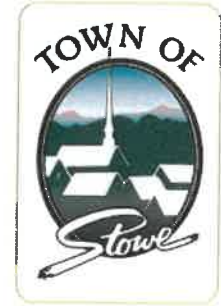


**TOWN OF STOWE**  
**DEVELOPMENT REVIEW BOARD**  
Findings of Fact & Conclusions of Law



**PROJECT:** 6431

**SUBJECT PROPERTY:** 284 Wade Pasture Road, Stowe, VT (#15-042.230)

**PROPERTY OWNER:**

Thomas & Lisa Blumenthal  
300 Commonwealth Ave.  
Boston, MA 02115-0214

**APPLICANT:**

Stephen Mohr &  
Tatyanna Seredin  
Mohr & Seredin Landscape Architects Inc.  
18 Pleasant Street  
Portland, ME 04101

**APPLICATION:**

The Applicant, Stephen Mohr & Tatyanna Seredin, on behalf of property owners, Thomas & Lisa Blumenthal (herein referred to as the "Applicant"), requests RHOD review for amendments to a previously approved project. The proposed modifications include:

- The previously approved site plan showed the existing 15,200 SF pond being removed and a wet meadow being constructed. The property owners propose to keep the existing pond and expand it slightly, so that there is a 3,800 sf wet meadow added to the west end of the pond.
- A 1,200 sf terraced vegetable garden has been added to the east of the dwelling.
- The floor plan and layout for the west end of the house, including the primary bedroom, office, hall and entry have been revised. There are no dimensional changes with regard to building length and heights from the previously approved plans. One (1) window has been reduced in size on the south elevation.

There are no proposed changes to the building finishes, exterior materials, site lighting, or other improvements visible to the public. The Applicant received approval (Project 6286) from the DRB in a written decision dated 8/18/2020 to remove the existing single-family dwelling, pool, and terrace, and construct a new single-family dwelling, pool, and terraces within the existing cleared area on the lot.

The subject parcel(s), consisting of ±76.3 acres [including three adjoining parcels] and located at 284 Wade Pasture Road, Stowe, VT (#15-042.230), are in the Rural Residential 5 (RR5) Zoning District and the Ridgeline and Hillside Overlay District (RHOD). The subject parcel(s) contain a single-family dwelling and related improvements permitted in 1991 (see Permits 91-44 and Z-97-127). The subject parcel(s) are bounded to the north by Wade Pasture Road and a ±10.89-acre parcel currently owned by Wade Pasture LLC, to the east by a ±5-acre parcel currently owned by James & Marcy Andrus and a ±6.41-acre parcel currently owned by Basil J. Dobbin & Jennifer S. Wood, to the south by White Gates Lane, and to the west by a number of residential parcels within the Robinson Springs Development. The subject parcel is shown as Lot 23 on a survey prepared by Robert Frey (Land Surveyor) as recorded in 1989 on MB 8/6. The conservation area boundary was later revised as shown on a survey prepared by Dubois & King recorded in 2009 on MB 18/129 in the Town of Stowe Land Records and approved by the Development Review Board under Project 4067. 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 amended 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 Stephen Mohr on December 10, 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 February 2, 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 January 14, 2021 and publicly posted on the property, at the Town Office, Library, and Police Station. 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 February 2<sup>nd</sup> utilizing the remote meeting service Zoom, with a quorum of the DRB present. No ex parte communications or conflicts of interests were reported.

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

- Stephen Mohr and Tatyanna Seredin, Mohr & Seredin Landscape Architects Inc., 18 Pleasant Street, Portland, ME 04101

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

- Town of Stowe Development Application (2 pages); dated 12/10/2020;
- Cover letter from Mohr & Seredin, dated 12/10/2020;
- Letter of Agency (email from Tom Blumenthal), dated 10/2/2019;
- Exhibit 1 – Site Plan with Changes Highlighted
- Exhibit 1.1 – Plan B.5 House Precinct
- Exhibit A - Project Description Statement of changes to the approved Site Plan and House Plan
- Exhibit A 1 – Notice of DRB Decision dated 8/18/2020;
- Exhibit B – Visual Assessment: Statement of visual assessment findings
- Exhibit C – Response to RHOD Guidelines and Standards Abbreviated restatement of original findings
- Building Plans, Elevations and Information:
  - Floor Plans A 2.1
  - Basement A 2.2
  - Garage and Main Level A 2.3
  - Terraces and Upper Level A 2.4
  - Upper Roof Plan Elevations South Side Elevation Comparison A 4.1
  - South Elevation A 4.5
  - Section Utility Building No changes – No plans submitted
  - Building Materials- No changes – No Information submitted, Materials remain as approved.
  - DRB Approved Plans Submitted for Reference Only A 2.3 First Floor Plan A 4.1 South Elevation
  - Site Plans: Existing Conditions No changes – nothing submitted
  - Grading and Drainage L 2.0
  - Overall Site Plan L 3.0
  - Overall Grading Plan L 5.0
  - Overall Planting Plan G 1.0
  - Updated Green Roof Plan G 1.1

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 amended 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(s) are located within the Rural Residential 5 (RR-5) 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(s) contain  $\pm 76.3$  acres [including three adjoining parcels]. The proposed dwelling is located on Lot 23 consisting of  $\pm 21.73$  acres. No changes to lot width or lot area are proposed under this application.
3. **Setbacks.** Required minimum district setbacks for the RR5 district are front (70'), side (75') and rear (75'). The Applicant proposes amendments to a previously approved project. Requested modifications are shown on Exhibit 1. The proposed modifications will be located outside of any required setback.
4. **Maximum Building Coverage.** Does not apply to the RR5 zoning district.
5. **Use.** The Applicant proposes to modifications to a previously approved single-family dwelling and related residential improvements. Single-family dwellings are a permitted use in the RR5 district. No changes of use are proposed under this application.
6. **Density.** The RR5 district allows single-family dwellings at a density of one (1) per five (5) acres. The subject parcel(s) contain  $\pm 76.3$  acres [including three adjoining parcels]. No increases in density are proposed under this application.
7. **Height.** The maximum building height in RR5 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 materials indicate the proposed height of the dwelling to be 23' 5".

**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. As noted above, the Applicant requests approval for amendments to a previously approved project. The following project modifications are sought:
  1. The previously approved site plan showed the existing 15,200 sf pond being removed and a wet meadow being constructed. The property owners propose to keep the existing pond and expand it slightly so that there is a 3,800 sf wet meadow added to the west end of the pond. This area is not visible from the identified vantage point, which is 3.2 miles away, as it is in the lowest area of the developed part of the lot at elevation 1,660. The change is marked as #1 on the Exhibit 1.
  2. A 1,200 sf terraced vegetable garden has been added to the east of the dwelling, set into the slope below the house at elevation 1,712. Similar to the pond, this area is not visible from the identified vantage point. This is shown as #2 on Exhibit 1.
  3. The floor plan and layout for the west end of the house, including the primary bedroom, office, hall and entry have been revised to make the house entry more visible from the drive, and to make the interior layout flow more efficiently. On Exhibit 1 the proposed floor plan is shown in gray with a solid red outline overlay of what the DRB previously approved. There are no dimensional changes with regard to building length and heights from what the DRB accepted. One window has been reduced in size on the south elevation.

During the hearing the Board reviewed the project and determined the proposed modifications have no impact on RHOD standards 1-9, 11, 12. The DRB's prior decision, dated 8/18/20, and all its conditions of approval remain in full force and effect. The Applicant is not requesting any changes to the prior conditions of approval.

9. **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.
  1. The Applicant requests approval for modifications to a previously approved project. As noted above, revisions to the pond area and a terraced vegetable garden are proposed. Building modifications include revisions to the floor plan and the resizing of one (1) window on the south elevation. The requested modifications are depicted on the south elevation drawing and Exhibit 1.

**Conclusion:** Based on the above finding, the Board concludes the proposal is in conformance with Standard 10 and has been designed to minimize visual impacts and compliment the scenic quality of the surrounding landscape.

### **DECISION**

On a motion by C.Walton, seconded by F.Aumand III, the Development Review Board hereby approves the Applicant's request for project amendments as outlined in the application dated 12/10/2020 [Project 6431] 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. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that it has been constructed as approved by the Development Review Board. Prior to the issuance of a Certificate of Occupancy, the Applicant shall submit written confirmation from an architect, engineer, or other licensed professional, certifying that the completed project conforms to the plans hereby approved.
4. 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 purpose of ascertaining compliance with the conditions of approval.

Voting favor: D. Clymer, T. Hand, A. Volansky, F.Aumand III, L. Wasserman, C.Walton  
Voting to deny: None

The motion PASSES, 6-0.

Dated at Stowe, Vermont this the 10 day of February 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.

