



**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.

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**APPLICATION INFORMATION**

<b>Project Number</b>	6411		
<b>Application Date</b>	11/3/2020		
<b>Physical Location</b>	990 AYERS FARM RD		
<b>Map ID</b>	02-190.000	<b>Tax ID</b>	16026
<b>Project Description</b>	CONSTRUCT A 10' X 12' GARDEN SHED		
<b>Owner</b>	DARRELL J PORTER		
<b>Applicant</b>	DARRELL J PORTER		
<b>Applicant Address</b>	990 AYERS FARM RD STOWE VT 05672		

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**APPROVALS ON RECORD**

<b>Action Taken</b>	<b>Date</b>	<b>End of Appeal Period</b>	<b>Expiration Date</b>
DRB DECISION	12/11/2020	1/10/2021	1/10/2023

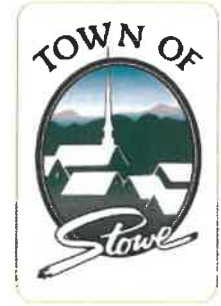
*Sarah McShane*

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Zoning Office



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



**PROJECT:** 6411

**SUBJECT PROPERTY:** 990 Ayers Farm Road, Stowe, VT [Tax Map #02-190.000]

**PROPERTY OWNER/APPLICANT:**

Darrell Porter  
990 Ayers Farm Road  
Stowe, VT 05672

**APPLICATION:**

The Applicant and property owner, Darrell Porter (herein referred to as the "Applicant"), requests Ridgeline and Hillside Overlay District [RHOD] review for the after-the-fact installation of a 10' x 12' garden shed. Per Section 9.4(2)(b), construction or installation of residential accessory structures greater than 100 sf in the RHOD requires review by the Development Review Board. The existing dwelling was constructed in ~1968 and pre-dates the town's adoption of zoning regulations.

The subject parcel consists of ±3.81 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). The parcel was created prior to the adoption of subdivision regulations and as such is considered a pre-existing lot with no known prior attached conditions of subdivision approval. The application has been reviewed by the 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 Darrell Porter on November 3, 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 December 1, 2020 and warned by the Zoning Director in accordance with Section 2.14 of the regulations and 24 V.S.A. §4464. The hearing notice was published in the Stowe Reporter on November 12, 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 December 1, 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, C. Walton, L. Wasserman, A. Volansky.

The Applicant, Darrell Porter, was not in attendance but given the scope of the project and materials provided, the Board agreed to conduct the public hearing in the absence of the Applicant.

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

- Town of Stowe Development Application (2 pages); dated [none];
- Site photographs, no date;
- Site plan showing location of shed, no date;

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 ±3.81 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 existing dwelling, proposed shed, related improvements, and setbacks. The proposed shed is sited to meet the required district setbacks.
4. **Maximum Building Coverage.** Does not apply to the RR3 zoning district.
5. **Use.** The Applicant proposes an accessory structure to a single-family dwelling. Single-family dwellings and related accessory structures 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. No changes in density are proposed under this application.
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.*" The application indicates the building height to be 10'.

**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 seeks approval for the after-the-fact installation of a 10' x 12' garden shed. The shed is located along the edge of the existing parking area. Little to no clearing was needed for the installation as shown in the provided photographs. 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. The parcel contains filtered views of Mt. Mansfield and surrounding hillsides. Other than from Ayers Farm Rd, the shed will not be visible from any defined public vantage points. 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 for the after-the-fact installation of a 10' x 12' garden shed. The shed is located along the edge of an existing parking area in a portion of the lot previously cleared. The Board reviewed the applicable standards and guidelines and finds that the proposed shed 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 seeks approval for the after-the-fact installation of a 10' x 12' garden shed. According to the ANR Natural Resources Atlas there are no fragile environments that would be impacted from the proposed project. The parcel contains an existing single-family dwelling and related improvements. 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 seeks approval for the after-the-fact installation of a 10' x 12' garden shed. There are no known prior required clearing limits. According to the site photographs, limited removal of trees was required for the installation of the shed. 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 seeks approval for the after-the-fact installation of a 10' x 12' garden shed. 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 and the shed location. The proposed shed contains wood siding and asphalt shingle roofing. The proposed color scheme includes red siding, brown architectural shingles for roofing, and brown trim and shingles. 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 location of the shed and other existing improvements. No additional clearing or removal of trees is proposed under this application.
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. No changes to the existing 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 seeks approval for the after-the-fact installation of a 10' x 12' garden shed ten (10) feet in height. The shed is located along the edge of an existing parking area in a portion of the lot previously cleared. The proposed color scheme includes dark red and brown 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 seeks approval for the after-the-fact installation of a 10' x 12' garden shed. The shed is located along the edge of an existing parking area in a portion of the lot previously cleared. The shed utilizes a color palette that blends into the surroundings and minimizes visual impacts.
18. **Standard (11)** Offsite light impacts shall be minimized. Outdoor lighting must comply with the standards contained in Section 4.8 of the regulations. No changes to lighting are proposed under this application.
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 installation of a 10' x 12' garden shed is in conformance with all applicable RHOD standards and guidelines.

### **DECISION**

On a motion by T.Hand, seconded by F.Aumand III, the Development Review Board hereby approves the Applicant's request for RHOD approval as outlined in the application 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.

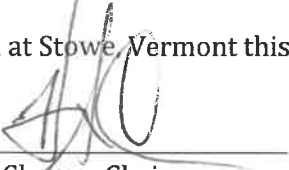
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the Applicant agrees to allow authorized 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, C.Walton, L. Wasserman, A.Volansky

Voting to deny: None

The motion PASSES, 6-0.

Dated at Stowe, Vermont this the 11 day of December 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.

