



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. Please note that there are conditions of approval required to be met before your Zoning Permit can be issued. Once you fulfill these conditions your zoning permit will be sent to you

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

APPLICATION INFORMATION

Project Number 6275
Application Date 6/8/2020
Physical Location LIFTLINE DRIVE (E911 # TBD)
Map ID 14-002.000 Tax ID 26000
Project Description CONSTRUCT ONE STORY SKI PATROL FIRST AID BUILDING AND RACE TRACK START OFFICE
Owner VR US HOLDINGS II LLC
Applicant SPRUCE PEAK REALTY NICK MANN/BRUCE MALCOLM
Applicant Address 7320 MOUNTAIN ROAD
 STOWE VT 05672

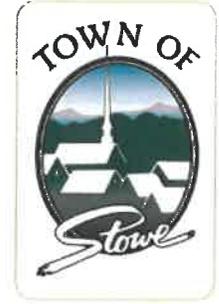
APPROVALS ON RECORD

| Action Taken | Date | End of Appeal Period | Expiration Date |
|--------------|-----------|----------------------|-----------------|
| DRB DECISION | 7/21/2020 | 8/20/2020 | 8/20/2022 |

Sarah McShane

Zoning Office

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



PROJECT: 6275

SUBJECT PROPERTY: Liftline Drive; #14-002.000 (Lot 23)

PROPERTY OWNER: VR US Holdings II LLC; d/b/a Stowe Mountain Resort
5781 Mountain Road
Stowe, VT 05672

APPLICANT: Nicholas Mann/Bruce Malcolm
Spruce Peak Realty LLC
7320 Mountain Road
Stowe, VT 05672

APPLICATION:

The Applicant, Nicholas Mann/Bruce Malcolm of Spruce Peak Realty (herein referred to as the “Applicant”) on behalf of property owner VR US Holdings II LLC, requests conditional use approval to construct a one-story ski-patrol first aid building and race track start office. The proposed building is located on Lot 23 and will have access via Liftline Drive.

The resort area is part of a designated SKI-PUD comprised over ±3188 acres originally approved by the Stowe Planning Commission on May 5, 2003 under S-03-05 recorded in Map Book 14 pages 2-17. The roadways, utilities, infrastructure, and related items were later approved by the Planning Commission as part of the SKI-PUD amendment (S-03-05). Most recently, the SKI-PUD was amended to include an additional ±2.87 acres for a total of ±3188 acres [Project 5757]. Conceptual development of the SKI-PUD, as outlined in the SMR 2000 Spruce Peak Master Plan, was approved by the Development Review Board (DRB) on March 10, 2004 (BA-14-002-25) and included various resort buildings, improvements, and amenities. The Board’s decision approving the Master Plan noted that given the relatively large scope of the project, the Board would first issue a Master Findings of Fact and Conclusions of Law for all criteria that would apply project wide and individual project elements would be reviewed separately with individual Findings of Fact and Conclusions of Law for each element.

The application has been reviewed by the Development Review Board (DRB) for the purpose of conditional use review under applicable standards of the Town of Stowe Zoning Regulations (as adopted on October 9, 2018), as well as prior DRB decisions and applicable conditions of approval including the following:

- Project BA-14-002-25 (i.e. SMR 2000 Spruce Peak Master Plan); dated 3/10/2004
- Project 4707 (i.e. approval to extend Phase I construction to 3/10/2024); DRB Decision dated 12/26/2012.

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 Nicholas Mann/Bruce Malcolm on June 5, 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 July 7, 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 June 18, 2020. The Applicant submitted a completed certificate of service in accordance with Section 2.14(1)(B).

The public hearing to consider the application convened on July 7, 2020 via virtual meeting hosted by 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: F.Aumand III, D.Clymer, C.Walton, P.Roberts, M.Diender, L.Wasserman, A.Volansky.

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

- Applicant – Bruce Malcolm, Spruce Peak Realty LLC, 7320 Mountain Road, Stowe, VT 05672
- Sam Gaines, Spruce Peak Realty LLC, 7320 Mountain Road, Stowe, VT 05672
- George Janson, Bull Stockwell Allen, 300 Montgomery Street, Suite 600
San Francisco, CA 94104
- John Schnee, Stowe Mountain Resort, 5781 Mountain Road, Stowe, VT 05672
- Bobby Murphy, Stowe Mountain Resort, 5781 Mountain Road, 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, dated 06/05/2020;
2. Plans and drawings prepared by Bull Stockwell Allen including:
 - Site Plan dated 4/13/20;
 - Floor Plan & Section, dated 3/20/20;
 - East & South Elevation, dated 3/20/20;
 - North & West Elevation, dated 3/20/20;
 - Material Sample, dated 4/13/20;
3. Comments from David Kresock of Stowe Electric Department, dated 6/29/20;
4. Engineer Drawings prepared Civil Engineering Associates, First Aid Building, including sheets C1.0, C1.1, C2.0, C3.0, C3.1, C4.0, C4.10, C4.2-C4.5, dated 7/1/2020.

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 Development Review Board (DRB) for conformance with applicable requirements of the Town of Stowe Zoning Regulations (as adopted on 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 13- Planned Unit Development
- Section 15- Parking Regulations

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

1. **Zoning District.** The subject parcel is located within the Rural Residential 5 (RR5) Zoning District as shown on the Official Town of Stowe Zoning Map (as adopted on October 9, 2018).
2. **Lot Area, Lot Width.** The proposed building is sited on Lot 23 consisting of 1.23 acres. No changes to lot area or lot width are proposed under this application.
3. **Setbacks.** The parcels are part of a SKI-PUD approved by the Stowe Planning Commission on May 5, 2003 under S-03-05. Setback requirements within a SKI-PUD are outlined under Section 13.6(4)(B)(3). For conditional uses *“The distance between buildings containing conditional uses shall not be less than permitted by the Vermont Department of Fire Safety.”* During the hearing the Applicant testified that the proposed building is sited to meet Vermont Department of Fire Safety setback requirements.
4. **Maximum Building Coverage.** Does not apply to the RR5 district.
5. **Use.** The Applicant seeks approval to construct a one-story ski-patrol first aid building and race track start office. Under the regulations, these uses can be classified as office and health care facility. The uses are defined under the regulations as:

16.59 Health Care Facility: A public or private facility that provides services for health maintenance and the treatment of mental or physical conditions. (See Health Services.)

16.101 Office, Professional and Business: Office of any bank or financial institution, real estate, insurance, architectural, engineering, legal, medical or other recognized professions.

Both uses are allowed as conditional uses within a SKI-PUD.

6. **Density.** No changes in density are proposed under this application.
7. **Height.** Within a SKI-PUD there is no maximum building height (see Section 13.6(G) states *“maximum building height by review of each individual building.”*) The provided drawings show the proposed height to be approximately 12’ 6”.

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:

8. Capacity of existing or planned community facilities and services:

- o The Zoning Administrator 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.
- o Dave Krescok of Stowe Electrical Department provided the following comments:

Project #: 6275 – VR US Holdings will need to verify location(s) of SED underground primary conductors and provide detailed utility drawings. The proposed building appears to be located on/near an existing 25’ right of way.

- DPW Director Harry Shepard also requested a utility plan be provided to confirm the buildings location in relation to municipal water and sewer easements.
- During the hearing the Zoning Administrator provided testimony that the Applicant recently provided engineer drawings which were subsequently passed on to both Stowe Electrical Department and the Department of Public Works. At the time of the hearing, no response had been received from either department.
- No other Municipal Department review forms were received.

Conclusion: Both the Stowe Electrical Department and Department of Public Works raised possible concerns regarding the building's location in close proximity to utility and municipal water/sewer easements. Both departments were provided the engineer utility plans for the project but did not provide any further comments. During the hearing the Applicant testified that they are working with the Stowe Electrical Department and highlighted the buildings location in relation to municipal easements. The Applicant provided further testimony that the building will not be located within any municipal easements. Based upon the above findings, the Board concludes the proposal, if constructed and maintained as conditioned, will not result in an undue adverse effect on the Town's existing or planned facilities or services. As a condition of approval, confirmation from both Stowe Electrical Department and Department of Public Works will be required confirming that the proposed building location is not within any utility or municipal water/sewer easement(s).

9. Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:

- The Applicant seeks approval to construct a one-story ski-patrol first aid building and race track start office. During the hearing the Applicant testified that the building will only be used during winter months.
- The proposed building is accessory to the larger ski resort complex and will only be accessible via foot or emergency vehicle. The building use itself will not create additional traffic.

Conclusion: Based upon the above findings, the Board concludes the proposal will not create an undue adverse impact on traffic on roads and highways in the vicinity.

10. Section 3.7(2)(A)(3) – The character of the area affected:

- The subject parcel is located within the RR5 zoning district with indirect access to Vermont Route 108. The general purpose of the Rural Residential district is as follows:
 - A. *To maintain the natural and scenic qualities which create and preserve the best possible environment for residential development.*
 - B. *To promote the preservation of adequate open space through carefully planned cluster types of development.*
 - C. *To encourage agricultural productivity of good farmlands and of forest resources.*
 - D. *To permit the establishment of recreational and resort facilities when compatible with the primary purpose of a residential environment.*

The specific purposes in RR 3 and RR 5:

A. To eliminate undue demand for new or extended municipal services in outlying areas which would cause a burden on the town.

B. To maintain the rural character and beauty of the existing neighborhoods.

C. To discourage intensive development in areas where slopes or soil conditions dictate otherwise.

- The project is located at the base of Spruce Peak and Mount Mansfield amongst a compactly developed ski resort. Under prior decisions, the Board concluded that the build-out of the resort area would have an adverse impact on the character of the area but incorporated design elements to ensure the impact would not be undue. The proposed building is small in size and similar in architectural design and building materials as nearby resort buildings.

Conclusion: The proposal is located within a larger ski resort. Although the build out of the resort area was determined to have an adverse impact on the character of the area, the Board previously concluded that it would not have an undue adverse impact. The proposed building is sited within the compact resort area and has been designed with similar architectural style and building materials. Based upon the above findings, the Board concludes the proposal will not adversely affect the character of the area as defined under the Stowe Zoning Regulations (as adopted on October 9, 2018).

11. Section 3.7(2)(A)(4) – Regulations and ordinances in effect:

- Applicable bylaws include the Stowe Zoning Regulations as adopted on October 9, 2018.
- The Applicant proposes connecting to municipal sewer and water services under the Town's Sanitary Sewer Ordinance.
- No other municipal bylaws or ordinances apply to this project.

Conclusion: Based upon the above findings, the Board concludes the proposal, as conditioned, is in conformance with the Stowe Zoning Regulations, as adopted on October 9, 2018. The Applicant will be required to obtain all necessary municipal water and sewer allocations, approvals, and connections as required under the Town's Sanitary Sewer Ordinance. No other municipal bylaws or ordinances apply to this project.

12. Section 3.7(2)(A)(5) – Utilization of renewable energy sources:

- The Applicant proposes a one-story building containing less than 1000 sf with a height of approximately 12' 6".
- The proposed building is located within a larger resort area containing buildings both larger in size and taller in height.

Conclusion: Based upon the above findings, 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:

13. 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 proposed project is located at the base of Spruce Peak and Mount Mansfield within a previously developed ski resort. The base of the resort consists of a number of buildings, parking areas, and related improvements.

Conclusion: Based upon the above finding, the Board concludes the proposed project 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.

14. Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.

- The Applicant requests approval to construct a one-story ski-patrol first aid building and race track start office.
- The building will only be used during the winter months and will serve injured skiers and provide office and storage space for the Mount Mansfield Ski Club.

Conclusion: Based upon the above findings, the Board concludes the project, if completed as conditioned, will not result in undue water, noise, or air pollution.

15. Section 3.7(2)(B)(3) –Access Management:

- The proposed project is served by Liftline Drive with indirect access to Vermont Route 108.
- No changes to access are proposed under this application.

Conclusion: Based upon the above findings, the Board concludes the building will be served by a previously approved access in accordance with Section 3.1.

16. Section 3.7(2)(B)(4) – Shared Access:

- The project is proposed to be served by Liftline Drive with indirect access to Vermont Route 108.
- Liftline Drive provides common and shared access to other users.
- Except as noted above, no changes to the previously approved internal shared access are proposed.

Conclusion: Based upon the above findings, the Board concludes the existing Liftline Drive will provide adequate access for the existing and proposed uses.

17. Section 3.7(2)(B)(5) – Circulation and Parking:

- The regulations require that parking be provided per the requirements of Section 14 and be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas.

- The proposed building will only be used during the winter months and is replacing the existing First-Aid Building, which is being displaced by the construction of One Spruce Peak.
- The primary purpose of the building is to serve injured skiers. During the hearing the Applicant testified that the employees working in the building will ski to work and park vehicles off-site or in nearby resort parking areas.
- During the hearing the Applicant testified that security patrols the area and no parking signage will be installed at appropriate locations. The building is designed to only have access for emergency vehicles.

Conclusion: Based upon the above findings, the Board concludes safe and adequate parking and circulation are provided.

18. Section 3.7(2)(B)(6) – Pedestrian Circulation and Access:

- The Applicant seeks approval to construct a one-story ski-patrol first aid building and race track start office.
- The building’s location is strategically designed at the base of the mountain to serve injured skiers but also provide for emergency vehicle access via Liftline Drive.
- The resort area provides for year-round pedestrian access within the compact resort area. The proposed building will primarily serve injured skiers coming off from the ski slopes. Employees of the building will also ski to work.

Conclusion: Based upon the above findings, the Board concludes the proposed site layout represents safe and adequate pedestrian access and circulation for the intended use.

19. 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.
- The site plan shows three (3) tree-like symbols but does not provide a key or legend. During the hearing the project architect testified that the three (3) trees are part of the previously approved One Spruce Peak landscaping plan and a planting legend could be added to the plans.
- During the hearing the Applicant testified that the application does not propose a dumpster.

Conclusion: Based upon the above findings, the Board concludes the proposed landscaping is appropriate for the intended use and site location.

20. Section 3.7(2)(B)(8) – Stormwater Management:

- The Applicant seeks approval to construct a one-story ski-patrol first aid building and race track start office with a building footprint of approximately 648 sf.

- Section 3.12(2) provides stormwater and erosion control standards for construction-related activities associated with any new construction as follows:
 - A. Site construction will be conducted in a manner that keeps the amount of soil exposed at any one time to a minimum.*
 - B. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, will be stabilized.*
 - C. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters. All development involving the disturbance of more than one-half acre shall submit an erosion and sediment control plan that incorporates the State of Vermont erosion prevention and sediment control practices before a zoning permit is issued.*
 - D. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless in application materials include erosion control measures that are adequate to ensure compliance with (A), (B) and (C) as noted above, taking into account winter and spring conditions.*
 - E. All development must provide for an adequate stormwater drainage system 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.*
 - F. All development that creates more than 1/2 (one-half) acre of additional impervious surface must provide for an adequate stormwater drainage system to ensure that stormwater runoff is not increased beyond the boundaries of the project as determined by the standards used for the State of Vermont stormwater management permits. Such development shall submit a stormwater management plan prepared and sealed by a registered engineer before a zoning permit is issued.*
- No additional impervious surfaces are proposed. The proposal involves less than ½ acre of additional impervious surfaces.

Conclusion: As general conditions of approval, the Applicant will be required to follow the requirements of Section 3.12. Based upon the above findings, the Board concludes, if constructed and maintained as approved, the proposed improvements will not cause an undue adverse impact on neighboring properties, town or state highways or surface waters.

21. **Section 3.7(2)(C).** In addition to other provisions of Section 3.7, the DRB 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 DRB 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 the 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.
- f. Additional RR Standards: Within the Rural Residential (RR) Districts the following is required:
 - i. Treatment of front yard and driveways for all conditional uses in the RR districts: A continuous strip not less than twenty (20') feet deep shall be maintained between the street line and the balance of the lot in all RR Districts, which strip shall be suitably landscaped. Only driveways and pedestrian walks may traverse the required strip. Not more than fifty (50%) percent of the required front yard may be used for driveways and parking. No portion of the required front yard may be used for storage or for any purpose except as above provided. Exceptions to these standards may be granted by the DRB in cases involving pre-existing buildings and/or uses when undue hardship is likely to exist. Cases will be reviewed on an individual basis, taking into account the unique features/circumstances of a site while still providing proper landscaping.

Conclusion: The proposed building sits among a large previously developed ski resort. Based upon the above findings, the Board concludes the proposed site plan and architectural drawings satisfy the requirements of Section 3.7(2)(C)(2). Under prior approvals, landscaping adjacent to the street-line was required.

23. Section 4.8 Outdoor Lighting.

- o The regulations require that all outdoor lighting be installed in accordance with the standards outlined in Section 4.8.
- o Two shielded outdoor wall sconces are proposed above the door entrances. During the hearing the Applicant described the proposed fixtures as 'simple wedge shaped lights' and noted they are night sky compliant and have been designed to conceal the light source.

Conclusion: Based upon the above findings, the Board concludes the proposed outdoor lighting is in conformance with Section 4.8 and has been designed to minimize spill into the night sky and is appropriate for the intended use and site location.

24. Section 15 Parking Regulations. – See discussion above.

DECISION

On a motion by C.Walton, seconded by A.Volansky, the Development Review Board hereby approves Project 6275 based upon the foregoing Findings of Fact and concludes the proposal as presented in application dated 6/5/2020 and supporting materials meets the Stowe Zoning Regulations, as adopted on October 9, 2018, 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 prior conditions of approval, unless amended herein, remain in full force and effect.
3. Prior to the issuance of the zoning permit, the Applicant must complete the following:
 - a) Provide written confirmation from the Stowe Electrical Department and Department of Public Works, confirming that the proposed building is not located within any utility or municipal water/sewer easement(s).
 - b) Submit revised plans labeling the setbacks between the proposed building and nearby building(s) and a landscaping legend depicting the species name, number, and size of proposed plantings.
4. The zoning permit for this approved project shall not be issued until the Board completes its review of condition #4 of BA-14-002-25 and condition #3 of Project 4707 [DRB Decision dated 12/26/2012] which requires "*the resort shall provide a report to the DRB on the prior year skier day count and an analysis from its traffic engineer of any traffic impacts including changes in the level of service at the Weeks Hill and Luce Hill intersections, that have resulted from an increase in the number of skier days.*"
5. The Applicant shall obtain all necessary municipal water and sewer allocations, approvals, and connections from the Department of Public Works.
6. Vehicular parking along Liftline Drive is strictly prohibited. The access shall remain free and clear along the roadway to provide adequate passage for emergency vehicles. The Applicant shall maintain signage prohibiting vehicular parking along Liftline Drive.
7. Landscaping shall be installed as shown in provided plans as amended herein. Any dead and dying plants and trees as shown on said plans shall be replaced within one (1) year of death.
8. Site construction shall be conducted in a manner that keeps the amount of soil exposed at any one time to a minimum and must practice erosion and sedimentation controls in accordance with the VTDEC Small Site Standards.
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 erosion control measures are followed that are adequate to ensure compliance with (A), (B) and (C) as outlined in Section 3.12, taking into account winter and spring conditions.
12. The Applicant must maintain an adequate stormwater drainage system 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, as required under Section 2.10 of the zoning regulations.
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 a permit, the permittee agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting favor: F.Aumand III, D.Clymer, C.Walton, P.Roberts, M.Diender, L.Wasserman, A.Volansky

Voting to deny: None

Abstain: None

The motion PASSES 7-0.

Dated at Stowe, Vermont this the 21 day of July 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.