Management:** The parcel is served by Edson Hill Road with direct access to Mountain Road- a state-maintained highway. No changes to the existing access are proposed under this application. Staff referred the application to VT Agency of Transportation (VTrans) to inquire whether an §1111 permit is required. Ed Pierce, Permit Coordinator with the Vermont Agency of Transportation responded that no §1111 permit is required.

**Conclusion:** The Board concludes no changes to the location or number of access points is proposed under this application.

15. **Section 3.7(2)(B)(4) – Shared Access:** The existing access is not shared with other users.

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

16. **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 seeks approval for changes of use; no changes to existing parking arrangement, circulation, or number of parking spaces are proposed under this application. The Applicant provided the parking plan previously approved under Project 5298 in 2016. Based on staff's calculations the proposed uses require a total of 53.58 parking spaces based on the area proposed for retail, the number of restaurant seats, and existing lodging rooms to remain. The provided parking plan indicates forty-eight (48) parking spaces exist. During the hearing, the Applicant indicated that they are willing to reduce the total number of proposed seats by fifteen (15) to meet the parking requirements. The Applicant agreed to reduce the total number of seats to ninety-five (95), including a mix of indoor and outdoor.

**Conclusion:** The Board concludes the existing circulation and parking improvements represents safe and adequate access and circulation for the proposed uses.

17. **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. The Applicant proposes a phased change of use. No changes to the existing circulation or access improvements are proposed under this application.

**Conclusion:** The Board concludes the existing site layout, including pedestrian circulation and access, represents safe and adequate pedestrian access and circulation for the proposed use.

18. **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 are proposed under this application.

**Conclusion:** The Board concludes the existing landscaping and site layout provides adequate screening in accordance with Section 4.6.

19. **Section 3.7(2)(B)(8) – Stormwater Management:** Section 3.12(2) provides stormwater and erosion control standards for construction-related activities associated with any new construction. No changes to existing stormwater drainage patterns are proposed.

**Conclusion:** This provision is not applicable.

20. **Section 4.8 Outdoor Lighting.** No changes proposed.

**Conclusion:** This provision is not applicable.

## **DECISION**

On a motion by F.Aumand III, seconded by C.Walton, the Development Review Board hereby approves the Applicant's request for a change of use as indicated on the application dated 4/15/2020 and related submittals, 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. Restaurant seats must be limited to ninety-five (95) in order to meet the required number of parking spaces.
4. The Applicant must obtain additional zoning permit for the installation of any new signage.
5. The Applicant must obtain additional municipal water allocation if the changes of use increase previously allocated flow.
6. 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.
7. 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

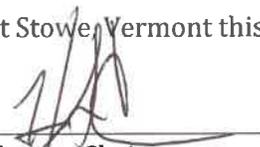
allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purpose of ascertaining compliance with the conditions of approval.

Voting in favor: D. Clymer, T. Hand, P.Roberts, C.Walton, A.Volansky, L. Wasserman, F.Aumand III.

Voting to deny: None

Motion PASSED 7-0

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.