



**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

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**APPLICATION INFORMATION**

**Project Number** 6484  
**Application Date** 3/4/2021  
**Physical Location** 804 SOUTH MAIN ST  
**Map ID** 07-269.000 **Tax ID** 03053  
**Project Description** CHANGE OF USE; CONVERT EXISTING OFFICE USE TO THREE ADDITIONAL DWELLING UNITS  
**Owner** 804 SOUTH MAIN LLC  
**Applicant** 804 SOUTH MAIN LLC MATTHEW STAAB  
**Applicant Address** 1386 PUCKER STREET  
STOWE VT 05672

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**APPROVALS ON RECORD**

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	6/7/2021	7/7/2021	7/7/2023

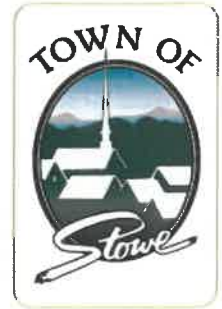
*Sarah McShane*

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Zoning Office



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



**PROJECT:** 6484

**PROPERTY:** 804 South Main Street; #07-269.000

**PROPERTY OWNER:**

804 South Main Street LLC  
1386 Pucker Street  
Stowe, VT 05672

**APPLICANT:**

Matthew T. Staab  
1386 Pucker Street  
Stowe, VT 05672

**APPLICATION:**

The Applicant, Matthew T. Staab on behalf of property owner 804 South Main Street LLC., requests conditional use review for a change of use to convert the current office use within the two (2) existing buildings on the property to residential dwelling units. Following the change of use, the parcel will consist of entirely residential use. No exterior building alterations or site improvements are proposed. The subject parcel(s) [#07-269.000] are located at 804 South Main Street, primarily within the Lower Village Commercial (LVC) zoning district with rear portions within the Rural Residential II (RR2). The Flood Hazard (FHOD) and Stowe Historic Overlay Districts (SHOD) also encompass portions of the parcel(s). No development is proposed within the FHOD. The property is served by the South Main Street (VT-100), a state-maintained highway. The Applicant owns two (2) adjacent parcels containing a total of approximately ±8.4 acres which includes the two (2) existing buildings and related improvements. 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 Matthew T. Staab on March 2, 2021. 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 May 4, 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 April 15, 2021, and posted at the Library, Town Office, 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 May 4, 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, P.Roberts, L.Wasserman, T.Hand, and A.Volansky.

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

- Applicant, Matthew T. Staab, 1386 Pucker Street, Stowe, VT 05672

- Carl Haasper, Jr., 516 Ring Road, Waterbury Center, VT 05677

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

- Town of Stowe Development Application (2 pages); dated 1/27/2021;
- Project narrative, no date;
- Hand-drawn floor plan (yellow building), no date;
- Photographs showing subject property, no date;
- Photographs and floor area of front building, no date;
- Photographs and floor area of rear building, no date;
- Site Plan prepared by Grenier Engineering, dated 10/26/20;
- Parking Exhibit, dated 3/12/2021;
- Comments from Dave Kresock (Stowe Electric Department), dated 4/13/2021;

The DRB continued the hearing to a time and date certain, May 18, 2021, to allow the Applicant provide additional information. In advance of the May 18<sup>th</sup> meeting, the Applicant provided the following materials:

- Revised Site Plan [804 South Main St] prepared by Grenier Engineering, dated 5/12/21;
- Parking Addendum "Tandem Parking for One Bedroom Units", 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-** During its review of the application, the Board made the following Findings of Fact and Conclusions of Law:

The Applicant's request for a change of use 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 15- Parking Regulations

**Dimensional Requirements:**

1. **Zoning District.** As shown on the Official Town of Stowe Zoning Map (as adopted October 9, 2018), the subject parcel[s] are primarily located within the Lower Village Commercial (LVC) zoning district with rear portions within the Rural Residential II (RR2) district. The Flood Hazard (FHOD) and Stowe Historic Overlay Districts (SHOD) also encompass portions of the parcels.
2. **Lot Area, Lot Width.** The subject parcel(s) contain a total of ±8.4 acres. No changes to lot area or lot width are proposed under this application.
3. **Setbacks.** Required minimum district setbacks in LVC are front (10'), side (10') and rear (10'). The Applicant seeks approval for a change of use. No changes to the building footprint are proposed.

4. **Maximum Building Coverage.** The maximum building coverage in LVC is 20%. No change to building coverage is proposed.
5. **Use.** The parcels contain two (2) existing buildings containing a mix of residential and office uses. The Applicant proposes a change of use of the rear 2-story building from residential and office to a two-family dwelling. The front 2-story building is proposed to be converted from a residential and office building to a multi-family dwelling.

As defined under the regulations 'two-family dwelling' means "A building on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units."

As defined under the regulations 'multi-family dwelling' means "A building on a single lot containing more than two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall, except for a common stairwell exterior to both dwelling units."

Two-family dwellings (as proposed) are allowed as permitted use and multi-family dwellings are allowed as a conditional use in the LVC zoning district.

6. **Height.** The maximum building height in LVC is 28'/35'\* feet. No changes in building height are proposed under this application.
7. **Density.** Two-family dwellings are allowed at a density of one (1) unit per 10,000 sf and multi-family dwellings are allowed at a density of one (1) unit per 7,000 sf in the LVC district. The Applicant owns two (2) adjacent parcels. The rear parcel is approximately ±7.7 acres and is undeveloped. The front parcel contains the existing buildings and is approximately ±0.7 acres, or 30,492 sf. Together, the parcels contain ±8.4 acres or ±365,904 sf.

The proposal requires 20,000 sf for the two-family dwelling and 21,000 sf for the multi-family dwelling. Sufficient density exists when calculating density based on the area of the combined parcels. The smaller parcel containing the existing buildings does not individually contain sufficient density and, if transferred separately, would create a nonconforming building/use. As such, the Board will require as a condition of approval, that the Applicant record in the town land records a merged deed or other legal mechanism combining the parcels so they cannot be individually transferred unless formally re-subdivided under the regulations in effect at the time of application or obtain and record in the town land records an approved boundary line adjustment increasing the area of the parcel containing the existing buildings to no less than the minimum area needed to support the proposed density.

**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. **Capacity of existing or planned community facilities and 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.

David Kresock of Stowe Electrical Department provided the following comments:

*Project #: 6484 – No SED impact*

The Applicant has received preliminary approval from the Stowe Water & Sewer Commissioners to support the proposed additional bedrooms. DPW Director Harry Shepard provided the following comments:

*Regarding the subject DRB application, Public Works offers the following:*

1. *Given that the application is for a Change of Use for existing buildings already connected to the municipal water and sewer system, I recommend a condition that Final Water/Sewer Allocation approval be granted prior to the issuance of the Zoning permit.*
2. *I note the site plan shows a proposed building on the level flood plain with proposed Water and Sewer Connections. I wish to affirm that this proposed construction is not part of this permit application.*

No other Municipal Department review forms returned indicated that the proposed change of use would have any undue adverse impact on existing or planned community facilities and services.

**Conclusion:** Based on the above findings, the Board concludes the proposed change of use will not result in an undue adverse effect on the Town's existing or planned facilities or services. As a condition of approval, the Applicant will be required to obtain any necessary additional municipal water and sewer allocation for the proposed change of use.

9. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The Applicant requests approval for a change of use from office to residential. The requested change of use is not expected to result in any significant increases in traffic on roads and highways in the vicinity.

**Conclusion:** The Board concludes the proposed change of use will not have an undue adverse impact on traffic on the roads and highways in the vicinity.

10. **Section 3.7(2)(A)(3) – The character of the area affected:** The subject parcel is in the LVC zoning district. The purpose of the LVC district is *"The purpose of Lower Village Commercial District is to promote the sound economic development of Stowe, to carry out the objective of the Stowe Town Plan, to maintain some of the areas adjacent to Stowe Village as centers of community activity and to encourage the best use of land."* The Applicant requests a change of use from office to residential. Adjacent to the subject parcel and in the nearby vicinity are other commercial, lodging, and residential uses. The requested change of use is not expected to impact the character of the area affected.

**Conclusion:** The Board concludes the requested change of use will not have undue adverse impact to the character of the area affected.

11. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** The application was reviewed under the Conditional Use standards. Applicable bylaws include the Stowe Zoning Regulations, as adopted October 9, 2018. The existing building is connected to municipal sewer and water services under the Town's Sanitary Sewer Ordinance. No other known or identified municipal bylaws or ordinances apply to this project.

**Conclusion:** The Board concludes the proposal is in conformance with municipal regulations and ordinances in effect. The Applicant will be required to obtain all necessary municipal water and sewer allocations, approvals, and connections.

12. **Section 3.7(2)(A)(5) – Utilization of renewable energy sources:** The Applicant requests approval for a change of use. No exterior building alterations or site improvements are proposed. No change is proposed with regard to the use of, or access to, the utilization of renewable energy resources.

**Conclusion:** The Board concludes the requested change of use is not expected to interfere with the sustainable use of renewable energy resources, access to, direct use or future availability of such resources.

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.** The project is within the LVC district and the Stowe Historic Overlay District. The Applicant requests approval for a change of use. The parcel is previously developed and contains existing mixed-use buildings. No exterior building changes are proposed. Rear portions of the parcel contain floodplain and river corridor areas, no development is proposed within these areas.

**Conclusion:** The Board concludes the requested change of use 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.** The Applicant requests approval for a change of use from office to residential. No exterior building alterations are proposed; no site improvements are proposed.

**Conclusion:** The Board concludes the requested change of use will not result in undue water, noise, or air pollution.

15. **Section 3.7(2)(B)(3) –Access Management:** The project is currently served two (2) curb cuts off South Main Street. No changes to the location or number of accesses are proposed. Staff inquired whether an 1111 permit was required from VTrans. VTrans Permit Coordinator Ed Pierce responded an 1111 permit was not required.

**Conclusion:** The Board concludes the requested change of use will utilize the existing accesses. No changes to the existing accesses are proposed.

16. **Section 3.7(2)(B)(4) – Shared Access:** The project is currently served two (2) existing curb cuts off South Main Street which provide access to the uses on the parcel. No changes to the existing accesses are proposed.

**Conclusion:** The Board concludes the requested change of use will utilize the existing accesses. No changes are proposed.

17. **Section 3.7(2)(B)(5) – Circulation and Parking:** The regulations require that parking be provided per the requirements of Section 15 and be designed to minimize the off-site visibility of parking areas through the location, landscaping and screening of such areas. The Applicant proposes a change of use from office to residential. Section 15 requires for each dwelling unit larger than 400 sf to provide two (2) parking spaces. The Applicant proposes a total of five (5) dwelling units requiring ten (10) parking spaces. The Applicant provided a parking exhibit prepared by Grenier Engineering showing the location of ten (10) existing parking spaces. In the subsequent hearing on May 18<sup>th</sup>, the Applicant provided a parking addendum showing the location of ten (10) parking spaces. Along the east side of the rear building, the Applicant proposes four (4) tandem parking spaces to serve the one (1) bedroom units. The Applicant agreed to increase the depth of parking space number #3 to allow sufficient turn

around space so that vehicles parked in tandem spaces #1, 2, 4 & 5 could turn around rather than backing up and out of the parcel. The two (2) existing parking spaces in front of the building facing Rt. 100 are proposed to be removed and the area re-vegetated to lawn. The existing parking (spaces 6-10) located to the west of the rear building are proposed to remain as is.

**Conclusion:** Based on the above findings, the Board concludes the existing and proposed parking area and circulation improvements, as conditioned, represents adequate access and circulation for the proposed change of use.

18. **Section 3.7(2)(B)(6) – Pedestrian Circulation and Access:** The regulations require pedestrian circulation within the site, and access through the site to adjacent properties along public roads, be provided. No changes to pedestrian improvements are proposed under this application. Sidewalks exist along South Main Street near this location. During the initial hearing, the Applicant described the internal site circulation pattern and how residents access building entrances from the public right-of-way and on-site parking areas.

**Conclusion:** The Board concludes the existing pedestrian circulation and access improvements are appropriate for the intended use and site location.

19. **Section 3.7(2)(B)(7) – Landscaping and Screening:** 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. The site contains mature trees along the side property lines and a landscaped garden in front of the building facing Route 100. Google earth images show trash and recycling totes stored along the side of the front of the building. The two (2) existing parking spaces in front of the building facing Rt. 100 are proposed to be removed and the area re-vegetated to lawn. The revised site plan includes a notation “*narrow curb cut and install grass*”. Two (2) maple trees of 2” caliper are proposed in the front lawn area facing Rt. 100.

**Conclusion:** The Board concludes the existing and proposed landscaping improvements are appropriate for the intended use and site location. As a condition of approval, the Applicant is required to install and maintain the proposed landscaping and screen [or store] trash and recycling totes in an area not visible from the public right-of-way.

20. **Section 3.7(2)(B)(8) – Stormwater Management:** Section 3.12(2) provides stormwater and erosion control standards for construction-related activities associated with any new construction. No changes to existing drainage patterns or increases in impervious surfaces are proposed.

**Conclusion:** The Board concludes no increases in impervious surfaces or drainage patterns are proposed under this application.

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.

1. **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.

The Applicant proposes a change of use; no exterior building modifications are proposed. The two (2) existing parking spaces in front of the building facing Rt. 100 are proposed to be removed and the area re-vegetated to lawn. The revised site plan includes a notation "*narrow curb cut and install grass*". Two (2) maple trees of 2" caliper are proposed in the front lawn area facing Rt. 100.

**Conclusion:** The Board concludes the proposed site plan satisfies the requirements of Section 3.7(2)(C)(1).

#### **Section 4: Specific Use Standards**

22. **Section 4.6 Landscaping Standards.** See discussion above.

23. **Section 4.8 Outdoor Lighting.** No changes proposed.

#### **DECISION**

On a motion by T.Hand, seconded by P.Roberts, the Development Review Board hereby approves Project 6484 based upon the foregoing Findings of Fact and concludes the proposal as presented in application dated 1/27/2021 and supporting materials meets the conditional use standards set forth in the Stowe Zoning Regulations, as adopted on October 9, 2018, subject to 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. All prior conditions of approval remain in full force and effect.
3. Prior to the issuance of a zoning permit the Applicant shall complete the following:
  - The Applicant must record in the town land records a merged deed or other legal mechanism combining the parcels so they cannot be individually transferred unless formally re-subdivided under the regulations in effect at the time of application or obtain and record in the town land records an approved boundary line adjustment increasing the area of the parcel containing the existing buildings to no less than the minimum area needed to support the proposed density.
  - Obtain and record in the town land records a State of VT Wastewater & Potable Water (WW) permit.
4. The Applicant must relocate the garage collection area so that it is not visible from the public right-of-way or provide a screened garbage collection area approved by the Zoning Administrator, following positive recommendations from the Historic Preservation Commission.
5. The Applicant must obtain necessary additional municipal water and sewer allocation for the proposed change of use.
6. The driveway and parking areas shall be property maintained, including snow removal in winter, to provide emergency vehicle access at all times.
7. Landscaping shall be installed as shown in the provided plans prepared by Grenier Engineering. Any dead and dying grass or trees as shown on said plan shall be replaced within one (1) year of death.
8. A certificate of occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that is has been constructed as approved by the Development Review Board, as required under Section 2.10 of the zoning regulations.
9. 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 permittee 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: Drew Clymer, Peter Roberts, Andrew Volansky, Leigh Wasserman, Tom Hand.

Voting to deny: None

Abstain: Francis 'Paco' Aumand III, Chris Walton

The motion PASSED, 5-0-2.

Dated at Stowe, Vermont this the 7 day of June 2021

By:   
Drew Clymer, Chair

**NOTICES:**

1. The foregoing represents the decision of the Development Review Board and is NOT a zoning permit. A zoning permit will not be issued by the Administrative Office until all relevant conditions imposed as part of the approval have been met.
2. 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.
3. 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.
4. 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.
5. 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.

