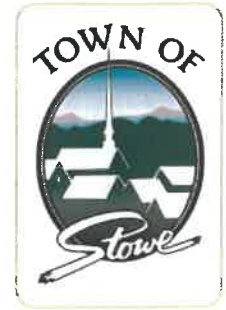


TOWN OF STOWE
DEVELOPMENT REVIEW BOARD
Findings of Fact & Conclusions of Law



PROJECT: 6502

SUBJECT PROPERTY: 17 Town Farm Lane; #07-004.000

PROPERTY OWNER:

Marc Chretien
3639 36th Road
N. Arlington, VA 22207

APPLICANT:

Dan Snyder (Stowe Cider)
17 Town Farm Lane
Stowe, VT 05672

APPLICATION:

The Applicant, Dan Snyder of Stowe Cider, on behalf of property owner Marc Chretien (herein referred to as the "Applicant"), requests approval to host 1-2 food trucks from May 1, 2021 to October 31, 2021 and to add hosting of live music as an approved accessory use. During warmer weather months, live music is proposed to be hosted outdoors and in colder months is planned to take place indoors. The proposed location for the food trucks/carts is shown on the site plan provided with the application. According to the application, the proposed days and hours of operation for the food trucks are Sunday through Saturday 9:00 am-10:00 pm. As proposed, live music will be limited to Thursday-Sunday and will end before 9:00 pm on Thursdays and Sundays.

The subject parcel, consisting of ±3.1 acres and located at 17 Town Farm Lane (# 07-004.000), is in the Highway Tourist (HT) Zoning District, Source Protection Overlay District, Flood Hazard Overlay District (portions), and contains an existing commercial building currently occupied by Stowe Cider. The subject parcel is generally bounded to the north by property currently owned by Stowe Country Club LLC, to the west by a parcel currently owned by Nail LLC containing the Rusty Nail, to the south by Town Farm Lane, and to the east by property currently owned by Ronald & Lisa Mashaal (99 Town 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 amended conditional use review including Section 4.15 (temporary structures). 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 Dan Snyder on March 15, 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 April 20, 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 1, 2021. The Applicant submitted a completed certificate of service in accordance with Section 2.14(1)(B).

The public hearing to consider the application convened on April 20, 2021 using remote meeting service Zoom, with a quorum of the DRB present. No ex parte communications or conflicts of interests were reported. DRB members in attendance and participating in the review included: Drew Clymer, Tom Hand, Leigh Wasserman, Peter Roberts, and Andrew Volansky.

The following persons attended and participated in the hearing process:

- Dan Snyder-Stowe Cider, 17 Town Farm Lane, Stowe, VT 05672
- Mark Ray- Stowe Cider, 17 Town Farm Lane, Stowe, VT 05672

- Dave Gellis, 102 Lapelle Lane, Stowe, VT 05672

The following individuals provided written comments [Note: *many of the individuals may not meet the definition of interested party*]

- Joshua Panda [joshuapanda@gmail.com] [5/3/2021]
- Alison & Chris Pyott [capyott@comcast.net] [5/2/2021]
- Harry Boreanaz [harryboreanaz88@gmail.com] [5/2/2021]
- Alison "AliT" Turner [sheisalit@gmail.com] [5/2/2021]
- Kate Carpenter [kate@stowekitchen.net] [5/2/2021]
- Maria Sullivan LaPointe [maria@stowedance.com] [5/2/2021]
- Bryan Palilonis [cajamadertrucks@gmail.com] [5/2/2021]
- Daniel & Brenda Moore [demoore@demsurveying.com] [5/3/2021]
- Colleen Schuster [caseyjonesvt1@gmail.com] [5/3/2021]
- Rikki Shields [rikkilshields@gmail.com] [5/3/2021]
- Bib Britton [healeyBJ7@hotmail.com] [5/3/2021]
- Kristyna Bishop & David Brownstein [bishopstein@mac.com] [5/3/2021]
- Benjamin D. Bloom [ben@sonicbloom.org] [5/3/2021]
- Jennifer Irving [jennypie26@gmail.com] [5/2/2021]
- Benjamin Adler [benjyadler@gmail.com] [5/2/2021]
- Joshua Dobbs [joshdobbsmusic@gmail.com] [5/2/2021]
- Anne Adler [anneadler11.11@gmail.com] [5/2/2021]
- Erin Kate Hurley [erinkatehurley@gmail.com] [5/2/2021]
- Chad Hollister [chadhollister@earthlink.net] [5/2/2021]
- Jennifer Lohmann [jennieblueeyes11473@gmail.com] [5/2/2021]
- Mike Schuster [mikeschustervt@gmail.com] [5/2/2021]
- Danielle Marhefka [marhefkadas@gmail.com] [5/2/2021]
- Daniel LeFrancois [dannyandtheparts@gmail.com] [5/2/2021]
- Neal Ferenc [neal.ferenc@gmail.com] [5/3/2021]
- Jonny Adler [jonnyadlervt@gmail.com] [5/3/2021]
- Bennet Shapiro [madtechsound@yahoo.com] [5/3/2021]
- Morgan Nichols [morgan@mainstreetalliance.org] [5/3/2021]
- Kelly Taylor [Kelly.f.taylor@gmail.com] [5/4/2021]
- Cindy Sheehan [gosoxxgo73@yahoo.com] [5/4/2021]
- Lisa Burlinson [lisaburlinson@gmail.com] [5/4/2021]
- Zak Bergmann [zacharyb@gostowe.com] [5/3/2021]
- Ryan Dempsey [twiddlepiano@yahoo.com] [5/3/2021]
- Blake Whitman [blake.whitman@gmail.com] [5/3/2021]
- Ryan Clausen [claw@jamflowmgmt.com] [5/3/2021]
- Melissa Corbin [melissa.corbin@vermontbrewers.com] [5/3/2021]
- Carrie Simmons [carries@gostowe.com] [5/3/2021]
- Zach Nugent [znuge@me.com] [5/3/2021]
- Abby Sherman [abby.leta@gmail.com] [5/3/2021]
- Rebecca Carson [rebeccaibritton@outlook.com] [5/3/2021]

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

1. Town of Stowe Development Application, received 3/15/2021;

2. Project narrative, no date;
3. Overall Site/Parking Plan/Marc Chretien prepared by Grenier Engineering, Sheet 1 of 1, dated 11/14/2020;
4. Comments from Harry Shepard/DPW, dated 4/7/2021;
5. Comments from Dave Kresock of Stowe Electrical Department, dated 4/13/2020;
6. Written comments from Dave Gellis, dated 4/28/2021;
7. Written comments from the following:
 - Joshua Panda [joshuapanda@gmail.com] [5/3/2021]
 - Alison & Chris Pyott [capyott@comcast.net] [5/2/2021]
 - Harry Boreanaz [harryboreanaz88@gmail.com] [5/2/2021]
 - Alison "AliT" Turner [sheisalit@gmail.com] [5/2/2021]
 - Kate Carpenter [kate@stowekitchen.net] [5/2/2021]
 - Maria Sullivan LaPointe [maria@stowedance.com] [5/2/2021]
 - Bryan Palilonis [cajamadertrucks@gmail.com] [5/2/2021]
 - Daniel & Brenda Moore [demoore@demsurveying.com] [5/3/2021]
 - Colleen Schuster [caseyjonesvt1@gmail.com] [5/3/2021]
 - Rikki Shields [rikkilshields@gmail.com] [5/3/2021]
 - Bib Britton [healeyB7@hotmail.com] [5/3/2021]
 - Kristyna Bishop & David Brownstein [bishopstein@mac.com] [5/3/2021]
 - Benjamin D. Bloom [ben@sonicbloom.org] [5/3/2021]
 - Jennifer Irving [jennypie26@gmail.com] [5/2/2021]
 - Benjamin Adler [benjyadler@gmail.com] [5/2/2021]
 - Joshua Dobbs [joshdobbsmusic@gmail.com] [5/2/2021]
 - Anne Adler [anneadler11.11@gmail.com] [5/2/2021]
 - Erin Kate Hurley [erinkatehurley@gmail.com] [5/2/2021]
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 - Jennifer Lohmann [jennieblueeyes11473@gmail.com] [5/2/2021]
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 - Danielle Marhefka [marhefkadas@gmail.com] [5/2/2021]
 - Daniel LeFrancois [dannyandtheparts@gmail.com] [5/2/2021]
 - Neal Ferenc [neal.ferenc@gmail.com] [5/3/2021]
 - Jonny Adler [jonnyadlervt@gmail.com] [5/3/2021]
 - Bennet Shapiro [madtechsound@yahoo.com] [5/3/2021]
 - Morgan Nichols [morgan@mainstreetalliance.org] [5/3/2021]
 - Kelly Taylor [Kelly.f.taylor@gmail.com] [5/4/2021]
 - Cindy Sheehan [gosoxxgo73@yahoo.com] [5/4/2021]
 - Lisa Burlinson [lisaburlinson@gmail.com] [5/4/2021]
 - Zak Bergmann [zacharyb@gostowe.com] [5/3/2021]
 - Ryan Dempsey [twiddlepiano@yahoo.com] [5/3/2021]
 - Blake Whitman [blake.whitman@gmail.com] [5/3/2021]
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 - Zach Nugent [znuge@me.com] [5/3/2021]
 - Abby Sherman [abby.leta@gmail.com] [5/3/2021]
 - Rebecca Carson [rebeccajbritton@outlook.com] [5/3/2021]

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.

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 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 15- Parking Regulations
1. **Zoning District.** The subject parcel contains ±3.1 acres with direct access to the Town Farm Lane, a privately owned and maintained road. The parcel is located in the Highway Tourist (HT) Zoning District and Source Protection Overlay District as shown on the Official Town of Stowe Zoning Map (as adopted October 9, 2018). Rear portions of the parcel are also within the Fluvial Erosion Hazard District and Flood Hazard Overlay District (FHO).
 2. **Lot Area, Lot Width.** The ±3.1-acre parcel is located in the HT district, requiring a minimum lot area of one (1) acre. No changes to lot area or lot width are proposed under this application.
 3. **Setbacks.** Required minimum district setbacks in the HT district are front (50'), side (50') and rear (50'). The existing building is within the HT district. No changes to the building footprint are proposed. The Applicant proposes to host 1-2 food trucks (temporary structures) from May 2021-October 31, 2021. The locations of the food trucks are shown on the provided site plan.
 4. **Maximum Building Coverage.** The maximum building coverage in HT is 10%. No change to building coverage is proposed under this application.
 5. **Use.** The subject building contains a commercial use, Stowe Cider- a light manufacturing/retail facility and a private special events space. Under Project 5468, the Board approved Stowe Cider as a light manufacturing facility with 800 sf of retail use. Under Project 6185, the Board approved the expansion of the cider production/retail/taproom into the adjacent vacant space formerly occupied by the West Branch Gallery (retail). Under the prior application (Project 6185), the Board approved the use of the space for private rental space for special events. Under the current application, the Applicant proposes to host 1-2 food trucks/carts and add live music as an approved activity/accessory use. Food trucks are regulated under Section 4.15 (temporary structures) see below. The Table of Uses Chart does not specifically define a live music use however accessory nightclub is an allowed use in the HT district subject to conditional use review.

As defined under the regulation, 16.96 Nightclub means "Premises, or portion thereof, used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use, and which offers facilities for live entertainment and/or dancing."

As defined under the regulation, 16.2 Accessory Building or Use means “A building or use customarily incidental and subordinate to a principal building or use on the same lot, or on an adjoining lot under the same ownership.”

Section 6.2 further allows the DRB to approve any use which it finds to be similar to a use permitted in the district in its effect upon the character of the vicinity, traffic patterns and flows and in its effect on the value of neighboring properties. The Board agrees the existing and proposed uses are most appropriately classified as light manufacturing/retail facility (previously approved), accessory restaurant (previously approved), a private special events space (previously approved), and accessory nightclub.

6. **Density.** No changes or increases in density are proposed.
7. **Height.** The maximum building height in HT 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.” No changes in building height are proposed under this application.

Section 4.15 – Temporary Structures

8. **Section 4.15(2)** requires “All temporary structures including, but not limited to, trailers, tents, trucks and other registered vehicles and carts with an area greater than 32 sq. ft. selling or serving goods or food, and mobile homes used for temporary office or storage space may be permitted as a temporary accessory structure to an existing or proposed approved use. Such structures shall not be used for dwelling purposes.” The Applicant proposes to host 1-2 food trucks from May 2021- October 31, 2021. The proposed locations of the food trucks are shown on the site plan provided with the application.
9. **Section 4.15(3)** states “A permit for a temporary structure may be issued for a specified period of time not to exceed six (6) months.” As noted above, the Applicant proposes to host 1-2 food trucks. Temporary structures may be issued a permit not to exceed six (6) months.
10. **Section 4.15(4)** states “A temporary structure that is to be used as an extension or expansion of a conditional use will require conditional use approval from the DRB, unless the Zoning Administrator determines that the structure is a minor alteration to a conditional use and can be administratively approved.” Staff referred the application to the Board for conditional use review.
11. **Section 4.15(5)** states “A temporary structure shall be dismantled or removed upon expiration of the permit, unless the applicant applies for a new permit.”

Conclusion: The Board concludes the proposal is in conformance with the applicable provisions for temporary structures. As conditions of approval, the Board will require that the temporary structures not be used for dwelling purposes and that the zoning permit expire six (6) months following the date of Board decision. At such time, the temporary structure(s) shall either be removed from the premises or the Applicant shall obtain a new permit in accordance with Section 4.15(5).

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:

12. **Section 3.7(2)(A)(1) – 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.

Harry Shepard of DPW provided the following comments dated 4/7/2021:

Hi Sarah,

Re: Stowe Cider's application for food truck and events: I note that page 2 of the zoning application on the web site is blank?? Please note that the proposed expansion of uses will result in additional water and sewer flows and additional Water and Sewer allocations are required.

I also note Taproom/Assembly area in existing building is not allocated.

Please allow this email to confirm that I recommend a Condition requiring that the applicant secure additional Water and Sewer allocations for the expanded uses, prior to the issuance of a Zoning Permit.

Harry

Dave Kresock of Stowe Electrical Department provided the following comments:

Project #6502 – No SED Impact.

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

Conclusion: The Board concludes the proposal, as conditioned, 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 must obtain additional water and sewer allocations for the proposed expanded use, prior to the issuance of a zoning permit.

13. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The Applicant proposes to host 1-2 food trucks from May 2021-October 31, 2021 and add live music as an accessory use of the property. Under prior approvals, the Board required that no more than 100 persons occupy the special events space- this condition remains in full force and effect.

Conclusion: The Board concludes the proposal will not create an undue adverse impact on traffic on roads and highways in the vicinity.

14. **Section 3.7(2)(A)(3) – The character of the area affected:** The subject parcel is in the HT zoning district. The purpose of the HT district is "To control development along the portion of the "lower" Mountain Road between designated growths centers in a manner that encourages continued moderate-density commercial and residential land uses while maintaining high quality development and site design." The Board previously approved under Project 5953 temporary food trucks on this

parcel. Adjacent to this parcel is the Rusty Nail which provides live music and entertainment. This portion of Mountain Road and the HT district contains a mix of residential and commercial uses.

Conclusion: The Board concludes the proposal will not adversely affect the character of the area as defined under the town's zoning regulations.

15. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** The application was reviewed under applicable conditional use criteria. Applicable bylaws include the Stowe Zoning Regulations, as adopted October 9, 2018. The proposal will require additional water and sewer allocation. No other identified municipal bylaws or ordinances apply to this project.

Conclusion: The Board concludes the proposal is in conformance with the Stowe Zoning Regulations, as adopted October 9, 2018. As a condition of approval, prior to the issuance of a zoning permit, the Applicant will be required to secure necessary additional municipal water and sewer for the proposal.

16. **Section 3.7(2)(A)(5) – Utilization of renewable energy sources:** No permanent changes to the approved site plan or building are proposed under this application.

Conclusion: 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:

17. **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 Applicant proposes to host 1-2 temporary food trucks from May 2021- October 31, 2021 and add live music as an approved use of the property. No permanent changes to the approved site plan or building footprint are proposed under this application. The site is previously developed and contains an existing commercial building and related improvements. The parcel borders the West Branch of the Little River, a natural and scenic area. The rear portion of the parcel is also within the Fluvial Erosion Hazard District and the Flood Hazard Overlay District. No development is proposed in these areas.

Conclusion: 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.

18. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** The Applicant proposes to host 1-2 temporary food trucks from May 2021- October 31, 2021 and add live music as an accessory use of the property. No changes to the approved site plan or building are proposed under this application. Under prior conditions of approval, the Board approved the use of the former West Branch Gallery space for private special events and required that no amplified music be audible at the property line beyond 10:00 PM, this condition remains in effect. Under this application, live music is proposed to be limited to Thursday-Sunday and is proposed to end before 9:00 pm on Thursdays and Sundays. During warmer weather months, live music is proposed to be hosted outdoors and in colder months is planned to take place indoors.

The Applicant testified that they have purchased sound equipment and will hire a qualified sound engineer to reduce and minimize noise impacts. The Applicant testified that they have conducted a sound analysis and the past events were of decibel levels less than a traditional concert. Property

owner Dave Gellis testified that the noise generated from prior events was excessive and could be heard at his property two miles away. He provided excerpts from Front Porch Forum of individuals sharing concerns over noise generated Stowe Cider events last year.

The application does not indicate that any development will take place in the fluvial erosion hazard district or flood hazard district. Nothing in the application represents that the proposal will have an undue adverse impact on air or water pollution.

Conclusion: The Board received evidence and testimony regarding adverse noise generated from prior outdoor events at this facility. Evidence and testimony presented documented prior adverse noise impacts on properties in the vicinity and surrounding areas. Property owner Dave Gellis testified that the noise generated from prior events was excessive and could be heard at his property two miles away. The Applicant testified that they are proposing mitigation measures including positioning of sound equipment, hiring a qualified sound engineer, altering location and direction of speakers, etc. to help reduce the adverse impacts of noise. While the Board recognizes that noise generated from the proposal has the potential to have an adverse impact on surrounding properties, the Board concludes that the proposal, as conditioned, will not result in undue noise pollution, nor will it result in undue water or air pollution.

19. **Section 3.7(2)(B)(3) – Access Management:** The parcel is served by Town Farm Lane with indirect access to Mountain Road (VT-108), a state-maintained highway. No expansions or improvements to the existing curb cut are proposed under this application. 24 VSA §4416 requires proposals involving access to a state highway provide a letter of intent from the Agency of Transportation confirming that the Agency has reviewed the proposed site plan and is prepared to issue an access permit under 19 VSA §1111. Staff referred the application to VT Agency of Transportation (VTTrans) to inquire whether an §1111 permit is required. Ed Pierce, Permit Coordinator with the Vermont Agency of Transportation responded that the project does not require a 1111 permit.

Conclusion: The Board concludes that no changes to the existing access are proposed under this application.

20. **Section 3.7(2)(B)(4) – Shared Access:** The parcel is served by Town Farm Lane. The parcel contains a commercial building currently occupied by Stowe Cider. No changes are proposed to the existing shared access.

Conclusion: The Board concludes that no changes to the existing access are proposed under this application.

21. **Section 3.7(2)(B)(5) – Circulation and Parking:** 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. The Applicant proposes to host 1-2 temporary food trucks from May 2021- October 31, 2021 and add live music as an approved accessory use. The parking area is shared by other nearby users including the Rusty Nail. No changes to the number or location of parking spaces or circulation patterns are proposed under this application.

The parking area serving the subject building is shared with the Rusty Nail and operates under a previously approved shared parking agreement presented during the reconstruction of the Rusty Nail. The Rusty Nail was previously required to provide a 145 parking spaces. The Board's

decision approving Stowe Cider's original application (Project 5468) acknowledges the shared parking arrangement and unique usage with the Rusty Nail. Most recently under Project 6185, the Board approved expansion into the space formerly occupied by West Branch Gallery. In the prior decision, the Board found that unique usages and special conditions exists and agreed to reduce the parking requirement given the buildings location to existing lodging facilities, access to pedestrian and bicycle sidewalks and paths, and proximity to public transit routes but limited the private special events space to no more than 100 persons. Temporary structures do not require additional parking under Table 15.2.

The Applicant provided a site plan showing the existing number of parking spaces and site circulation. According to the plan, the parcels contain 176 total parking spaces; fifty-one (51) of which are entirely on Stowe Cider property. Staff provided a calculation chart showing the previously approved uses and associated parking requirements. Sufficient parking appears to exist to support the existing and proposed uses on the Stowe Cider property. The Applicant's project narrative indicates that the "barrel room" and "gallery" will not be used while the "garden" is being used.

Conclusion: The Board concludes no changes to the previously approved parking area are proposed under this application. As a condition of approval, the rear outdoor "garden" area must not be used or occupied when the taproom or the indoor special events area is open for use.

22. **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 existing pedestrian circulation or access improvements are proposed under this application. This portion of Mountain Road contains sidewalks; public bus transportation is available during certain times of the year. The Stowe Rec Path is in close proximity.

Conclusion: The Board concludes that no changes to the existing pedestrian circulation and access are proposed under this application.

23. **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. No changes to the existing landscaping or screening are proposed under this application. Mature landscaping exists along the property edges and in the rear "garden" area.

Conclusion: The Board concludes no changes to the existing landscaping and screening are proposed under this application.

24. **Section 3.7(2)(B)(8) – Stormwater Management:** No changes to the approved site plan or building footprint are proposed under this application. No increases in impervious surfaces or changes to existing storm drainage patterns are proposed.

Conclusion: The Board concludes no increases in impervious surfaces or changes to existing drainage patterns are proposed.

25. **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 HT, RR, MOD, UMR Standards: Within the **Highway Tourist (HT)**, (Rural Residential (RR), Meadowland Overlay (MOD)) and Upper Mountain Road (UMR) Districts, site plans shall re-enforce efficient traffic circulation, preserve such important landscape features as open fields, scenic vistas, natural and cultural focal points and a well landscaped highway corridor.

To help achieve these objectives, the following standards shall apply:

- a. **Front Yard Treatment:** A continuous strip not less than twenty (20') feet deep, measured from the edge of the highway right of way, shall be maintained between the street line and the balance of the lot, which strip shall be suitably landscaped. Only driveways and pedestrian walks may traverse the required strip. In addition, no portion of the front yard may be used for storage or for any purpose except as provided herein.
- b. **Parking:** Parking shall be located in the rear and/or side of all commercial and multi-family residential properties, except as provided under section 14.3 of these regulations. 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. **Driveway Access:** Driveways shall be the minimum width necessary to provide safe vehicular access and promote pedestrian circulation.
- d. **Additional HT Standards:** In addition to the conditional use criteria of these regulations, the DRB shall find that proposed development is designed in a manner that promotes an overall high quality of design and construction and, where appropriate, incorporates traditional building materials.

Conclusion: The Board concludes no site improvements or exterior building alterations are proposed under this application. Does not apply.

Section 4: Specific Use Standards

26. **Section 4.8 Outdoor Lighting.** The regulations require that all outdoor lighting shall be installed in accordance with the Section 4.8(A-C). When reviewing lighting plans pursuant to Section 4.8, including proposed gas station canopy or apron lighting, proposed illumination of building façades or parking area lighting, the DRB shall consider appropriate levels and distribution of illumination. In determining appropriate levels of illumination, the Board will consider the guidelines outlined in Section 4.8(2)(A-F). The Applicant testified the only outdoor lighting proposed is Edison style bulbs used for ambience lighting.

Conclusion: The Board concludes the requirements of Section 4.8 are satisfied.

27. **Section 15- Parking Regulations-** See discussion above.

DECISION

On a motion by T.Hand seconded by A.Volanksy, the Development Review Board hereby approves (5-0) Project 6502 based upon the foregoing Findings of Fact and concludes the proposal as presented in application dated 3/15/2021 and supporting materials meets the Stowe Zoning Regulations, as adopted on October 9, 2018, subject to the following conditions of approval:

1. The 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 previous approvals, except as amended herein, remain in full force and effect.
3. Prior to the issuance of a zoning permit, the Applicant must complete the following:
 - a) Obtain additional municipal water and sewer allocations for the proposed expanded use;
 - b) Provide the Zoning Administrator a site plan accurately depicting existing parking and the location of any proposed improvements in the rear "garden" area. Additional review is required for any development within the FHOD or FEHD.
 - c) Provide the Zoning Administrator the contact information of the Events Manager or appropriate representative including all telephone numbers necessary to contact during an event. This contact information must be posted and maintained on the Applicant's website. Failure to do so will result in a violation of this approval.
4. The zoning permit for this application shall expire December 31, 2021. Any request for an extension will include further review of on-going noise concerns and proposed mitigation measures.
5. Outdoor and indoor live music and entertainment is restricted to Thursday, Friday, Saturday, and Sundays. On Thursdays and Sundays music and entertainment events must end no later than 9:00 pm. On Saturdays and Sundays music and entertainment events must end no later than 10:00 pm.
6. All amplified music must conclude no later than 10:00 pm on Friday and Saturdays and no later than 9:00 pm on Thursdays and Sundays.
7. Musical events and live performances, both indoors and outdoors, are limited to no more than 100 persons at any given time.
8. Use of the rear outdoor "garden" area is only allowed as conditioned above and must not be used or occupied when the taproom or the indoor events area is open for use by the public or a special private event.
9. The temporary structures (food trucks) shall not be used for dwelling purposes.
10. The approval for the temporary structures (food trucks) shall expire six (6) months from the date of this decision. At such time, the temporary structures (food trucks) shall either be removed from the premises or the Applicant shall obtain a new permit in accordance with Section 4.15(5).
11. The temporary structures (food trucks) shall use on-site electrical utilities. The use of generators is strictly prohibited without additional review.
12. The approved days and hours of operation for the temporary structures (food trucks) are limited to Sunday through Saturday from 9:00 am-10:00 pm.
13. All temporary signage must comply with Section 14 of the town's zoning regulations.
14. 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, as required under Section 2.10 of the zoning regulations.
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 in favor: D. Clymer, A. Volansky, L. Wasserman, T. Hand, P.Roberts.

Voting to deny: None

Motion PASSED 5-0.

Dated at Stowe, Vermont this the 17 day of June 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.