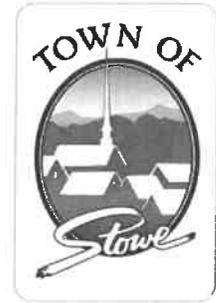


TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law



PROJECT: 6286

SUBJECT PROPERTY: 284 Wade Pasture Road, Stowe, VT (#15-042.230)

PROPERTY OWNER:

Thomas & Lisa Blumenthal
300 Commonwealth Ave.
Boston, MA 02115-0214

APPLICANT:

Stephen Mohr &
Tatyanna Seredin
Mohr & Seredin Landscape Architects Inc.
18 Pleasant Street
Portland, ME 04101

APPLICATION:

The Applicant, Stephen Mohr & Tatyanna Seredin, on behalf of property owners, Thomas & Lisa Blumenthal (herein referred to as the "Applicant"), requests RHOD review to remove the existing single-family dwelling, pool, and terrace, and construct a new single-family dwelling, pool, and terraces within the existing cleared area on the lot. The existing driveway and utility system are proposed to remain in the current locations. The proposed dwelling will contain an underground garage, basement, and supporting equipment. A one-story, flat-roofed utility building is proposed ± 160 ft west of the main house. The subject parcel(s), consisting of ± 76.3 acres [including three adjoining parcels] and located at 284 Wade Pasture Road, Stowe, VT (#15-042.230), are in the Rural Residential 5 (RR5) Zoning District and the Ridgeline and Hillside Overlay District (RHOD). The subject parcel(s) contains a single-family dwelling and related improvements permitted in 1991 (see Permits 91-44 and Z-97-127).

The subject parcel(s) are bound to the north by Wade Pasture Road and a ± 10.89 -acre parcel currently owned by Wade Pasture LLC, to the east by a ± 5 -acre parcel currently owned by James & Marcy Andrus and a ± 6.41 -acre parcel currently owned by Basil J. Dobbin & Jennifer S. Wood, to the south by White Gates Lane, and to the west by a number of residential parcels within the Robinson Springs Development. The subject parcel is shown as Lot 23 on a survey prepared by Robert Frey (Land Surveyor) as recorded in 1989 on MB 8/6. The conservation area boundary was later revised as shown on a survey prepared by Dubois & King recorded in 2009 on MB 18/129 in the Town of Stowe Land Records and approved by the Development Review Board under Project 4067. 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 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 Stephen Mohr on June 18, 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 21, 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 July 2, 2020 and publicly posted on the property, at the Town Office, Library, and Police Station. The Applicant provided a completed certificate of service in accordance with Section 2.14(1)(B).

The public hearing to consider the application convened on July 21st utilizing the remote meeting service Zoom, with a quorum of the DRB present. No ex parte communications or conflicts of interests were reported.

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

- Stephen Mohr and Tatyanna Seredin, Mohr & Seredin Landscape Architects Inc., 18 Pleasant Street, Portland, ME 04101
- David Buchanan- Architect, 88 Prince Street, Jamaica Plain, MA 02130
- Toby Johnson, 280 Billings Hill Road, Stowe, VT [tobymjohnston@hotmail.com]

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

- Town of Stowe Development Application (2 pages); dated 06/18/2020;
- Cover letter from Mohr & Seredin, dated 6/18/2020;
- Letter of Agency (email from Tom Blumenthal), dated 10/2/2019;
- **Exhibit A** - Project Description and Summary (3 pages):
 - A.1 Location Map
 - A.2 Aerial Photograph
- **Exhibit B** – Visual Assessment (2 pages):
 - B.1 Vantage Point Location
 - B.2 Vantage Point on Town Roads Map
 - B.3 Photographs:
 - B.3 -1 View Context from Luce Hill Road/ Bouchard Road
 - B.3 -2 Zoom Lens View
 - B.3 -3 Enlarged and Cropped with Proposed House
 - B.3 -4 View Context from Edson Hill Road
 - B.3 -5 View Context from Existing House Site
 - B.4 Southside Elevation Comparison
 - B.5 House Position Comparison
 - B.6 Study Sections Key
 - B.6 -1 Study Sections Locations
- **Exhibit C** – Written response to RHOD Guidelines and Standards (4 pages);
- Building Plans, Elevations, and Information prepared by Horst Buchanan Architects Inc: Floor Plans- Basement Sheet A 2.1; Garage and Main Level Sheet A 2.2; Terraces and Upper Level Sheet A 2.3; Upper Roof Plan Sheet A 2.4; Elevation Section Sheet A 4.1; Elevation Section Sheet A 4.2; Elevation Section Sheet A 4.3; Elevation Section Sheet A 4.4; Elevation Section Sheet A 4.5; Elevation Section Sheet A 4.6; Window and Exterior Door Types Sheet A 7.1; Utility Building Plans/Elevations Sheet A 4.7; Proposed Building Materials; Concrete Reference Images Sheet; Guardian Sunguard Window Information;
- Site Plans prepared by Horst Buchanan Architects Inc: Existing Conditions Sheet L 1.0; Overall Site Plan Sheet L 2.0 [revised with setbacks labeled]; Overall Grading Plan with Pond Remaining Sheet L 3.0A; Overall Planting Plan Sheet L 5.0; Green Roof Plan Sheet G 1.0; Green Roof Section Details Sheet G 1.1; Overall Site Grading Plan Sheet C 2.0; Overall Utility Site Plan Sheet C 2.1; Section Development Plan Set Sheet C 4.1; EPSC Plan Set Winter Sheet C 4.3; EPSC Plan Set Summer Sheet C 4.4; Design Development Plan Set Sheet C4.5; Design Development Plan Set Sheet C4.6; Civil Details Sheet C5.0; Design Development Plan Set Sheet C5.1; Civil Details Sheet C5.2;

- Landscape and Lighting Plan Sheet E3.4; Driveway Lighting Plan Sheet LL1.0; Site Lighting & Outlets Plan- House precinct Sheet LL 1.1.
- **Exhibit D** - Light Fixture Cut Sheets: D.1 Outdoor Fixture Cut Sheets (5 pages); D.2 Recessed Downlight Mounted Fixture Cut Sheets (3 pages); D.3 Tree Mounted Lights (2 pages); D.4 Building Light Levels (1 page).

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 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

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcel(s) are located 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(s) contain ±76.3 acres [including three adjoining parcels]. The proposed dwelling is located on Lot 23 consisting of ±21.73 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 Applicant proposes to remove the existing house, pool, and terrace, and construct a new single-family dwelling, pool, and terraces in the existing cleared area on the lot. The existing driveway and utility system are proposed to remain in the current locations. A one-story, flat-roofed utility building is proposed ±160 ft west of the main house. The Applicant provided a series of site plans prepared by Horst Buchanan Architects Inc., dated 2/7/2020 including a revised sheet L2.0 (Overall Site Plan) labeling the minimum setbacks. The proposed improvements will 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 remove the existing dwelling and construct a new single-family dwelling and related residential improvements. Single-family dwellings are a permitted use in the RR5 district. No changes of use are proposed under this application.
6. **Density.** The RR5 district allows single-family dwellings at a density of one (1) per five (5) acres. The subject parcel(s) contain ±76.3 acres [including three adjoining parcels]. No increases in density are proposed under this application.

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." The application materials indicate the proposed height of the dwelling to be 23' 5". The utility building is proposed to be approximately 11' in height.

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 remove the existing house, pool, and terrace, and construct a new single-family dwelling, pool, and terraces in the existing cleared area on the lot. The existing driveway and utility system are proposed to remain in the current locations.
 - The Applicant provided a detailed application including a project narrative, building elevations, materials, site plans, etc. The project description states that "*the current house location remains the best site for the new home based upon the views, existing infrastructure, limited clearing required, ideal solar orientation, and existing landscape character.*"
 - The proposed new dwelling is sited in the same vicinity yet located approximately 20 feet north of the current house footprint and is embedded into the hillside.
 - The subject parcel is characterized by forested hillside within an established large lot subdivision approved and intended for residential use.
 - The proposed building ridgeline is fifteen (15) feet lower than the current dwelling.
 - The proposed building is sited below the tree line within an area previously cleared.

Conclusion: Based on the above findings, the Board concludes 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 a visual analysis, Exhibit B, showing the project vicinity and existing and proposed conditions. The visual analysis examined the area around the property within a five (5) mile radius. The visual analysis was based on field surveys from Edson Hill Road, Mountain Road, and Trapp Hill Road and utilized USGS Quadrangle Sheets and VT State Mapping to create sections for the area.

- The visual analysis indicates the only possible public vantage point from a segment of Luce Hill Road and Bouchard Road near the intersection of Barrows Road, approximately 3.2 miles from the house location. In this location, Luce Hill Road transitions from Class 2 to Class 3 town highway. The existing house is visible from this vantage point.
- The Applicant's narrative notes that the proposed dwelling will be less visible than the existing dwelling given the reduced building height, the color of the building materials, and the proposed plantings. The proposed roofs are flat and vegetated with meadow mix; as designed the roof color will appear consistent and blend in with the surrounding woodlands.
- Exhibit B.2 depicts the location of the impacted vantage point near the intersection of Luce Hill Road and Bouchard Hill Road.
- Exhibits B.3 [1-5] provide a visual context including existing conditions from the impacted vantage point, existing and proposed conditions, and photographs from the subject parcel and Edson Hill Road. Figure B.3-3 illustrates the existing dwelling with the proposed dwelling superimposed over the existing house with proposed plantings shown in green.
- Figure B.4 depicts a comparison of the existing and proposed house elevations. The proposed dwelling appears to be slightly longer but has a noticeably reduced building height.
- Given the location, design, and proposed and existing vegetation, the proposed utility building will not be visible from the identified public vantage point.

Conclusion: Based on the above findings, the Board concludes the proposed replacement dwelling will be visible from a segment of Luce Hill Road and Bouchard Road near the intersection of Barrows Road, however given the proposed mitigation measures including architectural design, building materials, plantings, etc., the proposed dwelling will be less visible than the existing dwelling and will not have an undue adverse impact on scenic resources.

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 remove the existing house, pool, and terrace, and construct a new single-family dwelling, pool, terraces, and related improvements in the existing cleared area on the lot. The existing driveway and utility system are proposed to remain in the current locations.
- The proposed dwelling's ridgeline is lower than the existing building. The proposed building color is natural grey/brown with a simpler architectural form. Together, these design elements reduce the visibility of the proposed dwelling from the identified vantage point.
- The project includes use of vegetated roofs to minimize the visual impact and to reduce stormwater run-off. Proposed building materials include nonreflective neutral earth tones to blend into the surrounding landscape.

- The Applicant proposes to plant deciduous trees at the east and west ends of the visible façade. In addition, various trees, shrubs and vines, wet meadow perennials and grasses, and ferns, groundcovers, and woodland edge perennials are proposed throughout the project area and near the pond. The proposed landscaping will provide screening of the proposed dwelling and related improvements and help blend the proposed improvements into the surrounding landscape.
- The project includes new storm drainage systems to manage stormwater runoff. As proposed, the existing man-made pond will be preserved and enhanced with a 1,200-sf naturalized shallow basin added on the west side of the pond. The basin area will receive and treat the run-off from approximately 75% of the constructed area and be vegetated with wet meadow grasses.

Conclusion: Based on the above findings, the Board concludes that the proposed improvements have been designed in accordance with the RHOD standards and guidelines and 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 remove the existing house, pool, and terrace, and construct a new single-family dwelling, pool, and terraces in the existing cleared area on the lot. The existing driveway and utility system are proposed to remain in the current locations.
- The proposed new dwelling is sited in the same vicinity yet located approximately 20 feet north of the current house footprint.
- According to the ANR Natural Resources Atlas there are no fragile environments that will be impacted from the proposal.
- No clearing is proposed within the restricted forest management zone on the lot.

Conclusion: Based on the above findings, the Board concludes 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 parcel is previously developed containing a single-family dwelling and related improvements. The Applicant proposes to remove the existing house, pool, and terrace, and construct a new single-family dwelling, pool, and terraces in the existing cleared area in the same general location. The existing driveway and utility system are proposed to remain in the current locations.
- The application materials indicate the proposed dwelling is 15 ft lower than the existing dwelling's ridgeline; the proposed building materials include neutral, nonreflective earth

tones; and mature deciduous trees are proposed on the visible side of the house. Taken together, these items combined minimize the visibility of the new dwelling and make it blend into the hillside.

- The existing cleared area is ±6.5 acres and is not proposed to be expanded under this application. During the hearing, the Applicant testified that five (5) existing birch trees near the house site are proposed to be removed.

Conclusion: Based on the above findings, the Board concludes the proposal will be minimally visible and has been designed in accordance with 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 remove the existing house, pool, and terrace, and construct a new single-family dwelling, pool, and terraces in the existing cleared area on the lot.
- The subject parcel(s) is characterized by forested hillside within an established large lot subdivision approved and intended for residential use.
- The existing cleared area is ±6.5 acres and is not proposed to be expanded under this application, however limited clearing is proposed around the solar array - see Standard 7 discussion below.
- The proposed dwelling is 15 ft lower than the existing dwelling's ridgeline and sited in an area previously developed.
- The proposed dwelling and related structures are sited below the existing treeline.

Conclusion: Based on the above findings, the Board concludes 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 proposes to remove the existing house, pool, and terrace, and construct a new single-family dwelling, pool, and terraces in the existing cleared area on the lot.
- The provided site plans including Sheet L5.0 depicts trees to be protected and tree removal areas. As shown, clearing is proposed around the solar array and utility building. Said clearing is located partially within the Conservation Area. As noted in DRB decision approving Project 4067- the Conservation Area does not allow structures or buildings but does allow clearing.
- The Applicant provided a detailed planting plan 'Overall Planting Plan', Sheet L5.0. The plan provides a planting list of trees, shrubs and vines, wet meadow perennials and grasses, and ferns, groundcovers, and woodland edge perennials, along with the relative size and species/common names. The plan also includes a series of planting notes. During the hearing, the Applicant testified that five (5) existing birch trees near the house site are proposed to be removed.

- No other clearing or removal of trees is noted in the application.

Conclusion: Based on the above findings, the Board concludes the Applicant has provided a plan that depicts the trees to be protected during construction and a proposed planting schedule. The proposed project satisfies Standard 7.

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 driveway enters the parcel from Wade Pasture Road. The project will utilize the existing driveway to serve the dwelling. A proposed newly constructed driveway will serve the proposed solar array and utility building.
- According to the Applicant, the existing grade of the driveway varies from 3% - 13%. The project narrative indicates the proposed driveway will keep all grades at or below 12%.

Conclusion: Based on the above findings, the Board concludes the existing driveway will be used to serve the dwelling and the proposed extended driveway is designed to be less than 12% grade.

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 application materials indicate the proposed finish floor elevation of the dwelling to be 1722.0' with a maximum building height of 23.5' which places the highest ridgeline of the new structure at 1743.5'.
- The top of slope uphill/north of the new structure is 1742' and the treeline adjoining and above the structure ranges between 1755' and 1795'.

Conclusion: Based on the above findings, the Board concludes 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 proposed dwelling is two-stories with below-grade basement and a below-grade parking garage.
- The Applicant provided architectural drawings, proposed building materials, and manufacturer cut sheets for the proposed windows and outdoor lighting. The building exterior will be a combination of cast in place concrete, terracotta panels, and metal siding with some wood and metal detailing.
- The proposed dwelling is separated into several distinct flat roofed forms with varying heights, widths, and amounts of glazing.

- The proposal also includes use of vegetated roofs and nonreflective neutral earth tones to minimize the visual impact and blend into the surrounding landscape.
- Roof overhangs are proposed over the south facing windows to reduce glare, solar heat gain, and to limit light spill at night.

Conclusion: Based on the above findings, the Board concludes the proposal is in conformance with Standard 10 and has been 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 elevation drawings prepared by Horst Buchanan Architects Inc. depict the location of outdoor light fixtures including either recessed, low level (less than five feet high), or very low wattage down lights placed at 12' heights on trees at the driveway edge.
- The proposed building mounted fixtures are limited to recessed LED lights only at the primary building entrances. At the less used entrances, lighting is proposed to be post mounted fixtures with a height between 24-48".
- Sheet E.34 and Exhibit D4 provides photometric data for exterior outdoor lighting. The average exterior lighting has a foot candle measurement of 0.6 fc.
- Sheet LL1.0 depicts the locations of driveway lighting including both tree mounted and post mounted fixtures. The existing driveway is generally to the rear of the dwelling.
- The project narrative describes security lighting during construction as controlled by timers (off at dusk) as well as motion detector actuators. The temporary lights will be LED, 10-25 watts mounted at 10-15 ft heights and be set at the perimeter of the work zone.
- The project includes automatic interior shades.
- No additional lighting is proposed under this application.

Conclusion: Based on the above findings, the Board concludes 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.

Conclusion: Based on the above findings, the Board concludes the provisions of this section do not apply.

DECISION

On a motion by M.Diender, seconded by A.Volansky, the Development Review Board hereby approves the Applicant's request to construct a single-family dwelling and related improvements as outlined in the application dated 6/18/2020 [Project 6286] 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. 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.
4. Security and construction lighting must be controlled by timers and/or motion detector activators set to turn off at dusk.
5. Site construction shall be conducted in a manner that keeps the amount of soil exposed at any one time to a minimum.
6. Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
7. Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
8. Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
9. 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.
10. 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. Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit written confirmation from an architect, engineer, or other licensed professional, certifying that the completed project conforms to the plans hereby approved.
11. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and his successors. By acceptance of this approval, the Applicant agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purpose of ascertaining compliance with the conditions of approval.

Voting favor: D. Clymer, T. Hand, A. Volansky, M. Diender, P. Roberts, L. Wasserman

Voting to deny: None

The motion PASSES, 6-0.

Dated at Stowe, Vermont this the 18 day of August 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.

