



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. Please note that there are conditions of approval required to be met before your Zoning Permit can be issued. Once you fulfill these conditions your zoning permit will be sent to you

APPLICATION INFORMATION

Project Number 6409
Application Date 10/29/2020
Physical Location 2043 MOUNTAIN RD
Map ID 06-052.000 **Tax ID** 26048
Project Description RELOCATE STOWE FARMERS MARKET; 2021 FARMERS MARKET SEASON
Owner STOWE MOTEL AND SNOWDRIFT INN SEAN KEARNEY
Applicant STOWE FARMERS MARKET INC JASON PACIONI
Applicant Address 112 SOUTH MAIN STREET, SUITE 185
STOWE VT 05672

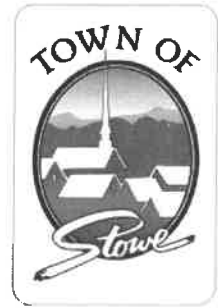
APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	2/2/2021	3/4/2021	3/4/2023

Sarah McShane

Zoning Office

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



PROJECT: 6409

SUBJECT PROPERTY: 2043 Mountain Road; #06-052.000

PROPERTY OWNER:

Stowe Motel and Snowdrift Inn c/o Sean Kearney
2043 Mountain Road
Stowe, VT 05672

APPLICANT:

Jason Pacioni, Vice President
Stowe Farmers Market Inc.
112 South Main Street, Suite 185
Stowe, VT 05672

APPLICATION:

The Applicant, Jason Pacioni, on behalf of property owner Stowe Motel and Snowdrift Inn (herein referred to as the "Applicant"), requests conditional use review for a project generally described as "Stowe Farmers Market to operate on the lands of the Stowe Motel property with access off Mountain Road and Luce Hill Road, with associated parking and market tents areas. The market will operate on Sundays, 10:00 am -3:00 pm from May 16th to October 17th in 2021. The Applicant seeks approval for one year." The subject parcel, consisting of ±13.92 acres and located at 2043 Mountain Road [#06-052.000], is in the Mountain Road Village (MRV) Zoning District and Source Protection Overlay District with portions also lying within the Fluvial Erosion Hazard (FEH) and Flood Hazard Overlay Districts (FHOD). No development is proposed within the FEH or FHOD areas. The parcel contains an existing lodging facility and related improvements and is generally triangular in shape. The parcel is bounded to the north by Mountain Road (VT-108), to the south by the Luce Hill Road and West Branch of the Little River, to the east by the ±0.65-acre parcel containing the St. John's Church, and to the west by residential parcels accessed off Strom Farm Lane. 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 conditional use 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 conditional use review was filed by Applicant Jason Pacioni on October 29, 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 January 19, 2021 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 December 31, 2020.

The public hearing to consider the application convened on January 19, 2021 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, C. Walton, A. Volansky, M. Black.

The following persons attended and participated in the hearing process:

- Jason Pacioni, Vice President, Stowe Farmers Market Inc., 112 South Main Street, Suite 185, Stowe, VT 05672
- Tyler Mumley, 11 Moss Glen Falls Road, Stowe, Vermont 05672
- Brian Leven, 1799 Mountain Road, Stowe, VT 05672
- Barbara Baraw- PO Box 74, Stowe, VT 05672
- The Rev. Dr. Richard R. Swanson, PO Box 1175, Stowe, VT 05672

- Taryn O'Conner, 78 Strom Farm Lane, Stowe, VT 05672
- Meg Willis, 58 Strom Farm Lane, Stowe, VT 05672
- Alli Ruschp, 425 Sky Acres Drive, Stowe, VT 05672

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

1. Town of Stowe Development Application, dated 10/13/2020;
2. Project narrative from Applicant Jason Pacioni, dated 10/16/2020;
3. Email from Sean Kearney, dated 10/5/2020;
4. Letter from Donald Hull- Stowe Police Chief, dated 9/30/2020;
5. Email from Ed Pierce -VTrans Permit Coordinator, dated 11/20/2020;
6. VTrans Letter of Intent (Stowe Vail LLC), dated 12/28/2020;
7. Email from Harry Shepard- Town of Stowe DPW Director, dated 12/08/2020;
8. Site Plan 'Stowe Farmers Market' prepared by Mumley Engineering, Sheet C-1, dated 10/15/2020 (last revised 12/4/2020);
9. Site Plan/Aerial Image 'Stowe Farmers Market' prepared by Mumley Engineering, Sheet C-1, dated 10/15/2020;
10. Letter from Brian H. Leven on behalf of property owners Concerto LLC, dated 1/5/2021;
11. Written comments from Barbara Baraw, dated 1/11/2021;
12. Written comments from Saint John's in the Mountains Episcopal Church, dated 1/14/2021.

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.

PROCEDURAL HISTORY

The Stowe Farmers Market has historically operated an outdoor summer farmers market on the lawn adjacent to the southeastern edge of the Red Barn Shops. The Board originally approved the market operations on May 24, 1994. In 2004, the Applicant received approval (BA 6-086-2) to operate the market from May 16, 2004 to October 17, 2004 and to increase the number of vendors from twenty (20) to forty (40). The Applicant received subsequent approval (BA 6-086-3) on April 20, 2005 to continue operations from May 15, 2005 to October 16, 2005 and again from May 15, 2006 to October 16, 2006. The approval dated February 13, 2007 (Project 3288) approved the operations until October 16, 2008. On April 22, 2008, the Board approved a modification of the Project 3288 by allowing the use Jewish Community of Greater Stowe Center (JCOGS) parking lot rather than parking originally approved at Mud City Adventures (Project 3695). On April 14, 2009, the Board approved continued operations from May 17, 2009 to October 18, 2009 (Project 3968). On October 27, 2009, the Board approved continued operations through October 31, 2011. On November 22, 2011, the Board approved continued operations through 2013 (Project 4496). On November 12, 2013, the Board approved continued operations through 2015 (Project 4852). On September 15, 2017, the Board approved continued operations through 2017 (Project 5197). On December 26, 2017, the Board approved continued operations through 2019 (Project 5731). Most recently under Project 6191, the Board granted approval for the 2020-2021 seasons in a decision dated May 5, 2020. The Applicant now seeks to relocate the Stowe Farmers Market to the Stowe Motel property at 2043 Mountain Road and is requesting approval for one (1) year from May-October from 10:30 am-3:00 pm every Sunday. The zoning permit issued for Project 6191 allowing for an outdoor retail market at 1799 Mountain Road remains in effect at the prior location until it expires on October 31, 2021.

FINDINGS OF FACT & CONCLUSIONS OF LAW:

The Applicant's request for conditional use review was reviewed by the Stowe 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 12- Source Protection Overlay District
- Section 15- Parking Regulations

Dimensional Requirements:

1. **Zoning District.** The subject parcel is in the Mountain Road Village (MRV) Zoning District and the Source Protection Overlay District (SPOD) as shown on the Official Town of Stowe Zoning Map (as adopted October 9, 2018).
2. **Lot Area, Lot Width.** No changes to lot area or lot width are proposed under this application.
3. **Setbacks.** Required minimum district setbacks in MRV are front (20'), side (10') and rear (20'). The Applicant seeks approval for an outdoor retail farmers market. The setback line is shown on the provided site plan. No permanent structures or parking improvements are proposed under this application however the individual vendors may utilize temporary tent like structures or food trucks located within market area as shown on the site plan. The market area is located outside of the required setbacks.
4. **Maximum Building Coverage.** The maximum building coverage in MRV is 20%. No permanent structures are proposed under this application.
5. **Use.** The parcel contains an existing lodging facility and related improvements. The existing lodging use is proposed to remain. The Applicant proposes a seasonal outdoor retail market consisting of multiple vendors, each of less than 5,000 sf.

Section 16.131 defines Retail Sales, up to 5,000 sq. ft. as *"A retail establishment with a gross interior floor area less than 5,000 sq. ft., excluding any areas devoted exclusively to storage and/or office space."*

6. **Height.** The maximum building height in MRV is 28' feet. No permanent structures are proposed under this application.
7. **Density.** No changes in density are proposed under this application.

Section 3.7(2)(A) – Standards of review (Conditional Use Applications): The Development Review Board must determine that the use will conform to the following set of standards and will not result in an undue adverse effect on the following:

8. **Section 3.7(2)(A)(1) – Capacity of existing or planned community facilities and services:**
 - a. 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.

- b. Police Chief Donald Hull provided written comments dated September 30, 2020 and noted *"this location provides good vehicle access to the property, which should not impact traffic on the Mountain Road. Also, there is plenty of parking and convenient access for pedestrians who want to walk from the recreation path through Chase Park. I believe this is a good location for the Stowe Farmers Market."*
- c. Dave Kresock of the Stowe Electrical Department provided the following comment: *"Project #6409 – No SED Impact."*
- d. Harry Shepard, Town of Stowe DPW Director provided the following comments dated 12/8/2020: *"We would be fine with the continued use of the existing driveway entrance on Luce Hill Road for a second means of access/egress to the relocated Farmers Market as indicated on the plan provided. No improvements required. Good luck in your new location."*
- e. No other Municipal Department review forms returned, or documentation within the hearing record, indicated that the proposal would have any adverse impact on existing or planned community facilities and services.

Conclusion: Based on the above findings, the Board concludes the proposal will not result in an undue adverse effect on the Town's existing or planned facilities or services.

9. Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:

- a. The Applicant requests approval of the Stowe Farmers Market (seasonal outdoor retail market) for the 2021 season. The market runs from May-October from 10:00 am-3:00 pm every Sunday.
- b. The Applicant did not provide the estimated number of visitors. The market area is approximately 150' x 100' and abuts Mountain Road. Proposed grassed parking is located adjacent to the market area.
- c. The Applicant did not provide a traffic study or estimated number of peak hour vehicle trips.
- d. It is common and well-known knowledge that at the former location at 1799 Mountain Road, traffic congestion was common during market hours. The Applicant alluded to this in their project narrative.
- e. The Applicant provided a copy of their VT Agency of Transportation Letter of Intent for required improvements within the state highway right-of-way. The Letter of Intent provides special conditions related to access improvements within the state highway right-of-way. The Agency of Transportation did not require that a traffic study be prepared.
- f. The Applicant's project narrative from Vice President Jason Pacioni notes the following: *"We will work with the Stowe Police regarding traffic control and signage to control vehicular and pedestrian travel patterns, as well as limit parking along Strom Farm Lane, Edlewiess store parking lot, or the Darkside/Over The Wall parking lot."*
- g. The former location 1799 Mountain Road holds a valid zoning permit to also hold an outdoor retail market on the same day/hours, as noted in the letter from Brian Leven on behalf of Concerto LLC. Mr. Leven testified to this during the hearing.

- h. Applicant Jason Pacioni testified that a traffic study had been prepared for their prior location. He testified that the traffic study concluded that the market's peak Sunday in August did not compare to the third busiest Sunday in the winter. He testified that the new market location is estimated to generate the same or similar traffic volume however is expected to have less pedestrians crossing Mountain Road since parking will be located adjacent to the market area.
- i. The Applicant's Engineer, Tyler Mumley, provided an overview of the egress and ingress circulation patterns and estimated that the location will result in an overall decrease in traffic at the Mountain Road and Luce Hill Road intersections. He testified that VT Agency of Transportation is requiring the market provide two-way circulation.
- j. Rev. Dr. Richard R. Swanson of St. John's Church provided testimony. He testified that the church is in support of keeping the market in the area and on the neighboring property but raised concerns regarding traffic and circulation. He requested that traffic control be located at the Luce Hill Road intersection to help guide traffic.

Conclusion: Based on the above findings, the Board concludes the estimated traffic generated by the weekly seasonal market will likely cause adverse impacts on traffic on roads and highways in the vicinity, however these impacts can be mitigated with proper directional signage, traffic control personnel, and market staff assisting with vehicular parking. So long as the market is continuously operated in accordance with the applicable conditions of approval, the Board concludes the proposal will not create an *undue* adverse impact on traffic on roads and highways in the vicinity.

10. Section 3.7(2)(A)(3) – The character of the area affected:

- a. The subject parcel is in the MRV zoning district.
- b. The purpose of the MRV district is *"To foster a development pattern along the Mountain Road (Route 108) corridor comprised of compact, mixed-use settlements separated by rural countryside. The MRC district is intended to serve as a relatively small, concentrated mixed-use settlement with good pedestrian circulation between uses and properties and a village streetscape; the MRV District is intended to serve as a larger commercial village characterized by an integration between land uses, pedestrian accessibility, a mix of uses compatible with a four-season resort community and a village streetscape defined by narrow streets, street-trees, curbing and sidewalks."*

Conclusion: Based on the above findings, the Board concludes the proposal will not adversely affect the character of the area as defined under the town's zoning regulations.

11. Section 3.7(2)(A)(4) – Regulations and ordinances in effect:

- a. The application was reviewed under applicable Conditional Use criteria.
- b. 24 VSA §4416 requires proposals involving access to a state highway provide a letter of intent from the Agency of Transportation confirming the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 VSA §1111. The Applicant provided a copy of the Letter of Intent.
- c. Applicable bylaws include the Stowe Zoning Regulations, as adopted October 9, 2018.

- d. No other known or identified municipal bylaws or ordinances apply to this project.

Conclusion: Based on the above findings, the Board concludes the proposal is in conformance with the Stowe Zoning Regulations, as adopted October 9, 2018.

12. Section 3.7(2)(A)(5) – Utilization of renewable energy sources:

- a. No change is proposed with regard to the use of, or access to, the utilization of renewable energy resources.

Conclusion: Based on the above finding, the Board concludes the project is not expected to interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources.

Section 3.7(2)(B) – Other Standards of Review:

13. Section 3.7(2)(B)(1) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

- a. The Applicant seeks approval for a seasonal outdoor retail market for the 2021 season.
- b. No permanent changes or improvements to the building or site are proposed under this application.

Conclusion: Based on the above findings, the Board concludes the proposal will not adversely affect the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.

14. Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.

- a. The Applicant seeks approval for a seasonal outdoor retail market for the 2021 season.
- b. When considering the undue impact of noise, the Board shall consider the existing noise levels in the area of the development, the impact on other (or off-site) properties, and the level of noise customarily generated from uses permitted within the zoning district (Section 3.7(2)(B)(2)).
- c. The parcel is located in the MRV zoning district.
- d. During the hearing, residents of Strom Farm Lane raised concerns regarding noises generated by the market including music, activities, car alarms, etc.
- e. Rev. Dr. Richard R. Swanson of St. John's Church provided testimony and requested that music begin no earlier than 11:15 a.m. as to not disrupt the nearby church service.
- f. The Applicant Jason Pacioni testified that under prior approvals the market was granted permission for amplified music.
- g. The proposal is not expected to create any impacts on water or air pollution.

Conclusion: Based on the above findings, the Board concludes nothing within the application or presented in the hearing record raises concerns that the project would cause undue water or air pollution. Abutting property owners raised concerns during the hearing regarding noise generated by the market and impacts to the adjacent church and residential properties. The Board agrees that the market will generate noise but must evaluate the impacts under applicable provisions of the zoning bylaws. The Board therefore concludes that, if operated in accordance with applicable conditions of approval, the noise generated by the proposed market will not be undue.

15. Section 3.7(2)(B)(3) – Access Management:

- a. The parcel is served by Mountain Road (VT-108/state highway) and Luce Hill Roads (town highway).
- b. The site plan shows the location of the two (2) market access locations; one (1) off from Mountain Road, the other off from Luce Hill Road. Both are existing accesses. The provided site plan, last revised 12/4/20, details the access improvements that are required within the Mountain Road right-of-way.
- c. 24 VSA §4416 requires proposals involving access to a state highway provide a letter of intent from the Agency of Transportation confirming the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 VSA §1111. The Applicant provided a Letter of Intent from VT Agency of Transportation outlining the required improvements within the State Highway right-of-way (Mountain Road).
- d. The Town of Stowe DPW Director provided email comments dated 12/8/2020 allowing for the continued use of the existing driveway entrance on Luce Hill Road for a second means of access/egress. The email notes “*no improvements required.*”

Conclusion: Based on the above findings, the Board concludes that the existing accesses, and proposed improvements, will provide adequate access in accordance with the regulations.

16. Section 3.7(2)(B)(4) – Shared Access:

- a. The parcel is served by two (2) existing accesses; one (1) off from Mountain Road, the other from Luce Hill Road.
- b. These two (2) existing accesses are shared by the existing lodging facility on the property.
- c. No changes are proposed to the location of existing shared access connecting to Luce Hill Road. Minor improvements within the State Highway (Mountain Road) right-of-way are required by the VT Agency of Transportation.

Conclusion: Based on the above findings, the Board concludes that the existing shared accesses, and proposed improvements, will provide adequate shared access in accordance with the regulations.

17. Section 3.7(2)(B)(5) – Circulation and Parking:

- a. The regulations require parking be provided per the requirements of Section 15 and be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas.

- b. The Applicant proposes an unimproved temporary grassed park area measuring approximately 250' x 150' near the corner of Strom Farm Lane and Mountain Road.
- c. The parking area is adjacent to the proposed market area and is served via unimproved grassed access in the approximate center of the parcel.
- d. The Applicant's project narrative states that the proposed parking area is expected to provide parking for approximately one hundred (100) automobiles. The narrative notes the current location of the market does not have a single designated parking area and utilizes and estimated seventy (70) parking spaces at various parking locations within the vicinity.
- e. Table 15.2 of the Town's zoning regulations require one (1) parking space for every 300 sf of gross floor excluding storage; no less than three (3) spaces.

Retail Stores, Offices, Banks, Service Establishments	1 space for every 300 sq. ft. of gross floor excluding storage; no less than 3 spaces
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- f. The outdoor market area is approximately 150' x 100' or 15,000 sf and is comprised of multiple individual vendors.
- g. As calculated by staff, 15,000 sf of retail use requires fifty (50) parking spaces as noted under Table 15.2.
- h. The proposed parking area provides parking along three (3) sides of the perimeter and within the center served by two-way circulation aisles.
- i. Vehicular traffic will be circulated from the existing driveway that bisects the parcel and will enter/exit the grassed via unimproved grassed access near the existing 'L' shaped motel building.
- j. During the hearing, the Board heard testimony from adjacent residential property owners regarding the potential for market visitors to improperly park on private property and/or restrict access on private roadways. The Applicant testified they will work with nearby property owners and have temporary signage prohibiting parking on private properties and roadways.

Conclusion: Based on the above findings, the Board concludes that adequate parking is provided on-site to serve the proposed market. As conditions of approval, the Applicant will be required to maintain proper directional and no parking signage and market attendant(s) to assist with on-site parking.

18. Section 3.7(2)(B)(6) – Pedestrian Circulation and Access:

- a. Sidewalks do not exist along this portion of Mountain Road or along Luce Hill Road.
- b. The Stowe Rec Path is located within close proximity to the proposed market site. Chief Hull provided written comments indicating that there is convenient access for pedestrians who want to walk from the recreation path through Chase Park, however this was contested during the hearing. The Applicant and adjacent property owners were unaware of any pedestrian connections to the Rec Path that do not require crossing the road.

- c. The proposed unimproved parking area is adjacent to the proposed market area. Market visitors accessing the market via automobile will walk a short distance from the parking area to the adjacent market area.
- d. During the hearing, the Board heard considerable testimony regarding pedestrian connections and safety.
- e. The proposed market location is within the Mountain Road Village district, a compact area with a mix of residential and commercial uses, however, lacks sidewalks and is bisected by Mountain Road, a state highway.

Conclusion: Based on the above findings, the Board concludes that proper on-site pedestrian circulation is provided from the proposed parking area to the market area. The Board recognizes that the MRV district is a compact area lacking a network of connecting sidewalks. The lack of sidewalk connectivity and improvements to the Luce Hill Road and Mountain Road intersection have long been identified as possible future projects. The regulations state that *'pedestrian circulation within the site, and access through the site to adjacent properties along public roads, should be provided'* and that *'such access may take the form of sidewalks, walking and/or bicycle paths, or other facilities depending upon the property's location, site conditions and proximity to other facilities.'* Abutting property owners testified that pedestrian connections to the Rec Path and sidewalks are a desired improvement, however under the regulations the Applicant is not required to provide such pedestrian connections. The Board therefore concludes that adequate on-site pedestrian circulation is provided and as a condition of approval, the Applicant must ensure roadway crossings contain proper temporary signage and/or traffic control to assist pedestrians in safely crossing the road.

19. Section 3.7(2)(B)(7) – Landscaping and Screening:

- a. The regulations require landscaping details and screening of garbage collection areas, outdoor storage, commercial ventilation systems over two square feet; loading and unloading areas and other outdoor utilities, including solar installations, be provided as part of proposed site development plans.
- b. The location of trash and recycling receptacles, potable toilets, etc. is not shown on the site plan. During the hearing the Applicant testified that the market would utilize existing dumpsters and provide screened portlets.
- c. No changes to the existing landscaping or screening on the motel property are proposed under this application.

Conclusion: Based on the above findings, the Board concludes that no changes to the existing landscaping and screening on the motel property are proposed under this application. As a condition of approval, the Applicant will be required to submit a revised site plan showing the screened portlets and location of existing dumpsters.

20. Section 3.7(2)(B)(8) – Stormwater Management:

- a. The Applicant requests approval for a seasonal outdoor retail market.
- b. No change to drainage patterns or increases in impervious surface are proposed under this application.

Conclusion: This provision does not apply.

21. **Section 3.7(2)(C).** In addition to other provisions of Section 3.7, the Board shall be guided by the following standards when reviewing all site development plans in the designated zoning district. These standards apply to all site development plans, including those involving new construction, expansion, alteration or change of use. The Board may waive the specific requirements of this section when it is found that mitigation through design, screening or other mitigation will accomplish the objectives outlined for the designated districts.

Additional MRV, MRC, VC, VR, MC and LVC Standards: Within the **MRV**, MRC, VC, VR, MC and LVC Districts, site plans shall re-enforce a compact development pattern defined by a pedestrian orientation, the functional and visual integration of neighboring properties, well defined streetscapes and a mix of uses. To help achieve these objectives, the following standards shall apply:

- a. **Driveways and Road Edge Treatment:** The Board shall require curbing or other appropriate treatment along all road frontage(s) and to define driveway entrances. Driveways shall be the minimum width necessary to provide safe vehicular access and promote pedestrian circulation.
- b. **Front Yard Treatment:** Required front yards shall be limited to landscaping and yard area, sidewalks and public spaces and shall not be used for parking or outdoor storage. Projects involving the upgrade and expansion of motels and lodges built prior to January 1, 1997, and designed with outside access to individual rooms fronting on parking areas, may continue locating parking within front yards.
- c. **Parking:** Parking shall be designed to re-enforce an internal street network by maximizing the use of parallel or diagonal parking on internal driveways and streets.
- d. **Pedestrian Circulation and Sidewalks:** Adequate provision for pedestrian circulation within the site, and for pedestrian access to adjacent properties, shall be required. In addition to internal pedestrian circulation, all site plans shall be designed in a manner, which allows a minimum five feet (5') wide sidewalk along all frontage roads.
- e. **Internal Road Network and Traffic Mitigation:** Site plans shall be designed in a manner that facilitates the development of an interconnected network of village streets. In instances where a connector ("side") street is deemed appropriate, internal driveways shall be designed as side streets, shall be separated from parking areas with curbing, sidewalks, landscaping, buildings or other physical features, and shall be configured to provide access to adjacent properties. In instances where driveways will not touch upon adjacent properties, a condition of site plan approval may be the establishment of a right-of-way to provide access to and through adjacent properties; in instances where such access has been provided on adjacent properties as part of a prior permit condition, the DRB may require the applicant to connect to the existing driveway (side street).
- f. **Orientation of buildings within the site:** Buildings shall define a streetscape through a consistent building line and setbacks. Buildings shall front towards and relate to public streets, both functionally and visually, and shall not be oriented toward a parking lot. The Board may impose a maximum setback to achieve a consistent streetscape. The front elevation shall include a main entryway, pedestrian access and appropriate front-yard landscaping. Drive-thru lanes and drive-up windows, where allowed, shall be located in the rear of buildings. Buildings may be clustered

around a common focal point, such as a green or public courtyard, providing that an appropriate visual and functional relationship with public roads is maintained.

Conclusion: The Board concludes no permanent changes or improvements to the existing buildings or site are proposed under this application. Does not apply.

DECISION

On a motion by F.Aumand, seconded by C.Walton, the Development Review Board hereby approves the Applicant's request as described in the application dated 10/13/2020 and associated supporting materials subject the following conditions of approval:

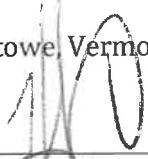
1. The project shall be completed and maintained according to the project plans hereby approved. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to such change being made, for a determination whether an amendment is required. 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 it had been included in the plans as approved.
2. Prior to the issuance of a zoning permit, the Applicant shall submit a revised site plan showing the location of trash and recycling receptacles and temporary toilets.
3. The temporary toilets must be screened throughout the market season and removed prior to the expiration of the zoning permit.
4. The Applicant must install temporary directional and no parking signage to guide market visitors. All temporary signage must be removed at the conclusion of each daily market and be sized in accordance with Section 14.
5. The Applicant must provide traffic control personnel during peak weekends to ensure safe and efficient flow of vehicles and crossing of pedestrians.
6. The Applicant must provide on-site vehicular parking attendees to assist in the parking and circulation of vehicles.
7. Vehicular parking is strictly prohibited along Mountain Road, Luce Hill Road, Mountainside Drive, and Strom Farm Lane. These areas shall be clearly marked with traffic cones or appropriate temporary signage restricting vehicular parking and continuously monitored for compliance by market staff.
8. The Applicant must ensure roadway crossings contain proper temporary signage and/or traffic control personnel to assist pedestrians in safely crossing roadways.
9. Temporary structures associated with the outdoor retail market must not be erected any sooner than twenty-four (24) hours prior to event and must be dismantled and removed at the conclusion of each daily market.
10. Temporary structures erected within the parking area, market area, or approved project site shall not be used for dwelling purposes.
11. Outdoor music is restricted to the hours of 11:15 am to 3:00 pm. Music equipment shall be positioned to reduce noise impacts to nearby properties.
12. Prepared food vendors shall be assigned vendor spaces the furthest away from the St. John's Church.
13. Operating days and hours for the outdoor retail market shall be limited to Sundays from 10:00 am - 3:00 pm. The market shall accommodate no more than forty (40) vendors.
14. The zoning permit for this approved project shall expire on October 18, 2021.
15. 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, A. Volansky, T. Hand, P.Roberts, C.Walton, F.Aumand III, M.Black
Voting to deny: None

Motion PASSED 7-0

Dated at Stowe, Vermont this the 2 day of Feb. 2021

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.