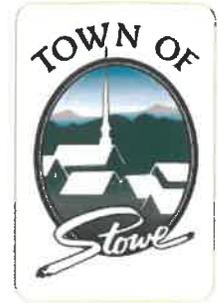


TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law



PROJECT: 6323

SUBJECT PROPERTY: 231 Touch Stone Drive, Stowe, VT (#07-164.010)

PROPERTY OWNER/APPLICANT:

Samantha & James David
231 Touch Stone Drive
Stowe, VT 05676

APPLICATION:

The property owners, Samantha & James David, (herein referred to as the “Applicant”), requests RHOD review for the following improvements:

- Two (2) one-story residential additions to the existing two-story single-family dwelling;
- Exterior alterations to the existing dwelling including changes in external siding material and removal of the porte-cochère from the southern side;
- Installation of an in-ground pool; and
- Landscaping and hardscape improvements.

The subject parcels, consisting of ±28.9 acres total [including adjoining parcels] and located at 231 Touch Stone Drive, Stowe, VT (#07-164.010), are primarily within the Rural Residential 2 (RR2) Zoning District and the Ridgeline and Hillside Overlay District (RHOD). The existing dwelling is located on Lot 3 (±8.32 acres)- and is considered a split lot, with portions also lying within the Rural Residential 5 (RR5) Zoning District. The existing single-family dwelling and related improvements received RHOD approval in 2005 (see Projects Z-05-49 & Z-05-176). The subject parcels were created in 2005 under subdivision S-04-42 [Talerico]. 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 Samantha & James David on August 3, 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 September 1, 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 August 13, 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 September 1st 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:

- Samantha Davis, 231 Touch Stone Drive, Stowe, VT 05676
- Lee Hunter, Architect, 186 Foxfire Lane, Stowe, VT 05672
- Greg Ehrman - Hutker Architects;
- James Findlay-Shirras & Keith Wagner- Wagner Hodgson; 7 Marble Avenue Burlington, VT 05401
- Steve Sisler, Sisler Builders; steve@sislerbuilders.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 07/29/2020;
- Project description, no date;
- Outdoor Lighting Cut-Sheets
 - Foundry- Wall Mounted Fixture
 - Ground Mounted Luminaire (2 pages)
 - Garden Bollard
 - Tree Strap Junction Box (2 pages)
 - Micro Nite Star LED (4 pages)
- Architectural Drawings and Plans prepared by Hutker Architects- Issued for Permit dated July 31, 2020 including:
 - Sheet A000- Title Sheet
 - Sheet A001- General Notes
 - Sheet A100- First Floor Key Plan
 - Sheet A101- Barn Lower Level Plan
 - Sheet A102- Barn First Floor Plan
 - Sheet A103- Barn Second Floor Plan
 - Sheet A105- Wings Lower Level Plan
 - Sheet A200- North & South Elevations
 - Sheet A201- Barn North & South Elevations
 - Sheet A202- Barn East & West Elevations
 - Sheet A203- East Wing Elevations
 - Sheet A204- West Wing-Elevations
- Overall Site Grading Plan prepared by Grenier Engineering, dated 8/17/20;
- Site Grading Plan prepared by Grenier Engineering, dated 8/17/20;
- Landscape Plan prepared by Wagner Hodgson, Sheet L100, dated 7/27/20;
- Lighting Plan prepared by Wagner Hodgson, Sheet L103, dated 7/27/20;
- Planting Plan prepared by Wagner Hodgson, Sheet L106, dated 7/27/20;
- Visibility Analysis- 231 Touch Stone Drive (7 pages), dated July 2020;
- Prior DRB Decisions for Projects Z-05-49 & Z-05-176

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 existing dwelling lies on Lot #3 which is located primarily within the Rural Residential 2 (RR-2) with portions also within 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 existing dwelling lies on Lot #3 consisting of ± 8.32 acres (exclusive of the road). No changes to lot width or lot area are proposed under this application.
3. **Setbacks.** As noted above, the existing dwelling is located on Lot #3 which is a split lot, as defined under the regulations, containing lands in both the RR2 and RR5 districts. Per Section 3.6(6) *"In such split lots, the required setbacks shall be those established for the zoning district in which a structure or building is located."* The existing dwelling is located within the RR2 district. Required minimum district setbacks for the RR2 district are front (60'), side (50') and rear (50'). The Applicant proposes to construct two (2) one-story additions on the existing dwelling and install an in-ground pool. The required setbacks are shown on the Overall Site Grading Plan prepared by Grenier Engineering. Also shown is the approved building zone established at the time of subdivision approval. The proposed additions are located within the approved building zone and outside of any required setback. The Applicant also proposes a 20' x 50' gunite pool and pool terrace [the 15' x 20' pool house is shown for display only and is not being proposed or requested under this application]. The pool encroaches into the required district setback. The Applicant owns the adjacent parcel. Section 3.3(B)(1) allows setback relief for pre-existing adjacent conforming lots that existed prior to December 30, 1975. The subject lots were created in 2005 and therefore do not eligible under this provision. During the hearing the Applicant testified that her Attorney was in the process of merging the two adjacent lots to be joined as one. As a condition of approval, the Board will require that the lots are legally merged prior to issuance of a zoning permit.
4. **Maximum Building Coverage.** Does not apply to the RR2 zoning district.
5. **Use.** The Applicant proposes exterior building alterations and two (2) one-story additions to the existing single-family dwelling. Single-family dwellings are a permitted use in the RR2 district. No changes of use are proposed under this application.
6. **Density.** The RR2 district allows single-family dwellings at a density of one (1) per two (2) acres. 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 barn addition is shown to be 20' (mid-point) above grade. The east wing elevation does not label height but appears to be clearly under the maximum height of 28'. During the hearing, the Applicant's Architect, Lee Hunter, testified that the two (2)

additions are designed to be 17' in building height, as defined under the regulations, and are approximately three (3) feet lower than the main building.

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 alterations to the existing dwelling, the construction of two (2) one-story additions, and the installation of an in-ground pool. Minor clearing around the existing dwelling is proposed to accommodate the residential additions.
 - The Applicant provided a detailed application including a project narrative, building elevations, materials, site plans, visibility analysis, etc. During the hearing a thorough presentation was provided outlining the proposed architectural design, landscaping, and expected visibility.
 - The subject parcel was created in 2005 within an established large lot subdivision approved and intended for residential use. The Board previously reviewed and granted RHOD approval for the existing dwelling and attached garage (Project Z-05-49). Under Z-05-49, the Board classified the project as a minor. The Applicant received subsequent RHOD approval (Z-05-176) for structural alterations to the previously approved design. In granting approval for the amended designs, the Board classified the application as a minor.
 - During the hearing, the Applicant's Architect testified that the existing dwelling and related improvements sit on a plateau on top of a steep hill. The existing dwelling is situated at approximately 1100' in elevation.

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 showing the project vicinity and existing and proposed conditions, as well as a project narrative outlining the expected visibility. The visual analysis examined the area surrounding the property and identified three (3) possible vantage points- F.1, G.1, and H.1.
 - The provided visibility analysis illustrates views onto and arising from the subject property. Photographs taken on the property looking towards Mt. Mansfield, Percy Farm, and Sterling

Valley were provided. A series of photographs taken from Percy Farm depict the existing dwelling with illustrated views of the proposed additions.

- The visual analysis indicates the only possible public vantage point from a segment Weeks Hill Road at the intersection of Percy Hill Road near Percy Farm, approximately 2.35 miles from the house location. Weeks Hill Road is a Class 3 town highway. The existing house is visible from this vantage point.
- The Applicant's narrative indicates there is limited visibility of any part of the existing building or the proposed additions. As shown in the visibility analysis, the majority of the existing building is concealed behind plantings and the proposed additions will be nearly, if not entirely, concealed behind existing mature plantings.
- During the hearing Architect Lee Hunter testified that the existing dwelling is generally not visible unless viewed from the same elevation. As viewed from the Percy Farm, approximately 25% of the existing dwelling is visible. As depicted in the visibility analysis, the proposed additions will be concealed by existing vegetation. During the hearing it was confirmed that there are no changes in clearing proposed that would result in increased visibility on the view side.

Conclusion: Based on the above findings, the Board concludes the proposed project will have limited visibility from a segment Weeks Hill Road at the intersection of Percy Hill Road near Percy Farm, approximately ± 2.35 miles from the house location. Given the proposed mitigation measures including architectural design, building materials, plantings, etc., the proposal will not have an undue adverse impact on scenic resources or defined 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 exterior building alterations to the existing dwelling, the construction of two (2) one-story additions, and the installation of an in-ground pool. Clearing around the existing dwelling is proposed to accommodate the residential additions.
- The ridgelines of the proposed additions are three (3) feet lower than the existing building. The proposed building color /materials includes cedar board siding on the main portion of the dwelling and cedar wall shingles and cedar shingle roofing on the additions. The window/door sash and frame color is proposed to be dark brown and tan. Together, these design elements reduce the visibility of the proposed additions from the identified vantage point.
- Proposed building materials include nonreflective neutral earth tones and natural materials to blend into the surrounding landscape. Architect Greg Ehrman testified that proposed materials will weather and are neutral and nonreflective which will blend in during all months.
- The Applicant provided a Landscape Plan prepared by Wagner Hodgson (Sheet L100). The Landscape Plan shows the existing treeline and individual trees to remain, as well as the proposed landscaping. The existing and proposed landscaping provides screening of the

dwelling and additions and helps blend the proposed improvements into the surrounding landscape.

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 exterior building alterations to the existing dwelling, the construction of two (2) one-story additions, and the installation of an in-ground pool. Clearing around the existing dwelling is proposed to accommodate the residential additions.
 - The parcel is previously developed and contains an existing single-family dwelling and related improvements.
 - According to the ANR Natural Resources Atlas there are no fragile environments that will be impacted from the proposal. The impacted areas do not contain designated wetlands, deer wintering areas, significant natural communities, or steep slopes.

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 exterior building alterations to the existing dwelling, the construction of two (2) one-story additions, and the installation of an in-ground pool. Clearing around the existing dwelling is proposed to accommodate the residential additions. The existing circular driveway is proposed to remain in the current location while portions will need to be extended to serve the western addition/garage.
 - The application materials indicate the proposed building materials include neutral, nonreflective earth tones. According to the visibility analysis, mature forested cover minimizes the visibility of the existing dwelling. The existing forest cover will screen the proposed additions make them blend into the hillside.
 - The existing dwelling and related improvements are located within a previously cleared area. Minor clearing is proposed to accommodate the proposed one-story additions.
 - The existing dwelling sits on the crest of a hillside on a plateau above an existing steep slope. The visibility analysis documents the existing visibility and the expected visibility of the proposed additions. The additions appear to be fully concealed by existing vegetation.

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 exterior building alterations to the existing dwelling, the construction of two (2) one-story additions, and the installation of an in-ground pool. Clearing around the existing dwelling is proposed to accommodate the residential additions.
- The subject parcel is characterized by a mix of open and forested lands within an established large five-lot subdivision approved and intended for residential use. The adjacent lots have approved building zones but have not been developed.
- Limited clearing is proposed to accommodate the one-story additions - see Standard 7 discussion below.
- According to the visibility analysis, the existing dwelling is sited below the existing treeline. The proposed additions are highlighted on the visibility analysis and will be screened by existing forested cover. During the hearing it was confirmed that no changes in clearing are proposed that would result in increased visibility of the dwelling or proposed improvements.

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 provided detailed elevation drawings, site plans, landscaping plan, etc.
- The site plan prepared by Grenier Engineering [Overall Site Grading Plan] shows the existing cleared area and two (2) proposed clearing areas near the building zone to accommodate the proposed additions.
- The Landscape Plan (Sheet L100) prepared by Wagner Hodgson shows the location of existing trees/landscaping to remain including the “woodland edge to remain” and proposed landscaping to be planted. The area surrounding the dwelling is an open grassed lawn area. During the hearing Landscape Architect Keith Wagner confirmed the existing woodland edge will remain with the exception of on the garage side where scrub brush will be removed to allow for turning into the garage.
- The Planting Plan (Sheet L106) prepared by Wagner Hodgson provides a plant schedule including the quantity, scientific name, common name, size, and planting spacing. The Applicant proposes a rain garden with a mix of ferns, columbine, sedge, and other hydric plants. A number of deciduous and evergreen trees, shrubs, and perennials are proposed surrounding the dwelling and driveway. A mix of evergreen and deciduous trees are proposed to provide a focus on the front door.
- 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 landscaping plan. 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 Touchstone Drive. The project will utilize the existing driveway. The driveway will be extended from the existing circular drive to serve the western addition and garage.
- The driveway grades were confirmed during the hearing to be no more than 5%. The driveway is not steep.

Conclusion: Based on the above findings, the Board concludes the existing driveway will be used to continue serve the dwelling and the proposed extended driveway is designed in conformance with Standard 8.

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 Applicant provided a detailed visibility analysis that depicts views onto and arising from the subject parcel.
- According to the visibility analysis, mature forested cover minimizes the visibility of the existing dwelling. The existing forest cover will screen the proposed additions making them blend into the hillside. The proposed one-story additions will be shielded by existing forest cover and have been designed not exceed the height of the treeline.

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 Applicant proposes two (2) one-story residential additions to the existing dwelling, exterior building alterations, and the installation of an in-ground pool.
- The Applicant provided architectural drawings, proposed building materials, and manufacturer cut sheets for the proposed outdoor lighting. The building exterior will be a combination of cedar board siding on the main dwelling and cedar wall shingles on the additions. The additions will have cedar-shingled roofs with brown and tans window/door sash and frame and porch overhang trim.

- The architectural design includes two connectors joining the proposed additions with the main dwelling. The connectors break down the massing and provide an architectural building evolution giving the appearance that they have been added over time.

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 Applicant provided manufacturer information for the proposed outdoor light fixtures including a building mounted sconce, ground mounted luminaires, garden bollards, tree mounted fixtures, and a micro nite star LED fixture.
- The Lighting Plan (Sheet L103) prepared by Wagner Hodgson depicts the location of tree mounted fixtures, building mounted fixtures on the northern elevation of the main dwelling, flush/grade mounted on northern edge of patio, path lights leading to the pool, and tree mounted fixtures.
- The Lighting Plan notes *"All fixture dark sky compliant cut-off fixtures."*
- During the hearing the Architect Greg Ehrman testified that the existing building mounted light fixtures will be replaced in the same locations and that the additions incorporate five (5) feet deep overhangs intended to reduce light impacts and sun glare.
- During the hearing the proposed windows were described as a wood framed window with natural painted finish, simulated divided lights, and a standard insulated with low e coating.
- 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 F.Aumand III, seconded by A.Volansky, the Development Review Board hereby approves the Applicant's request as outlined in the application dated 7/29/2020 [Project 6323] 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. Prior to the issuance of the zoning permit, the Applicant must either complete a boundary line adjustment or dissolve the property line and merge the two adjacent lots in order to resolve the setback encroachment caused by the proposed pool.
4. All outdoor lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and do not cast direct illumination or cause glare beyond the boundary lines of a property.
5. Site construction shall adhere to the standards outlined in Section 3.12(2)(A-E) including:
 - o The amount of soil exposed at any one time must be kept to a minimum.
 - o Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
 - o Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
 - o 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.
 - o An adequate stormwater drainage system must be continuously 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.
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.
7. 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, F.Aumand III, C. Walton

Voting to deny: None

The motion PASSES, 7-0.

Dated at Stowe, Vermont this the 14 day of September 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.

