

**Notice of DRB Decision  
Town of Stowe Zoning Office  
PO Box 730  
Stowe VT 05672**

You recently received approval for the subdivision listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. All final subdivisions must be signed by the DRB Chair and recorded within 180 days from approval. Please note any conditions of approval that must be met before the plan can be recorded. You are also required to obtain separate zoning approvals and/or permits for any new construction on the newly created lots. A fee of \$25/page is required for recording.

Please contact the Planning and Zoning Office at 253-6141 if you have any questions.

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**APPLICATION INFORMATION**

Project Number            6592  
Application Date           6/8/2021  
Physical Location         804 SOUTH MAIN ST  
Map ID                      07-269.000                      Tax ID                      03053  
Project Description        BOUNDARY LINE ADJUSTMENT BETWEEN TWO ADJACENT PARCELS  
Owner                        804 SOUTH MAIN LLC  
Applicant                    MATTHEW T. STAAB 804 SOUTH MAIN LLC  
Applicant Address         1386 PUCKER STREET  
                                     STOWE VT 05672

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**APPROVALS ON RECORD**

Action Taken	Date	End of Appeal Period	Expiration Date	
OTHER	6/25/2021			SCHEDULED DRB HEARING
DRB DECISION	9/21/2021	10/21/2021	3/20/2022	

*Sarah McShane*

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Zoning Office

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



**PROJECT:** 6592

**SUBJECT 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 (herein referred to as the "Applicant"), request approval for a boundary line adjustment between two (2) adjacent lots. The proposal involves transferring ±0.25 acres from Lot 2 to Lot 1. 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 two (2) existing buildings and related improvements located on Lot 1. 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) and under applicable standards of the Town of Stowe Subdivision Regulations (as amended through July 16, 2012) for the purpose of final subdivision 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 a boundary line adjustment was filed by Applicant Matthew T. Staab on June 8, 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 September 7, 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 July 29, 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 September 7, 2021 at the Akeley Memorial Building, 67 Main Street, with a quorum of the DRB present. Remote participation was available via Zoom. No ex parte communications or conflicts of interests were reported. The following members participated in the hearing: Drew Clymer, Francis (Paco) Aumand III, Mary Black, David Kelly, Leigh Wasserman, and Tom Hand.

The following persons attended and participated in the hearing process:

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

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

- Town of Stowe Development Application dated 6/08/2021;
- Parking Addendum for DRB Hearing;

- Site Plan '804 South Main Street LLC (Matthew Staab)', dated 5/12/2021, provided by Grenier Engineering.
- Survey showing lands of Thomas & Barbara Knoflick to James Taft prepared by Paul Harrington, signed by Planning Commission Paul Percy on 08/05/1984.

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 final subdivision approval was reviewed by the Development Review Board (DRB) for conformance with applicable requirements including the following:

Town of Stowe Zoning Regulations (as adopted October 9, 2018)

- Section 2- Administration and Enforcement
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 13- Planned Unit Development

Town of Stowe Subdivision Regulations (effective through July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

**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. The proposal involves transferring ±0.25 acres from Lot 2 to Lot 1.
3. **Setbacks.** Required minimum district setbacks in LVC are front (10'), side (10') and rear (10'). The Applicant seeks approval for a boundary line adjustment. No changes to the building footprint are proposed. The proposed boundary line adjustment will not impact the front or side setbacks for the existing buildings; the rear setback will be increased.
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 residential uses approved under Project 6484. The Applicant requests approval for a boundary line adjustment between Lot 1 and Lot 2. No changes of use are proposed.

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 Applicant is requesting approval for a boundary line adjustment between Lot 1 and Lot 2 804 South Main St. The proposal involves transferring ±0.25 acres from Lot 2 to Lot 1.

The application was submitted in order to meet a condition of project #6484 which requires 20,000 sf for the two-family dwelling and 21,000 sf for the multi-family dwelling. As proposed, Lot 1 will contain ±0.95 acres or ±41,383 sf following the boundary line adjustment; sufficient land area in order to support the previously approved density.

**SUBDIVISION REGULATIONS**

8. During the hearing, the Board concluded that the following review standards are not applicable to this application:

- Section 5.1(1) – Character of Land for Subdivision:
- Section 5.1(3) – Protection of Significant Wildlife Habitat and Natural Communities:
- Section 5.1(4) – Historic Resources and Community Character:
- Section 5.1(5) – Reserved Strips:
- Section 5.1(6) – Screening and Landscaping:
- Section 5.1(7) – Pedestrian Access:
- Section 5.1(8) – Traffic:
- Section 5.1(11) – Building Zone:
- Section 5.1(12) – Fire Protection Facilities:
- Section 5.1(13) – Disclosure of Subsequent Development Plans:
- Section 5.1(14) – Private Enforcement Mechanisms:
- Section 5.2 – Prominent Hillsides and Ridgelines:
- Section 5.3 – Open Space and Cluster Development:
- Section 5.4 – Road Standards and Coordination with Public Highways:
- Section 5.5 – Utilities and Stormwater Management:

**SECTION 5.1 – GENERAL PLANNING STANDARDS:**

9. **Section 5.1(2) – Natural and Scenic Features:** All subdivisions shall be designed to prevent undue adverse impact on: brooks, streams, water bodies, ground water resources and wetlands; prime agricultural soils, farmland resources and scenic meadowland; important forest resources; aesthetic resources and scenic vistas, including views onto and arising from subject property. In order to preserve natural and scenic features, the Board is authorized to:

- a) Establish or limit the building site or other improvements to avoid the parcelization, isolation, or destruction of natural features;
- b) Require setbacks from property boundaries or identified natural features greater than specified in the Zoning Regulations in order to create buffer zones and prevent degradation to significant natural features;

c) Establish preserve areas where development is restricted or prohibited and specific land management techniques are employed to protect or enhance significant natural features.

The Applicant proposes a boundary line adjustment between two (2) adjacent parcels of land. Rear areas contain floodplain, wetlands, and sensitive riparian areas. Other than the boundary line adjustment, no land development is proposed under this application. The proposed boundary line adjustment will not impact brooks, streams, water bodies, ground water resources and wetlands; prime agricultural soils, farmland resources and scenic meadowland; important forest resources; aesthetic resources and scenic vistas, including views onto and arising from subject property.

**Conclusion:** Based on the above findings, the Board concludes the proposal is in conformance with Section 5.1(2), Natural and Scenic Features.

10. **Section 5.1(9) – Municipal Facilities:** The Applicant must demonstrate that the proposed subdivision will not create an undue burden on municipal facilities or create an unreasonable demand for municipal 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. No Municipal Department review forms returned indicated that the proposed boundary line adjustment would have any adverse impact on existing or planned community facilities and services.

**Conclusion:** Based on the above findings, the Board concludes the proposal is in conformance with Section 5.1(9), Municipal Facilities.

11. **Section 5.1(10) – Lot Configuration:** Flag lots, elongated lots, and other odd- shaped lots which include narrow strips of land are prohibited unless the Board finds the configuration is appropriate given the existing topography and natural features, existing development, or the existing configurations of internal or adjacent lots. The Applicant proposes a boundary line adjustment between two (2) adjacent parcels of land. The proposed site plan shows the location of property lines to be dissolved. The original lot is irregular in shape as it contains a rear triangular area; the proposed boundary line adjustment extends this area but contains straight property lines at regular angles.

**Conclusion:** Based on the above findings, the Board concludes the proposed boundary line adjustment is of regular shape, avoids flag and elongated lots.

### **DECISION**

On a motion by Tom Hand, seconded by David Kelly, the Development Review Board hereby approves the Applicant's request for final subdivision approval for a boundary line adjustment (Project 6592) between Lot 1 and Lot 2 of parcel #7-269.000 as described in the application dated 6/8/2021 and associated supporting materials subject 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.

The approved plan, amended herein, include:

*Site Plan '804 South Main Street LLC (Matthew Staab)', dated 5/12/2021, provided by Grenier Engineering.*

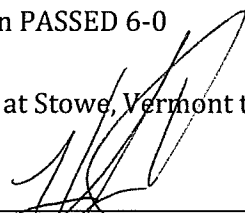
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. The approved plan shall be modified to incorporate the previously approved parking configuration as shown on the Parking Addendum filed with the application.
4. Pursuant to 24 VSA Chapter 117, the subdivision survey plat shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire. The final survey plat as recorded shall be prepared in accordance with Section 4.3 of the Stowe Subdivision Regulations and shall include the following notations:
  - a. *"This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office".*
5. The Applicant shall file the final survey plat, signed by the Chair or other authorized representative of the Development Review Board, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and Section 4.3 of the Stowe Subdivision Regulations. No land development associated with this subdivision shall be commenced until such time as the survey plat has been duly signed and filed in the Land Records. Two paper copies of said plat shall be filed with the Zoning Administrator.
6. Monuments shall be placed on all subdivided parcels in conformance with the Rules of the Board of Land Surveyors.
7. 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 purposes of ascertaining compliance with the conditions of approval.

Voting favor: Drew Clymer, Tom Hand, Leigh Wasserman, Francis (Paco) Aumand III, Mary Black, and David Kelly.

Voting to deny: None

Motion PASSED 6-0

Dated at Stowe, Vermont this the 21 day of September 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.