



Notice of DRB Decision
Town of Stowe Zoning Office
PO Box 730
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

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

APPLICATION INFORMATION

Project Number	6340
Application Date	8/14/2020
Physical Location	0 AYERS FARM RD
Map ID	02-155.000
Project Description	RHOD REVIEW-CONSTRUCT SINGLE-FAMILY DWELLING AND ATTACHED GARAGE
Owner	DAVID LACHTRUPP
Applicant	DAVID LACHTRUPP
Applicant Address	PO BOX 237 WATERBURY CENTER VT 05677
Tax ID	16011

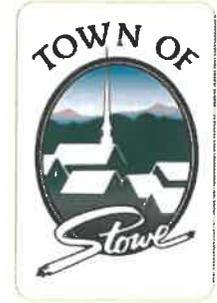
APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	10/1/2020	10/31/2020	10/31/2022

Sarah McShane

Zoning Office

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



PROJECT: 6340

SUBJECT PROPERTY: 481 Ayers Farm Road, Stowe, VT [Tax Map #02-155.000]

PROPERTY OWNER/APPLICANT:

David Lachtrupp
PO Box 237
Waterbury Center, VT 05677

APPLICATION:

The Applicant and property owner, David Lachtrupp (herein referred to as the "Applicant"), requests Ridgeline and Hillside Overlay District [RHOD] review to construct a single-family dwelling and attached two-car garage. Site clearing and related site improvements were approved under projects 6324 and 6202.

The subject parcel consists of ±3.5 acres and is located on Ayers Farm Road (TH-65), a Class 3 town-highway. The parcel is located in the Rural Residential 3 (RR3) Zoning District and the Ridgeline and Hillside Overlay District (RHOD) and is bound to the north, west, and south by Ayers Farm Road and to the east by two (2) residential parcels, a ±1.6 acre parcel owned by Erhard Trude Life Estate and a ±2.25 acre parcel owned by Zinn John Revocable Trust. The parcel was created prior to the adoption of subdivision regulations and as such is considered a pre-existing lot with no prior attached conditions of subdivision approval. 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 David Lachtrupp on August 14, 2020. The application was accepted as administratively complete by Town of Stowe Zoning Director Sarah McShane and referred to the Stowe Development Review Board for a public hearing. A public hearing of the DRB was scheduled for September 15, 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 27, 2020. 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 15, 2020 using a virtual meeting platform 'Zoom', with a quorum of the DRB present. No ex parte communications or conflicts of interests were reported. Members who participated include: D. Clymer, F. Aumand III, T. Hand, P.Roberts, L. Wasserman, M. Diender.

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

- David Lachtrupp, PO Box 237, Waterbury Center, VT 05677
- John Grenier (Engineer), P.O. Box 445, Waterbury, VT 05676
- Brian Hamor (Architect), 458 Mountain Road, Stowe, VT 05672

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

- Town of Stowe Development Application (2 pages); dated 8/14/2020;
- Proposed Site Plan 'George & Janet Vaupel' prepared by Grenier Engineering, Sheet 1 of 1, dated 8/19/2020;
- Cross Sections for View Study 'George & Janet Vaupel' prepared by Grenier Engineering, Sheet 2 of 2, last revised 8/19/2020;
- Architectural Drawings- Ayers Farm Residence- prepared by Hamor Architecture:
 - Floor plans Sheet A1.00, last revised 8/20/2020;
 - Floor plans Sheet A1.01, last revised 8/20/2020;
 - Floor plans Sheet A1.02, last revised 8/20/2020;
 - Exterior Alterations Sheet A2.00, last revised 8/19/2020;
 - Exterior Alterations Sheet A2.01, last revised 8/19/2020;
 - Exterior Alterations Sheet A2.02, last revised 8/19/2020;
- Cut-Sheets for Outdoor Light Fixtures (Steel Lighting Co- the Hawthorne Wall Mount & the Westchester Wall Mount- 2 pages);
- Site photographs, no date;
- Comments from Dave Kresock of Stowe Electrical Department, dated 8/28/2020.

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 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 is within the Rural Residential 3 (RR-3) 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 is ±3.5 acres. No changes to lot width or lot area are proposed under this application.
3. **Setbacks.** Required minimum district setbacks for the RR3 district are front (70'), side (60') and rear (60'). The provided site plan shows the location of the setbacks, building zone, and proposed improvements. The proposed dwelling and garage will be sited to meet the required district setbacks.
4. **Maximum Building Coverage.** Does not apply to the RR3 zoning district.

5. **Use.** The Applicant proposes a single-family dwelling. Single-family dwellings are a permitted use in the RR3 district.
6. **Density.** The RR3 district allows single-family dwellings at a density of one per three (3) acres. The proposal satisfies the density requirements.
7. **Height.** The maximum building height in RR3 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."* Sheet A200 labels the height to be 26' 1".

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).

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 construct a single-family dwelling and attached two-car garage. Site clearing and related site improvements were approved under projects 6324 and 6202. The parcel is located on the edge of the lower inside boundary of the Ridgeline and Hillside Overlay District. Under prior approvals, the Board found the parcel had limited visibility beyond that of Ayers Farm Road. The Applicant provided architectural design elevations of the proposed dwelling along with a Cross Sections for View Study illustrating possibly vantage points. The Board finds 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. Under the previously approved projects, the Applicant provided several photographs showing the project vicinity and a cross section visual assessment prepared by Grenier Engineering. Under the prior approvals, the Board found that the lot was visible from Ayers Farm Road and possibly visible from Shaw Hill Road but from a distance of ± 1.75 miles. During the prior hearing, testimony was received that topography and existing wooded hillsides block the view of the parcel from Shaw Hill Road and it was reported that any impacts to public vantage points would be primarily from Ayers Farm Road as it essentially surrounds the parcel. The Applicant now seeks to construct a single-family dwelling and attached garage. Under prior approvals, the Applicant received approval for the construction of a driveway, septic area, reclaimed pond, and modifications to the clearing schedule. The single-family dwelling and attached garage are proposed within a discrete building zone in the center of the parcel allowing for views to the north. The Board finds the proposal will not negatively impact any defined public 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 seeks approval to construct a single-family dwelling and attached garage. Under a prior decision, the Applicant

received approval for a driveway, reclaimed pond, septic area, and modifications to the clearing schedule. The proposed dwelling and garage are proposed in the center of the parcel within a designated building zone. The Department of Public Works approved the curb cut location on 8/28/20. The clearing schedule along with proposed plantings will provide screening of the dwelling. The Board reviewed the applicable standards and guidelines and finds that the proposed improvements will not adversely impact the character of the scenic landscape and no further mitigation measures are warranted.

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 construct a single-family dwelling and attached garage. According to the ANR Natural Resources Atlas there are no fragile environments that would be impacted from the proposed project. The parcel does not contain any buildings but is partially developed with related site improvements and a restored pond. No wetlands, deer wintering areas, or hydric soils are shown on the ANR Natural Resources Atlas. The Board finds 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 Applicant proposes to construct a single-family dwelling and attached garage. The Board previously approved a forest thinning and clearing schedule. No changes to the previous approved clearing are proposed. The Board finds the proposal will be minimally visible and conforms to 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 construct a single-family dwelling and attached garage. Many of the parcels on Ayers Farm Road pre-date the adoption of subdivision regulations and RHOD standards. The Applicant provided photographs showing existing conditions. The proposed dwelling contains wood siding, asphalt shingle roofing, wood fascia and soffit trim. The proposed color scheme includes brown siding, black architectural shingles for roofing, a grey garage, and black cad windows. The Board finds 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 a site plan showing the previously approved clearing and thinning schedule. No other clearing or removal of trees is proposed under this application. No changes to the previous approved clearing are proposed.
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 Applicant obtained a driveway entrance permit from the Department of Public Works and testified during the hearing that the driveway was designed to have an average grade of 12%. The

Applicant reported that the driveway and associated clearing had not been completed yet and no changes to the previously approved driveway are proposed under the application.

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 proposes to construct a single-family dwelling and attached garage within a discrete building zone. The Board previously approved the clearing schedule and installation of site improvements. The proposed dwelling is 26' 1" and is positioned in the center of the parcel. Designated no cut areas and previously approved landscaping provide screening of the dwelling from Ayers Farm Road. The proposed color scheme includes natural and earth tone colors.
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 a single-family dwelling and attached garage. The building design incorporates two (2) connected gable roofs and utilizes vertical shiplap siding on the garage and channel rustic siding on the dwelling, both stained brown, to break-up the massing and provide a complimentary design.
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 two (2) cut-sheets of the proposed outdoor light fixtures. The location of the light fixtures appear on the architectural elevation drawings and are down-cast and shielded. During the hearing the Board reviewed the location of the proposed outdoor and confirmed they are a down-casted gooseneck style in conformance with Section 4.8.
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. The provisions of this section do not apply.

Conclusion: The Board concludes the proposed development is in conformance with all applicable RHOD standards and guidelines.

DECISION

On a motion by T.Hand, seconded by M.Diender, the Development Review Board hereby approves the Applicant's request for RHOD approval as outlined in the application dated 8/14/2020 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.

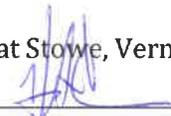
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. All outdoor lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property.
4. 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.
5. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that the project has been constructed as approved by the Development Review Board.
6. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the Applicant agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purpose of ascertaining compliance with the conditions of approval.

Voting favor: D. Clymer, F. Aumand III, T. Hand, P.Roberts, L. Wasserman, M.Diender

Voting to deny: None

The motion PASSES, 6-0.

Dated at Stowe, Vermont this the 21st day of October 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.