

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



PROJECT: 6378

SUBJECT PROPERTY: 1115 North Hollow Rd (#08-061.000)

PROPERTY OWNER:

Beattie Family Trust
PO Box 96
Stowe, VT 05672

APPLICANT:

Bobby Roberts
PO Box 96
Stowe, VT 05672

APPLICATION:

The Applicant, Bobby Roberts on behalf of property owners Beattie Family Trust (herein referred to as the "Applicant"), requests final subdivision approval for a 2-lot subdivision involving a 13-acre parcel shown on Tax Map #08 Parcel #061.000. The Applicant proposes to subdivide the existing lot into two (2) parcels: Lot 1 being ± 7.99 acres including the existing dwelling and related improvements and Lot 2 being ± 7.06 acres of undeveloped land. North Hollow Road bisects the existing parcel leaving contiguous lands on both the north and south sides of the town highway. Lot 2 is proposed to be a deferred lot with no development proposed under this application. The subject parcel is located within the Rural Residential 5 (RR5) zoning district with portions also within the Ridgeline and Hillside Overlay District (RHOD). The parcel is served by North Hollow 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 Bobby Roberts and received by the Zoning Director on September 17, 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 October 20, 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 October 1, 2020.

The public hearing to consider the application convened on October 20, 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 10/20 review included: Drew Clymer, Tom Hand, Andrew Volansky, Leigh Wasserman, Peter Roberts, Francis Paco Aumand III, 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:

- Bobby Roberts, PO Box 96, Stowe, VT 05672
- Michael Tarrant on behalf of EMARCA L.P., P.O. Box 1440, Montpelier, Vermont 05601-1440

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

- Town of Stowe Development Application, dated 9/17/2020;
- Sketch Plan- Property of Stephen Beattie, prepared by Gilson Land Surveying PLLC, dated 8/20/2020;

- Slope Analysis- Property of Stephen Beattie, prepared by Gilson Land Surveying PLLC, dated 9/23/2020;
- Proposed Subdivision Application Plan of Beattie Family Trust 1115 North Hollow Rd, prepared by Gilson Land Surveying PLLC, dated 9/24/2020.

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 ±7.99 acres to contain the existing dwelling and related improvements and Lot 2 being ±7.06 acres of undeveloped land.

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 ±7.99 acres and a lot width of approximately 1012.39’; Lot 2 will be ±7.06 acres and a lot width of approximately 674.18’.

3. **Setbacks.** The RR5 district requires setbacks of 70 ft (front) and 75 ft (sides/rear). The required setbacks are shown on the ‘Proposed Subdivision Application Plan of Beattie Family Trust 1115 North Hollow Rd’ dated 9/24/2020. The existing dwelling on Lot 1 will maintain the required front/side/rear setbacks. No development is proposed on Lot 2 at this time.

Conclusion: The Board concludes the proposed subdivision conforms to the applicable district dimensional requirements of the RR5 district.

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 ±7.99 acres including the existing dwelling and related improvements and Lot 2 being ±7.06 acres of undeveloped land.
 - Lot 2 is proposed to remain undeveloped at this time. No development is proposed under this application.
 - During the hearing the Applicant testified that the property owner has not sought State of VT Wastewater & Potable Water permits for Lot 2, and as such is considered a deferred lot.

Conclusion: Based upon the above findings, the Board concludes the proposed subdivision 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. Prior to the development of Lot 2, additional review by the Development Review Board is required.

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 ±7.99 acres including the existing dwelling and related improvements and Lot 2 being ±7.06 acres of undeveloped land. No development is proposed on Lot 2 under this application.
 - The parcel is located within the Rural Residential 5 (RR5) zoning district amongst a mix of residential, agricultural, and forestry uses.
 - Two (2) streams form the northern and southern property boundaries. These mapped watercourses are protected under Section 3.10 and require a 50 ft buffer, as measured from the top of bank. Under the regulations, development is restricted in this area with few allowed exceptions. Both of the streams are shown on the Proposed Subdivision Plan.

- As shown on the ANR Natural Resources Atlas both Lots 1 & 2 contain mapped statewide prime agricultural soils.
- No additional development is proposed on Lot 1. Lot 2 is proposed to remain undeveloped at this time.

Conclusion: Based on the above findings, the Board concludes the proposal will not have an undue adverse impact on noted natural and scenic features. Additional review by the Development Review Board is required prior to the issuance of any zoning permit for development on Lot 2.

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 ±7.99 acres including the existing dwelling and related improvements and Lot 2 being ±7.06 acres of undeveloped land.
- According to the Town of Stowe Town Plan Significant Wildlife Habitat & Natural Communities Map the parcel does not contain any noted significant areas but a small portion of the lot along the northern streambank contains a highest priority habitat and connecting block.
- No additional development is proposed on Lot 1. 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 any Significant Wildlife Habitat and Natural Communities. Additional review by the Development Review Board is required prior to the issuance of any zoning permit for development on Lot 2.

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 ±7.99 acres including the existing dwelling and related improvements and Lot 2 being ±7.06 acres of undeveloped land.
- No additional development is proposed on Lot 1. 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. Additional review by the Development Review Board is required prior to the issuance of any zoning permit for development on Lot 2.

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 North Hollow Road and access via existing gravel driveway. Lot 2 will also be served North Hollow Road. No development is proposed on Lot 2 at this time.

Conclusion: Based on the above findings, the Board concludes 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 ±7.99 acres including the existing dwelling and related improvements and Lot 2 being ±7.06 acres of undeveloped land.
 - No landscaping is proposed. Lot 1 will contain an existing dwelling with mature landscaping and forested cover. Lot 2 is to remain undeveloped at this time.

Conclusion: Based on the above findings, the Board concludes no changes to existing landscaping and screening are proposed under this application. Additional review by the Development Review Board is required prior to the issuance of any zoning permit for development on Lot 2.

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 where public sidewalks are not common.

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 Lot 2 is proposed under this application. Lot 1 contains an existing single-family dwelling. 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. The future development of Lot 2 will require additional review prior the issuance of any zoning permit.

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 North Hollow Road a Class 3 town-highway. Lot 1 is served by on-site septic and potable water.
- Any new curb cut on a town highway requires a driveway entrance permit from the Department of Public Works.
- 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. Additional review by the Development Review Board is required prior to the issuance of any zoning permit for development on Lot 2.

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 ±7.99 acres including the existing dwelling and related improvements and Lot 2 being ±7.06 acres of undeveloped land.
- Two (2) unnamed streams form the northern and southern property boundaries.
- North Hollow Road bisects the parcel; both Lots 1 & 2 contains lands on the northern and southern side of North Hollow Road.
- The Applicant proposes a straight property line separating the two (2) proposed parcels. The proposed boundary line is generally designed to create a right angle as it abuts the mapped watercourses.

Conclusion: Based on the above findings, the Board concludes the proposed lot configuration is of regular shape, and avoids flag and elongated lots.

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.

- The Applicant proposes to subdivide the existing lot into two (2) parcels: Lot 1 being ±7.99 acres including the existing dwelling and related improvements and Lot 2 being ±7.06 acres of undeveloped land.
- 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.

Conclusion: Based on the above findings, the Board concludes no development is proposed on Lot 2 at this time. Additional review by the Development Review Board is required prior to the issuance of any zoning permit for development on Lot 2.

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 North Hollow Road. No development on Lot 2 is proposed at this time. Lot 2 is also accessed via North Hollow Road, a town highway.

Conclusion: Based on the above findings, the Board concludes no changes are proposed. Additional review by the Development Review Board is required prior to the issuance of any zoning permit for development on Lot 2.

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. During the hearing the Applicant testified that no development is proposed on Lot 2 at this time. The Applicant suggested that it may remain an undeveloped wood lot or possibly designed to accommodate a single-family dwelling with further review.
- 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 Lot 2 is not proposed for development under this application. Additional review by the Board is required prior to the issuance of any zoning permit on Lot 2.

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 ±7.99 acres including the existing dwelling and related improvements and Lot 2 being ±7.06 acres of undeveloped land.
- No shared improvements are proposed. Each parcel is served by a town highway with separate driveways. Lot 2 does not contain an existing driveway; additional review and permit from the Department of Public Works is required for the installation of a curb cut.

Conclusion: The Board concludes the proposed subdivision does not include any shared improvements or infrastructure. This provision does not apply.

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

- Portions of Lot 2 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. Lot 1 is not within the RHOD.
- No activities, buildings, or clearing on Lot 2 is proposed which would impact public vantage points, as defined under the regulations.
- The Applicant provided a slope analysis as required by Section 9.4(3)(F)(1) [page 96]. According to the slope analysis, 105,142.2 sf on Lot 2 is less than 20% slope; 138,499 sf on Lot 2 is more than 20% slope.
- Per Section 9.4(3)(F)(2)- Coordination with Section 5.2 of the Stowe Subdivision Regulations. In addition to the density standards, the DRB may grant subdivision approval with conditions related to lot clearing, landscaping, house siting, architectural design or other relevant issues necessary to ensure compliance with these regulations.

Conclusion: Based on the above findings, the Board concludes portions of Lot 2 are within the RHOD however Lot 2 is not proposed to be developed under this application. Should Lot 2 be developed in the future additional review by the Board will be required, including any necessary provisions related to prominent hillside 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 ±7.99 acres including the existing dwelling and related improvements and Lot 2 being ±7.06 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 ±7.99 acres including the existing dwelling and related improvements and Lot 2 being ±7.06 acres of undeveloped land.
- Lot #1 will maintain the existing driveway and access off North Hollow Road. No development of Lot 2 is proposed at this time.
- Lot 2 is proposed to be accessed via North Hollow Road, a Class 3 town highway. The installation of a curb cut on Lot 2 will require a driveway entrance permit from the Department of Public Works.
- No road or driveway improvements are proposed.

Conclusion: Based on the above findings, the Board concludes the proposal maintains the 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."*

- 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 F.Aumand III, seconded by C.Walton, the Development Review Board hereby approves the Applicant's request for Final Subdivision approval for the proposed 2-lot subdivision of (Project 6378) of parcel #08-061.000 as described in the application dated 9/17/2020 and associated supporting materials subject 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. Additional review by the Development Review Board is required prior to the issuance of any zoning permit for development on Lot 2.

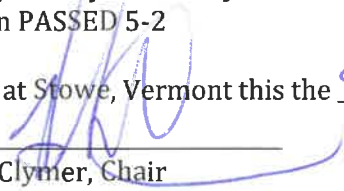
4. The recorded plat must include the following notation: *"Any future development of Lot 2 shall require additional review by the Development Review Board."*
5. Pursuant to 24 V.S.A Chapter 117, the subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 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: Andrew Volansky, Leigh Wasserman, Peter Roberts, F.Aumand III, Chris Walton

Voting to deny: Drew Clymer, Tom Hand

Motion PASSED 5-2

Dated at Stowe, Vermont this the 9 day of November 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.