



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.

APPLICATION INFORMATION

Project Number 6534
Application Date 4/9/2021
Physical Location 3343 MOUNTAIN RD
Map ID 11-152.000 **Tax ID** 26037
Project Description RELOCATE EXISTING SHED; CONSTRUCT COVERED PERGOLA
Owner LITTLE RIVER HOLDINGS LLC
Applicant LITTLE RIVER HOLDINGS LLC JED HARRIS
Applicant Address PO BOX 514
STOWE VT 05672

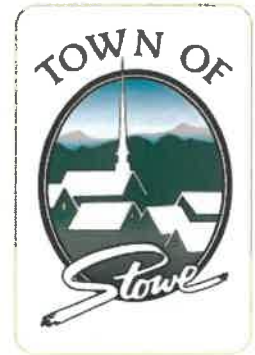
APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	7/14/2021	8/13/2021	8/13/2023

Sarah McShane

Zoning Office

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



PROJECT: 6534

SUBJECT PROPERTY: 3343 Mountain Road; #11-152.000

PROPERTY OWNER/APPLICANT:
Little River Holdings LLC/Jed Harris
PO Box 514
Stowe, VT 05672

APPLICATION:

The Applicant and property owner, Little River Holdings LLC (herein referred to as the "Applicant"), requests conditional use review to relocate the existing 24' x 16' storage shed and to construct a 29' x 14' covered pergola in the rear lawn area of the Mountaineer Inn. The subject parcel (#11-152.000), located at 3343 Mountain Road, is in the Mountain Road Crossroad (MRC), Flood Hazard Overlay District (portions floodway), and Fluvial Erosion Hazard Overlay District. No development is proposed within either the Flood Hazard Overlay District or Fluvial Erosion Hazard Overlay District. The parcel is approximately ±6.802 acres and contains the Mountaineer Inn- a lodging facility. The property is bounded to the north by the Mountain Road (VT-108), to the east by a ±7.75-acre parcel owned by Charles & Janet Perkins, to the west by a ±1.05-acre parcel owned by Katrine & David Wolfgang Living Trust, and to the south by the West Branch Little River. 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 purposes 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 Jed Harris on April 7, 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 June 15, 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 May 27, 2021 and posted at the Town Office, Library, and Police Station. 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 June 15, 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: Francis 'Paco' Aumand III, Thomas Hand, Andrew Volansky, Peter Roberts, Leigh Wasserman, Mary Black.

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

- Applicant – Jed Harris, PO Box 514, Stowe, VT 05672

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

1. Town of Stowe Development Application, dated 03/30/2021;
2. Elevation Drawings of Shed Building prepared by Hamor Architecture, Sheet A1.30, dated [unknown];
3. Three (3) rendering illustrations of proposed pergola, dated 3/30/2021;
4. Site plan prepared by Mumley Engineering 'The Mountaineer Inn' Sheet C-1, dated 3/29/2021;

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:*

The Applicant's request for conditional use approval was reviewed by the Development Review Board (DRB) for conformance with applicable requirements of the Town of Stowe Zoning Regulations (as adopted on October 9, 2018), including the following:

- Section 2- Administration and Enforcement
- Section 3- General Regulations
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Dimensional Requirements

1. **Zoning District.** The subject parcel is located within the Mountain Road Crossroad (MRC), Flood Hazard District (portions floodway), and Fluvial Erosion Hazard Overlay Districts as shown on the Official Town of Stowe Zoning Map (as adopted October 9, 2018).
2. **Lot Area, Lot Width.** The parcel contains ±6.802 acres and exceeds the minimum district lot area of 20,000 sf. No changes to lot area or lot width are proposed under this application.
3. **Setbacks.** The parcel is bounded to the south by the West Branch Little River. Section 3.10 requires a fifty (50') foot setback from all mapped watercourses. Within the fifty (50') foot setback, a vegetation buffer shall be left in an undisturbed state with the exception of minimal clearing necessary to accommodate and build public recreation and transportation paths, recreational river accesses, driveways, public or private road and utility crossings, landscaping, permitted impoundments and dams and stream bank stabilization and restoration projects. Setbacks in the MRC District are 20 ft front/10 ft sides/20 ft rear. The Applicant proposes to relocate the existing 24' x 16' storage shed and to construct a 29' x 14' covered pergola. With the exception of the watercourse setback, the property line setbacks are labeled on the site plan.
4. **Maximum Building Coverage.** The maximum building coverage in MRC is 20%. Section 16.22 defines Building Coverage as "that portion of a site, expressed as a percentage, occupied by all buildings or structures, (not including public utility structures), that are roofed or otherwise covered and that extend more than three (3') feet above the surface ground level. The building roof overhang up to 6 feet in length is not included as part of the building coverage area." The pergola will add 406 sf to the building coverage. The Applicant confirmed the existing and proposed building coverage to be: Existing Coverage: 3.61%; New Coverage with pergola: 3.74%.
5. **Use.** The parcel contains an existing lodging facility. Lodging facilities are a conditional use within the MRC District. The Applicant is not proposing a change of use under this application.

6. **Height.** The maximum building height in UMR is 28' feet. The pergola is proposed to be 10 ft in height; the height of the shed is not increasing.

Section 3.7(2)(A) – Standards of review (Conditional Use Applications): The Development Review Board must determine that the use will conform to the standards outlined in Section 3.7(2)(A) and will not result in an undue adverse effect on capacity of existing or planned community facilities and services, traffic on roads and highways in the vicinity, the character of the area affected, regulations and ordinances in effect, utilization of renewable energy sources, and the additional standards outlined in Section 3.7(2)(B).

The Applicant proposes to relocate the existing 24' x 16' storage shed and to construct a 29' x 14' covered pergola in the rear lawn area. Upon review of the application the Board found that the following standards not applicable to this application:

- Section 3.7(2)(A)(1) –Capacity of existing or planned community facilities and services;
- Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity;
- Section 3.7(2)(A)(4) – Regulations and ordinances in effect;
- Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution;
- Section 3.7(2)(B)(3) –Access Management;
- Section 3.7(2)(B)(4) – Shared Access;
- Section 3.7(2)(B)(5) – Circulation and Parking;
- Section 3.7(2)(B)(6) – Pedestrian Circulation and Access;
- Section 3.7(2)(B)(7) – Landscaping and Screening;
- Section 3.7(2)(B)(8) – Stormwater Management;
- Section 3.7(2)(C)(1) – Additional MRV, MRC, VC, VR, MC and LVC Standards.

7. **Section 3.7(2)(A)(3) – The character of the area affected.** The parcel is in the MRC zoning district. Section 5.11 provides the following purpose of the Mountain Road Village/Crossroads Districts:

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

The Applicant requests approval to relocate the existing 24' x 16' storage shed and to construct a 29' x 14' covered pergola in the rear lawn area. Both structures are intended to be used as an accessory to the existing lodging facility. The pergola will not be visible from the public right-of-way and will be used by lodging guests. The relocated shed will be used for storage purposes.

Conclusion: The Board concludes the proposal will not have undue adverse impact to the character of the area affected.

8. **Section 3.7(2)(A)(5) – Utilization of renewable energy sources.** The Applicant requests approval to relocate the existing 24' x 16' storage shed and to construct a 29' x 14' covered pergola in the rear lawn area. Both structures are single-story structures and are not expected to cast

significant shadows or otherwise restrict the use of, or access to, the utilization of renewable energy resources.

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

9. **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 parcel is served by Mountain Road (VT-108) and sits on the banks of the West Branch of the Little River. The relocated storage shed is proposed to be located to an area east of the main entrance drive and north of the existing parking area. The proposed pergola is located in the rear yard area outside of the Flood Hazard and Fluvial Erosion Hazard Districts. There are no identified historic site sites or rare and irreplaceable natural areas identified on the parcel or noted in the application.

Conclusion: The Board concludes the proposal 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

Conclusion: Based on the above findings, the Board concludes the proposal will not result in an undue adverse effect on the conditional use provisions.

DECISION

On a motion by A.Volansky, seconded by M.Black, the Development Review Board hereby approves Project 6534 pursuant to the provisions of the Town of Stowe Zoning Regulations, as adopted October 8, 2018, with the following conditions of approval:

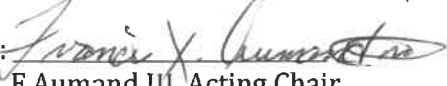
1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Zoning Office and other material representations. Any change to the plans or the proposed use of the property 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. Any future development, as defined under the regulations, within the Flood Hazard District, Floodway, and Fluvial Erosion Hazard Overlay District shall require review under the regulation in effect at the time of application.
3. A fifty (50') foot watercourse setback, as measured from the top of bank, must be maintained in accordance with Section 3.10. The vegetation buffer shall be left in an undisturbed state with the exception of minimal clearing necessary to accommodate and build public recreation and transportation paths, recreational river accesses, driveways, public or private road and utility crossings, landscaping, permitted impoundments and dams and stream bank stabilization and restoration projects.
4. 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.
5. 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: Francis 'Paco' Aumand III, Thomas Hand, Andrew Volansky, Peter Roberts, Leigh Wasserman, Mary Black.

Voting to deny: None

The motion passes 6-0.

Dated at Stowe, Vermont this the 14 day of July 2021

By: 
F.Aumand III, Acting 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.

