

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



**PROJECT:** 6325

**SUBJECT PROPERTY:** 2664 Weeks Hill Rd (#11-053.000)

**PROPERTY OWNER:**

148271 Canada Inc.  
c/o Steven Cummings  
4115 Sherbrooke St. W. 6<sup>th</sup> floor, Suite 600  
Montreal, QC/Canada H3Z1B1

**APPLICANT:**

Kris Jurentkuff  
Chase & Chase Surveyors & Septic Designers Inc  
301 North Main Street Suite 1  
Barre, VT 05641

**APPLICATION:**

The Applicant, Kris Jurentkuff, on behalf of property owners 148271 Canada Inc. (herein referred to as the "Applicant"), requests final subdivision approval for a 2-lot subdivision involving a ±104.4-acre parcel (#11-053.000). The Applicant proposes to subdivide the existing lot into two (2) parcels: Lot 1 being ±29.9 acres including the existing dwelling and related improvements and Lot 2 being ±73.8 acres of undeveloped land. As proposed the ±73.8 acres of Lot 2 will be conveyed to property owners of the adjacent ±140-acre parcel located at 2152 Weeks Hill Road (10-099.000). Lot 2 will be served via 50' access easement over Lot 1 to serve Lot 2. No development is proposed on Lot 2 at this time.

The subject parcel is located within the Rural Residential 5 (RR5) zoning district and the Ridgeline and Hillside Overlay District (RHOD). The parcel is served by Weeks Hill Road, a Class 3 town highway. The application was reviewed by the Development Review Board under the Town of Stowe Subdivision Regulations (effective through July 16, 2012) and the Town of Stowe Zoning Regulations (as adopted October 9, 2018). 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 final subdivision review was filed by Applicant Kris Jurentkuff and received by the Zoning Director 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. 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 September 1, 2020 with a quorum of the DRB present. No ex parte communications or conflicts of interests were reported. The hearing was held remotely using 'Zoom' with no physical meeting space. Board members participating in the 9/1 review included: Drew Clymer, Tom Hand, Andrew Volansky, F.Paco Aumand III, Peter Roberts, Michael Diender, and Chris Walton.

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

- Kris Jurentkuff, Chase & Chase Surveyors & Septic Designers Inc, 301 North Main Street Suite 1 Barre, VT 05641
- Anna Black, Stakepole & French Law Offices [ablack@stackpolefrench.com]
- Pall Spera, PO Box 539, Stowe, VT 05672

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

- Town of Stowe Development Application, dated 7/30/2020;
- Project narrative by Kris Jurentkuff, Chase & Chase Surveyors & Septic Designers Inc., dated 7/30/2020;
- Existing Conditions Plan 148270 Canada Inc., dated 7/30/2020;
- Subdivision Plan 148270 Canada Inc prepared by Chase & Chase Surveyors & Septic Designers Inc, Sheet Plat1, dated 7/29/2020; [last revised 8/20/2020];
- List of property abutters;
- Project narrative by Kris Jurentkuff, Chase & Chase Surveyors & Septic Designers Inc., dated 8/21/2020;

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 final subdivision approval was reviewed by the Development Review Board (DRB) for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (as adopted October 9, 2018)

- Section 2- Administration and Enforcement
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Town of Stowe Subdivision Regulations (effective through July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

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

#### **DIMENSIONAL REQUIREMENTS:**

1. **Zoning District.** The subject parcel is located within the Rural Residential 5 (RR5) zoning district 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 Applicant proposes to subdivide the existing lot into two (2) parcels: Lot 1 being  $\pm 29.9$  acres including the existing dwelling and related improvements and Lot 2 being  $\pm 73.8$  acres of undeveloped land. As proposed the  $\pm 73.8$  acres of Lot 2 will be conveyed to the property owners of the adjacent  $\pm 140$ -acre parcel located at 2152 Weeks Hill Road (10-099.000). During the hearing the Applicant presented an alternative subdivision plan showing Lot 2 being extended to contain the entire frontage along Weeks Hill Road south of the 50' access easement. Staff reported that although the alternative subdivision plan appears reasonable, under the regulations it did not meet the required minimum lot width. The Applicant requested that the Board consider approving the alternative proposal. After lengthy discussion, the Board concluded that it did not have the authority to grant a waiver or modify the minimum lot width requirement unless the project sought approval under the Planned Unit Development (PUD) regulations.

The minimum lot size in RR5 is five (5) acres. Lot Area is defined as *“The area or size of a lot, not including the land lying on the street side of the street line.”* The minimum lot width in the RR5 district is 300 ft. Lot width is defined as *“The width of a lot measured at right angles to its lot depth at the minimum front yard setback.”*

Following subdivision, Lot 1 will be ±29.9 acres and contain a lot width of approximately 517.4'. Given that Lot 2 is an interior lot with no frontage on a town highway or private road, the lot width for Lot 2 is measured from the front setback line at the point where the 50' right-of-way enters the parcel. The lot width is not labeled but is clearly more than the required minimum of 300'. The Applicant's project narrative indicates Lot 2 lot width is 2000' or more.

**3. Setbacks.** The RR5 district requires setbacks of 70 ft (front) and 75 ft (sides/rear). Although not labeled, the existing dwelling on Lot 1 appears to maintain the required front/side/rear setbacks. No development is proposed on Lot 2 at this time.

**Conclusion:** Based on the above findings, the Board concludes the proposed subdivision conforms to the applicable district dimensional requirements. As noted above, during the hearing the Applicant requested that the Board consider approving an alternative proposal extending Lot 2 to contain the entire frontage along Weeks Hill Road south of the 50' access easement- as such, Lot 2 would not meet the minimum lot width requirement. After lengthy discussion, the Board concluded that it did not have the authority to grant a waiver or modify the minimum lot width requirement unless the project sought approval under the Planned Unit Development (PUD) regulations.

## **SUBDIVISION REGULATIONS**

### **SECTION 5.1 – GENERAL PLANNING STANDARDS:**

1. **Section 5.1(1) – Character of Land for Subdivision:** Prior to the approval of a subdivision plat, the subdivider has the responsibility to satisfy the Board that the land to be subdivided is of such a character that it can be used for the intended purposes without undue adverse impact on public health or safety, or the environment or, neighboring properties or the rural and historic character of the community as outlined in the regulations. Subdivision plats shall conform to the zoning regulations, any interim zoning, subdivision regulations, and other applicable statutes, ordinances, bylaws and/or regulations. In addition, subdivision plans should be in general accordance with Stowe's Municipal Plan.
  - The Applicant proposes to subdivide the existing lot into two (2) parcels: Lot 1 being ±29.9 acres including the existing dwelling and related improvements and Lot 2 being ±73.8 acres of undeveloped land. As proposed the ±73.8 acres of Lot 2 will be conveyed to the property owners of the adjacent ±140-acre parcel located at 2152 Weeks Hill Road (10-099.000).
  - Lot 2 is proposed to remain undeveloped at this time. No development is proposed under this application.

**Conclusion:** Based upon the above findings, the Board concludes the proposed parcel can be used for the intended purposes without undue adverse impact on public health or safety, or the environment or, neighboring properties or the rural and historic character of the community

2. **Section 5.1(2) – Natural and Scenic Features:** All subdivisions shall be designed to prevent undue adverse impact on: brooks, streams, water bodies, ground water resources and wetlands; prime agricultural soils, farmland resources and scenic meadowland; important forest resources; aesthetic resources and scenic vistas, including views onto and arising from subject property. In order to preserve natural and scenic features, the Board is authorized to:

a) Establish or limit the building site or other improvements to avoid the parcelization, isolation, or destruction of natural features;

b) Require setbacks from property boundaries or identified natural features greater than specified in the Zoning Regulations in order to create buffer zones and prevent degradation to significant natural features;

c) Establish preserve areas where development is restricted or prohibited and specific land management techniques are employed to protect or enhance significant natural features.

- The Applicant proposes to subdivide the existing lot into two (2) parcels: Lot 1 being ±29.9 acres including the existing dwelling and related improvements and Lot 2 being ±73.8 acres of undeveloped land. As proposed the ±73.8 acres of Lot 2 will be conveyed to the property owners of the adjacent ±140-acre parcel located at 2152 Weeks Hill Road (10-099.000).
- The parcel is located within the Rural Residential 5 (RR5) zoning district amongst a mix of residential, agricultural, and forestry uses.
- Peterson Brook runs along the northern, western property line with a small tributary stemming from the upper pond and joining Peterson Brook near the existing driveway.
- As shown on the ANR Natural Resources Atlas both Lots 1 & 2 contain inventoried wetlands, hydric soils, and wetland advisory areas. The open areas of the parcel contain prime agricultural soils.
- No additional development is proposed on Lot 1. Lot 2 is proposed to remain undeveloped at this time and will be conveyed to the adjacent property owners.

**Conclusion:** Based on the above findings, the Board concludes the proposal will not have an undue adverse impact on noted natural and scenic features.

3. **Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities:** All mapped significant wildlife habitat areas are required to be shown on subdivision site plans. If any portion of a proposed subdivision is within an identified significant wildlife habitat area the DRB may require the submission of a wildlife habitat assessment, prepared by a wildlife biologist or comparable professional, to identify potentially impacted habitat and provide recommended management strategies. Vermont Fish and Wildlife Department staff may also be consulted to provide guidance with this review.

- The Applicant proposes to subdivide the existing lot into two (2) parcels: Lot 1 being ±29.9 acres including the existing dwelling and related improvements and Lot 2 being ±73.8 acres of undeveloped land. As proposed, the ±73.8 acres of Lot 2 will be conveyed to the property owners of the adjacent ±140-acre parcel located at 2152 Weeks Hill Road (10-099.000).
- According to the Town of Stowe Town Plan Significant Wildlife Habitat & Natural Communities Map the parcel does not contain a stream and associated riparian area, Class 2 wetlands, and lands within the highest priority habitat and connecting blocks.
- No additional development is proposed on Lot 1. Lot 2 is proposed to be conveyed to the adjacent ±140-acre parcel. No development on Lot 2 is proposed under this application.

**Conclusion:** Based on the above findings, the Board concludes the proposal will not have an undue impact on any Significant Wildlife Habitat and Natural Communities. Any future development of Lot 2 will require additional review by the Development Review Board.

4. **Section 5.1(4) – Historic Resources and Community Character:** Subdivisions are required to minimize undue adverse impact on historic sites and the character of the Town. Subdivisions in or adjacent to existing village areas, including Stowe Village, Lower Village, Moscow and designated commercial growth centers, shall be designed to reflect traditional village settlement patterns characterized by an appropriate scale of development, an interconnected street network with development oriented to the streetscape, a mix of land uses and pedestrian access. Subdivisions in rural areas shall result in minimum undue adverse impact on the rural landscape as characterized by open fields, forested mountains and hillsides. The rural character exists due to the scenic vistas, large uninterrupted forested areas, open fields along public roads, and limited development along roads. The subdivision regulations define village and rural areas as follows:

***Area, rural: Any area in the Town of Stowe not defined as a village area.***

***Area, Village: All areas within the VC, VR, MRV, MCR, LVC, and MC Zoning Districts.***

- The Applicant proposes to subdivide the existing lot into two (2) parcels: Lot 1 being ±29.9 acres including the existing dwelling and related improvements and Lot 2 being ±73.8 acres of undeveloped land. As proposed the ±73.8 acres of Lot 2 will be conveyed to the property owners of the adjacent ±140-acre parcel located at 2152 Weeks Hill Road (10-099.000).
- No additional development is proposed on Lot 1. Lot 2 is proposed to be conveyed to the adjacent ±140-acre parcel. No development on Lot 2 is proposed under this application.

**Conclusion:** Based on the above findings, the Board concludes the proposal is in conformance with Section 5.1(4), Historic Resources and Community Character and has been designed to reflect traditional village settlement patterns.

5. **Section 5.1(5) – Reserved Strips:** No privately-owned reserved strip which controls access to any part of the subdivision or to any other parcel of land from any street or from any land dedicated to public use shall be permitted.

- No reserved strips are proposed.
- Lot #1 will maintain frontage on Weeks Hill Road and access via existing gravel driveway. Lot 2 will be served via 50' access easement over Lot 1 to serve Lot 2. No development is proposed on Lot 2 at this time.

**Conclusion:** Based on the above findings, the Board concludes the proposed subdivided lots will have adequate access and no reserved strips are proposed.

6. **Section 5.1(6) – Screening and Landscaping:** The DRB is authorized to require the planting or preservation of trees or other vegetation to provide visual screening of development or to otherwise soften and/or lessen the impact of development on natural features and scenic vistas. Street trees along public or private roadways may also be required in order to establish a canopy effect in developed areas and where existing street trees are already present in the vicinity. The size, type, or location of such trees shall depend on the particular land parcel. Section 4.6 (Landscaping Standards) of the Zoning Regulations shall be used as a guideline for any required landscaping. A maintenance plan of all existing and proposed landscaping shall be prepared and submitted for review. Such a plan shall address specific measures to be taken to ensure the survival, and if necessary, replacement, of designated landscaping during and after the construction; parties to be responsible for ongoing maintenance; and any Town obligations for maintenance.

- The Applicant proposes to subdivide the existing lot into two (2) parcels: Lot 1 being ±29.9 acres including the existing dwelling and related improvements and Lot 2 being ±73.8 acres of

undeveloped land. As proposed, the ±73.8 acres of Lot 2 will be conveyed to the property owners of the adjacent ±140-acre parcel located at 2152 Weeks Hill Road (10-099.000).

- No landscaping is proposed. Lot 1 will contain an existing dwelling with mature landscaping and forest cover. Lot 2 is undeveloped and will be conveyed to the adjacent lot.
- The existing conditions plan shows that Lot 2 is undeveloped and heavily forested.

**Conclusion:** Based on the above findings, the Board concludes the proposed Lot 1 contains an existing dwelling and related residential improvements and Lot 2 is contains a forested cover, which satisfies the requirements of Section 5.1(6).

7. **Section 5.1(7) – Pedestrian Access:** The Board is authorized to require rights- of-way to facilitate pedestrian circulation within the subdivision and to ensure access to adjoining properties or uses.

- No pedestrian improvements are proposed under this application
- The proposed parcels are located within the RR5 district in a rural part of town without public sidewalks.

**Conclusion:** Based on the above findings, the Board concludes no pedestrian improvements are required to serve the large, rural lots.

8. **Section 5.1(8) – Traffic:** The regulations require traffic to be generated by the proposed subdivision not to create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways. To satisfy this standard, the Board is authorized to request the preparation of a traffic impact study to address all concerns relative to traffic impact and safety. The DRB shall use nationally accepted traffic engineering standards when evaluating the impact of traffic.

- No development of the parcels are proposed under this application. The proposed subdivision will have no impact on traffic.

**Conclusion:** Based on the above findings, the Board concludes the proposal will not create unreasonable traffic congestion or cause unsafe conditions regarding use of existing roadways

9. **Section 5.1(9) – Municipal Facilities:** The Applicant must demonstrate that the proposed subdivision will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.

- Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation.
- No Municipal Department review forms returned indicated that the proposed development would have any adverse impact on existing or planned community facilities and services.
- The proposed lot has access to Weeks Hill Road a Class 3 town-highway. Lot 1 is served by on-site septic and potable water.
- No additional municipal comments were received.

**Conclusion:** Based on the above findings, the Board concludes the proposal will not create an undue burden on municipal facilities or create an unreasonable demand for municipal services.

10. **Section 5.1(10) – Lot Configuration:** Flag lots, elongated lots, and other odd shaped lots which include narrow strips of land are prohibited unless the Board finds the configuration is appropriate given the existing topography and natural features, existing development, or the existing configurations of internal or adjacent lots.

- The Applicant proposes to subdivide the existing lot into two (2) parcels: Lot 1 being ±29.9 acres including the existing dwelling and related improvements and Lot 2 being ±73.8 acres of undeveloped land. As proposed, the ±73.8 acres of Lot 2 will be conveyed to the property owners of the adjacent ±140-acre parcel located at 2152 Weeks Hill Road (10-099.000).
- The proposed Lot 2 contains two narrow strips of land; the Applicant claims the subdivision has been designed to follow the existing driveway, in place for nearly 50 years and developed to a near town road standard. This existing improvement defines, in large part, the division between the developed and maintained areas and the natural untouched lands. The driveway seems a natural division line.
- The Applicant provided the following justification for lot shape *“In addition, we believe that the inclusion of the “finger” with Lot 2 better serves the goals of the Regulations by not segregating the contiguous natural areas into separate ownership. It provides a forested wildlife corridor between the designed habitat blocks to the east and west. Minimal impact to this corridor is our rationale for including only a narrow strip of Weeks Hill Road frontage with Lot 1: differing ownership can have little impact that close to the road. It’s difficult to see how the preservation of this corridor is better served with its inclusion with Lot 1.”*
- During the hearing, the Applicant testified that the northern narrow strip on Lot 2 was designed to allow for access to Peterson Brook. As proposed, Lot 2 will contain approximately 136’ of frontage along Peterson Brook.

**Conclusion:** Based on the above findings, the Board concludes the proposed subdivision contains irregularly shaped lots and narrow strips of land, however the proposed lot configuration is appropriate and has been designed to take into account existing development on Lot 1 and location of natural features, most notably the Peterson Brook.

11. **Section 5.1(11) – Building Zone:** The Board must find that the proposed subdivision provides adequate building sites for each proposed lot. Such sites may be restricted to a specific building zone, to be depicted on the plat, located and sized to ensure compliance with all of the provisions of Section 5 of the regulations.

- No building zone is proposed or shown on the proposed subdivision plan for Lot 2. No development is proposed on Lot 2 at this time.
- The Applicant proposes to subdivide the existing lot into two (2) parcels: Lot 1 being ±29.9 acres including the existing dwelling and related improvements and Lot 2 being ±73.8 acres of undeveloped land. As proposed, the ±73.8 acres of Lot 2 will be conveyed to the property owners of the adjacent ±140-acre parcel located at 2152 Weeks Hill Road (10-099.000).

**Conclusion:** Based on the above findings, the Board concludes no development is proposed on Lot 2 at this time. Should the Applicant propose development of Lot 2, the application will require additional approval by the Board to be reviewed under the regulations in effect at the time of application.

12. **Section 5.1(12) – Fire Protection Facilities:** The regulations require adequate water storage or distribution facilities for fire protection to be available. This may include the installation of ponds and dry fire hydrants and the extension of public water with fire hydrants. Where practicable, or where required by the Board, fire hydrants shall be installed by the subdivider. Construction of driveways and roads shall be in general compliance with the Stowe Fire Department Construction Standards where applicable.

- Comments from the Fire Chief were requested.
- No changes to fire protection facilities or driveway accesses are proposed.
- Lot #1 will maintain the existing driveway and access off Weeks Hill Road. No development on Lot 2 is proposed at this time. Lot 2 is proposed to be accessed via 50' right-of-way over Lot 1.

**Conclusion:** Based on the above findings, the Board concludes no fire protection facilities are proposed or warranted under this application.

**13. Section 5.1(13) – Disclosure of Subsequent Development Plans:** Whenever a subdivider submits a proposal for development on only a portion of a parcel, the Board is authorized to require a general indication of the intended uses of the remaining portion of land. Such an indication shall include access, type of use, intensity of use, and phasing. The Board is authorized to require the execution of a development agreement between the applicant and Town which ensures the ongoing integration of future development with each phase of subdivision or may require a note on the plat restricting future development of the remaining land without further review by the Board.

- No future development plans are noted in the application materials.
- No development on Lot 2 is proposed at this time. Per Section 5.1(13), the Board is authorized to *“require a note on the plat restricting future development of the remaining land without further review by the Board.”*

**Conclusion:** Based on the above findings, the Board concludes no additional development is proposed under this application. As a condition of approval, the Board will require a note on the plat restricting future development of the remaining land without further review by the Board.

**14. Section 5.1(14) – Private Enforcement Mechanisms:** As a condition of subdivision approval, the Board may require the formation of a homeowner’s association, consisting of the owners of all properties within the subdivision, to ensure the continual maintenance of shared driveways and other shared facilities. The Board shall require that such enforcement mechanisms be recorded before any zoning permits are issued.

- The Applicant proposes to subdivide the existing lot into two (2) parcels: Lot 1 being ±29.9 acres including the existing dwelling and related improvements and Lot 2 being ±73.8 acres of undeveloped land. As proposed the ±73.8 acres of Lot 2 will be conveyed to the property owners of the adjacent ±140-acre parcel located at 2152 Weeks Hill Road (10-099.000).
- Lot 2 is proposed to be accessed via 50' right-of-way over Lot 1.

**Conclusion:** The Board concludes no private enforcement mechanisms are proposed.

**15. Section 5.2 – Prominent Hillsides and Ridgelines:**

- The subject lots are within the RHOD.
- Lot 1 is proposed to contain the existing single-family dwelling and related improvements. No development is proposed on Lot 2 at this time.
- No activities, buildings, or clearing is proposed which would create an impact on defined public vantage points.

**Conclusion:** Based on the above findings, the Board concludes the proposed lots are within the RHOD however no development is proposed under this application. Should Lot 1 or Lot 2 be developed at some point in the future, the application for development will require review under the regulations in effect at the time of application, including any necessary provisions related to prominent hillsides and ridgelines and related visual considerations.

16. **Section 5.3 – Open Space and Cluster Development:** Except for exemptions granted under Section 5.3(6), the Board shall, in subdivisions having lots or potential dwelling sites for five (5) or more family dwelling units (excluding accessory apartments), and for all Planned Residential Developments (PRDs), require that the subdivision plat designate one (1) or more areas of character, size, shape and location suitable to be used as open space, park or playground. The Board may require the designation of open space when a subdivision consists of the creation of additional lots from a previously approved subdivision where the total new and previously approved lots is greater than four (4) lots.

- The Applicant proposes to subdivide the existing lot into two (2) parcels: Lot 1 being ±29.9 acres including the existing dwelling and related improvements and Lot 2 being ±73.8 acres of undeveloped land.
- No additional development of either parcel is proposed under this application.

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

17. **Section 5.4 – Road Standards and Coordination with Public Highways:** All proposed public and private roads shall be designed to ensure the safe and efficient movement of vehicles. Roads shall be logically related to topography so as to produce usable lots and reasonable road grades and shall be in harmony with existing and proposed public highways. Wherever extensions of proposed roads could rationally provide public access to adjacent properties or connection to existing public State or Town highways, a right of way across the subdivider's property may be required. Section 16.48 of the Zoning Regulations define the term 'Driveway' as follows... *"A roadway used to access not more than three (3) dwelling units that is in private ownership."*

- The Applicant proposes to subdivide the existing lot into two (2) parcels: Lot 1 being ±29.9 acres including the existing dwelling and related improvements and Lot 2 being ±73.8 acres of undeveloped land.
- Lot #1 will maintain the existing driveway and access off Weeks Hill Road. No development of Lot 2 is proposed at this time.
- Lot 2 is proposed to be accessed via 50' right-of-way over Lot 1.
- No road or driveway improvements are proposed.

**Conclusion:** Based on the above findings, the Board concludes the proposal will maintain its existing driveway access to serve Lot 1. No development of Lot 2 is proposed at this time. Should development of Lot 2 be proposed, it will require additional review by the Development Review Board.

18. **Section 5.5 – Utilities and Stormwater Management:** All subdivisions shall make adequate provisions for stormwater and required utilities. Section 5.5 (2) states *"The DRB is authorized to require the underground installation of power and telephone lines wherever it is appropriate to maintain and protect the visual character and property values of an area or neighborhood. In addition, the DRB may place restrictions on the location and design of utility transformers, translosures, meter boards and related equipment in order to minimize adverse visual impact."*

- The Applicant proposes to utilize the existing access to serve Lot 1. No increases in impervious surfaces are proposed under this application.
- No development is proposed on Lot 2.

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

**DECISION**

On a motion by P.Roberts, seconded by M.Diender, the Stowe Development Review Board hereby approves the Applicant's request for Final Subdivision approval for the proposed 2-lot subdivision of parcel #7A-132.010 as described in the application dated 7/22/2020 and shown on "Subdivision Plan 148270 Canada Inc prepared by Chase & Chase Surveyors & Septic Designers Inc, Sheet Plat1, dated 7/29/2020; [last revised 8/20/2020]" 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.
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Any future development of Lot 2 shall require additional review by the Board.
4. The recorded plat shall include the following notation: *"Any future development of Lot 2 shall require additional review by the Development Review Board."*
5. Pursuant to 24 VSA Chapter 117, the subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with Section 4.3 of the Stowe Subdivision Regulations and shall include the following notations:
  - a. *"This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office".*
6. The Applicant shall file the final survey plat, signed by the Chair or other authorized representative of the Development Review Board, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Stowe Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
7. Monuments shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors.
8. 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 purposes of ascertaining compliance with the conditions of approval.

Voting favor: Drew Clymer, Tom Hand, Peter Roberts, Chris Walton, Michael Diender

Voting to deny: Andrew Volansky

Abstain: F.Paco Aumand III

Motion PASSED 5-1-1

Dated at Stowe, Vermont this the 17<sup>th</sup> day of September 2020

By:   
Drew Clymer, Chair

9/17/20

**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.

