



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

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

APPLICATION INFORMATION

Project Number 6595
Application Date 6/8/2021
Physical Location 105 & 106 MOUNTAIN HAUS DRIVE
Map ID 11-149.000 **Tax ID** 25039-010
Project Description MODIFY FOOTPRINT OF BUILDING A; CONSTRUCT STORAGE SHED, PATIO SPACE, PORTIONS OF 'FUTURE' PARKING AREA, STORMWATER IMPROVEMENTS
Owner MOUNTAIN HOUSE LLC
Applicant LAMOUREUX & DICKINSON CONSULTING ENGINEERS NICK SMITH
Applicant Address 14 MORSE DRIVE
ESSEX VT 05452

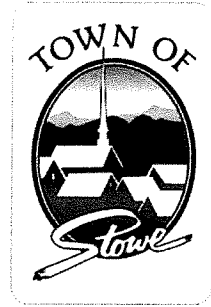
APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date	
OTHER	6/25/2021			SCHEDULED FOR DRB REVIEW
DRB DECISION	9/7/2021	10/7/2021	10/7/2024	PER DRB APPROVAL
ZONING	9/22/2021	10/7/2021	10/7/2026	PER DRB APPROVAL

Sarah McShane

Zoning Office

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



PROJECT: 6595

SUBJECT PROPERTY: 105 & 106 Mountain Haus Drive; # 11-149.030

PROPERTY OWNER:

Mountain House LLC
145 Pine Haven Shores Road, Suite 1150
Shelburne, VT 05482

APPLICANT:

Nicholas Smith
Lamoureux & Dickinson Consulting Engineers
14 Morse Drive
Essex, VT 05452

APPLICATION:

The Applicant, Nicholas Smith of Lamoureux & Dickinson Consulting Engineers (herein referred to as the "Applicant") on behalf of property owner Mountain House LLC, requests conditional use review for revisions to the previously approved Project 5124. The Applicant seeks approval for a project generally described as a change in building footprint [Building A], construction of a new storage shed, construction of a patio space, construction of the previously approved "future" parking area, and a new stormwater bioretention facility to treat the additional impervious surfaces. The Applicant previously received approval under Project 5124 for a Planned Unit Development (PUD) and to construct two (2) multi-family dwellings each with thirty-six (36) dwelling units. Minor site plan revisions were subsequently permitted including modifications to the landscaping and parking. Building B, 106 Mountain Haus Drive, has been constructed and is currently occupied. The amended Building A is proposed to be three (3) stories in height and contain thirty-six (36) dwelling units. Associated parking is proposed on the south side of the building.

The subject parcel is located within a previously approved PUD (Project 5124 & Project 5808) in the Upper Mountain Road (UMR) and Rural Residential 2 (RR2) Zoning Districts. The proposed building will be served by Mountain Haus Drive which directly connects to Route 108, a highway maintained by the State of Vermont. The application has been reviewed by the Development Review Board (DRB) for the purpose of conditional use and amended PUD approval under applicable standards of the Town of Stowe Zoning Regulations (as adopted on October 9, 2018), as well as prior DRB decisions and applicable conditions of approval including the following:

- Project 5124 approved by the DRB in a written decision dated 6/23/2015;
- Project 5537 approved by the DRB in a written decision dated 4/11/2017;
- Project 5690 approved by the DRB in a written decision dated 10/27/2017;
- Project 5730 approved by the DRB in a written decision dated 12/12/2017;
- Project 5808 approved by the DRB in a written decision dated 6/15/2018;
- Project 5941 approved by the DRB in a written decision dated 1/21/2019.

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 amended conditional use review was filed by Applicant Nicholas Smith 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 August 17, 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 August 17, 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. Board members Drew Clymer, Tom Hand, Mary Black, Francis Aumand III, David Kelly, and Leigh Wasserman participated.

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

- Applicant, Doug Moses, 145 Pine Haven Shores Road, Suite 1150, Shelburne, VT 05482
- Nick Smith (Lamoureux and Dickenson) 14 Morse Drive, Essex, VT 05452

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

1. Town of Stowe Application, dated 6/08/2021
2. Mountain Haus Phase II Plan Set, dated 5/14/2021 provided by Freeman, French, Freeman
3. Mountain Haus Bike Storage Plan Set, dated 5/14/2021 provided by Freeman, French, Freeman
4. Mountain Haus PUD, Overall Site Plan, Sheet 1, dated 5/25/2021 provided by Lamoureux & Dickinson Consulting Engineers, Inc.
5. Mountain Haus PUD, Site Plan Grading & Utilities, Sheet 2, dated 5/25/2021 provided by Lamoureux & Dickinson Consulting Engineers, Inc.
6. Mountain Haus PUD, Landscaping & Lighting Plan, Sheet 3, dated 5/25/2021 provided by Lamoureux & Dickinson Consulting Engineers, Inc.
7. Mountain Haus PUD, Details & Specifications Sitework, Sheet 4, dated 5/25/2021 provided by Lamoureux & Dickinson Consulting Engineers, Inc.
8. Mountain Haus PUD, Details & Specifications Water, Sheet 5, dated 5/25/2021 provided by Lamoureux & Dickinson Consulting Engineers, Inc.
9. Mountain Haus PUD, Details & Specifications Stormwater & Sanitary System, Sheet 6, dated 5/25/2021 provided by Lamoureux & Dickinson Consulting Engineers, Inc.
10. Mountain Haus PUD, Erosion Protection & Sediment Control Plan, Sheet 7, dated 5/25/2021 provided by Lamoureux & Dickinson Consulting Engineers, Inc.
11. Mountain Haus PUD, Details & Specifications Erosion Protection & Sediment Control Plan, Sheet 8, dated 5/25/2021 provided by Lamoureux & Dickinson Consulting Engineers, Inc.

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 amended conditional use and PUD 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 4- Specific Use Standards
- Section 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density
- Section 13- Planned Unit Development
- Section 15- Parking Regulations

DIMENSIONAL REQUIREMENTS:

1. **Zoning District.** The subject parcel (±18.56 acres) is located within the Upper Mountain Road (UMR) and Rural Residential II (RR2) Zoning Districts as shown on the Official Town of Stowe Zoning Map (as adopted on October 9, 2018).
2. **Lot Area, Lot Width.** The proposed building will be located in the UMR district which requires a minimum lot area of one (1) acre and 200 ft minimum lot width. The parcel is part of a PUD originally approved by the Board on 6/23/2015 under Project 5124. No changes to lot area or lot width are proposed under this application. The subject ±18.56-acre parcel was created in 2018 under Project 5808- see Mountain Haus 2-lot Subdivision.
3. **Setbacks.** The parcel is part of a PUD originally approved by the Board on 6/23/2015 under Project 5124. The double 100' perimeter setback is shown on the Overall Site Plan prepared by Lamoureux & Dickenson, Sheet 1, dated 5/25/2021. Within PUDs, the distance between multi-family dwellings shall not be less than permitted by the Vermont Department of Fire Safety. The construction of Building A will require a public building permit from the Vermont Department of Fire Safety. The proposed bike storage building is located near the shared boundary line. There are no internal setbacks for accessory structures within a PUD.
4. **Maximum Building Coverage.** The maximum building coverage in UMR district is 8%. The subject parcel contains ±18.56 acres or approximately ~808,473 sf. The Applicant provided a Overall Site Plan, Sheet 1, Project 14091, 'Mountain Haus PUD' prepared by Lamoureux & Dickenson, dated 5/25/2021. The existing building coverage is 13,135 sf or 1.52%. The proposed building coverage is 13,743 sf or 1.70% on Lot A and 13,999 sf or 1.62% on Lot B, satisfying the maximum building coverage requirement.
5. **Use.** The Applicant seeks amended approval for a multi-family dwelling to contain thirty-six (36) dwelling units and related improvements (i.e. parking, landscaping, lighting). The parcel is part of a PUD originally approved by the Board on 6/23/2015 under Project 5124. The Applicant seeks amended approval for a multi-family dwelling unit as defined as follows: *"16.176 Unit, Multi-Family Dwelling: A building on a single lot containing more than two (2) dwelling units, each of which is totally separated from the other by an un-pierced 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."* Multi-family dwellings are a conditional use in UMR, as noted in Table 6.1.
6. **Density.** The Applicant provided an PUD Amendment Plat & Boundary Line Adjustment Plat prepared by Lamoureux & Dickenson outlining proposed density calculations. The density calculation notes that total area in each zoning district and the allowed multi-family density. A total of 78.12 units are allowed within the PUD. Building B contains an existing thirty-six units (36); 45 Mountain Haus Drive contains one single-family dwelling; the Applicant proposes thirty-six (36) units in Building A. Staff reported that the provided density calculations inaccurately account for 45 Mountain Haus Drive, since that parcel contains a single-family dwelling which density allows one (1) unit per acre.

Lots A & B	21.50 acres	UMR	3.0	64.50 units
Lot A & B	16.91	RR2	0.5	8.46 units
45 Mountain Haus	1.00 acres	UMR	1	1 unit
45 Mountain Haus	0.72	UMR	3	2.16 unit
				76.12 units

The PUD contains an existing thirty-six (36) unit multi-family dwelling and one single-family dwelling. The Applicant proposes an additional thirty-six (36) unit multi-family dwelling leaving a remaining density of 3.12 multi-family dwelling units available.

7. **Height.** As noted on the elevation drawings prepared by Freeman French Freeman dated, the proposed height of the building, as defined under the regulations, is 39' 4 1/16" as measured to the mid-point of the roof slope. The UMR district allows a maximum building height of 28'. As allowed under Section 12.2, the Board has the authority to modify dimensional requirements within approved Planned Unit Developments (PUDs). Under prior approval, the Board granted a height waiver for a 40' 3" building, finding that the proposed buildings would not be visible from a public road. The Board reviewed the proposed building elevations in comparison with previous approvals and surrounding buildings and finds the proposed height acceptable; the Board therefore agrees with the previously approved waiver to the maximum building height.
8. **Section 13.6 PUD.** The parcel is part of a PUD originally approved by the Board on June 23, 2015 under Project 5124. The original PUD is comprised of ±37.11 acres, of which ±23.5 acres was designated as open space. The PUD was subsequently amended under Project 5808, which incorporated the single-family dwelling, related accessory dwelling, and ±1.72 acres located at 45 Mountain Haus Drive into the Mountain House LLC PUD and final subdivision approval to subdivide the 37.11± acre parcel into two (2) lots; Lot A being 18.56 acres and Lot B being 18.56 acres containing the existing thirty-six (36) unit multi-family dwelling. Under Project 5808 the PUD was increased to contain three (3) lots (Lot A 18.56 acres, Lot B 18.56 acres, and 1.72 acres at 45 Mountain Haus Drive). The density of the PUD was increased from 72 units to 77 units based on three (3) units per acre in the UMR district. In conjunction with this project, the Board also reviewed project 6530, which proposed a boundary line adjustment and changes to previously approved open space.

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:

9. **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. The Applicant previously received preliminary approval from the Stowe Water & Sewer Commissioners for water and sewer allocation of 120 bedrooms. Staff has inquired of DPW whether this allocation is still in effect. Prior to connection the Applicant will be required to pay the remaining fees and satisfy any requirements of the Department of Public Works. No other Municipal Department review forms were received.

Conclusion: As noted above, the Applicant seeks approval for a revised design of a previously approved multi-family dwelling. The building is proposed to contain thirty-six (36) multi-family dwelling units and related improvements (i.e. parking, lighting, landscaping, etc.) The Board concludes the proposal, if constructed and maintained as conditioned, will not result in an undue adverse effect on the Town's existing or planned facilities or services.

10. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The Applicant seeks approval for a revised design of a previously approved multi-family dwelling. Under prior approvals, the Board found that the project was not anticipated to adversely impact traffic in the area.

Conclusion: Based on the above findings, the Board concludes the amended proposal will not create an undue adverse impact on traffic on roads and highways in the vicinity.

11. **Section 3.7(2)(A)(3) – The character of the area affected:** The subject parcel is in the RR2 and UMR zoning districts with direct access to Vermont Route 108. The proposed building will be located within the UMR district. The general purpose of the UMR district is... *“to control development along the “upper” Mountain Road in a manner that allows for residential, recreation and low-density commercial uses of property while preserving the rural character of the landscape, discouraging strip development and promoting the ongoing viability of existing land uses.”* Existing land uses within the general vicinity include a mix of residential and commercial uses. The Board's previous decision concluded that the proposal would not adversely affect the character of the area and required the Applicant maintain trees within the 100-foot setback near the buildings. This condition remains in full force and effect. The limits of clearing are shown on the Overall Site Plan prepared by Lamoureux and Dickinson dated 5/25/2021. The limits of clearing are consistent with those previously approved under Project 5124.

Conclusion: Based on the above findings, the Board concludes the proposal will not adversely affect the character of the area as defined under the Stowe Zoning Regulations (as adopted on October 9, 2018).

12. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** Applicable bylaws include the Stowe Zoning Regulations as adopted on October 9, 2018. The Applicant proposes connecting to municipal sewer services under the Town's Sanitary Sewer Ordinance. No other identified municipal bylaws or ordinances apply to this project.

Conclusion: Based on the above findings, the Board concludes the proposal is in conformance with the Stowe Zoning Regulations, as adopted on October 9, 2018. The Applicant is required to obtain all necessary municipal water and sewer allocations, approvals, and connections. No other identified municipal bylaws or ordinances apply to this project.

13. **Section 3.7(2)(A)(5) – Utilization of renewable energy sources:** The project is not expected to interfere with the use of, or access to, the utilization of renewable energy resources. During prior hearings, the Applicant testified that the building will be constructed to meet the Vermont Energy Code and in some aspects, exceed the energy code.

Conclusion: Based on the above findings, 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:

14. **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.** There are no known or identified scenic or historic sites shown or identified in the application materials. Under prior conditions of approval, the Board required the rear portion of the lot and adjacent lot to be designated open space. These areas are shown on the Overall Site Plan dated 5/25/2021 and on the previously recorded plats.

Conclusion: Based on the above findings, 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.

15. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** The Applicant seeks amended approval for a multi-family dwelling containing thirty-six multi-family dwelling units and related improvements (i.e. parking, landscaping, lighting). The parcel is part of a PUD originally approved by the Board on 6/23/2015 under Project 5124. Prior Board approval concluded that the proposal would not result in undue water, noise or air pollution and noted a proposed construction noise restriction. Included within the previously approved open space are Class II wetlands and associated 50' wetland buffer. No development or impacts are proposed to the mapped wetlands.

Conclusion: Based on the above findings, the Board concludes the project, if completed as conditioned, will not result in undue water, noise, or air pollution.

16. **Section 3.7(2)(B)(3) – Access Management:** The project is proposed to be served by Mountain Haus Drive with direct access to Vermont Route 108. 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. Under prior permit application materials, the Applicant provided a copy of the VT AOT Letter of Intent. No changes to the existing access are proposed under this application.

Conclusion: Based on the above findings, the Board finds that the proposal, if constructed and maintained as proposed, provides adequate access management in accordance with Section 3.1.

17. **Section 3.7(2)(B)(4) – Shared Access:** The project is served by the existing Mountain Haus Drive with direct access to Vermont Route 108. Mountain Haus Drive provides common and shared access to other users including Building B. No changes to the previously approved internal shared access are proposed.

Conclusion: Based on the above findings, the Board finds the existing Mountain Haus Drive will provide adequate access for the existing and proposed uses.

18. **Section 3.7(2)(B)(5) – Circulation and Parking:** The regulations require that parking be provided per the requirements of Section 14 and be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. As noted above, the Applicant seeks amended approval for a multi-family dwelling containing thirty-six (36) multi-family dwelling units and related improvements (i.e. parking, landscaping, lighting). This project was originally approved under Project 5124.

Table 15. 2 outlines the minimum parking requirements for residential units to include two (2) parking spaces per unit. Multi-family Units with 400 sf or more are required to have two (2) parking spaces per dwelling unit. The Applicant seeks amended approval for thirty-six (36) multi-family dwelling units, which, under the Regulations, requires a total of seventy-two (72) parking spaces.

The Applicant provided an Overall Site Plan and Landscaping and Lighting Plan which depicts the proposed building footprint and associated parking. The site plan shows two (2) separate adjacent parking areas, both located south of the proposed building. The southerly parking area is designed to accommodate eighteen (18) parking spaces. The parking area closest to the building is proposed to contain forty-seven (47) parking spaces. The proposed parking spaces are 90° and appear to be designed to be 9' x 18'. Both parking areas appear to be served by a 24' travel aisle. A total of sixty-five (65) parking spaces are proposed on Lot A. On the adjacent Lot B, the Applicant also proposes to construct portions of the previously approved future parking area. This parking area is shown to accommodate sixteen (16) parking spaces. A total of three (3) parking spaces are shown to be designed to be ADA compliant.

The Board granted a parking waiver under Project 5124 for uses requiring more than 100 parking spaces and concluded "*adequate parking is provided and the waiver of spaces is granted.*" Under this application, the Applicant proposes a total of 129 (existing and proposed) parking spaces to serve the seventy-two (72) total dwelling units, both existing and proposed.

Conclusion: Based on the above findings, the Board finds the proposed circulation and parking improvements represents safe and adequate access and circulation for the intended use. A parking waiver of up to 30% was granted by the Board under Project 5124.

19. **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. As noted above, the Applicant seeks amended approval for a multi-family dwelling to contain thirty-six (36) dwelling units and related improvements (i.e. parking, landscaping, lighting). This project was originally approved under Project 5124. As shown on the Overall Site Plan dated, a sidewalk is proposed to run along the northern side of the parking area closest to the building with two (2) walkways connecting to building entrances. A short walkway is shown to connect the two (2) proposed parking areas. No other pedestrian improvements are shown or noted within the application.

Conclusion: Based on the above findings, the Board finds the proposed site layout, including pedestrian circulation and access, represents safe and adequate pedestrian access and circulation for the intended use.

20. **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 Applicant provided a Landscape and Lighting Plan prepared by Lamoureux & Dickinson. The plan depicts existing and proposed plantings. A mix of deciduous trees, evergreen trees and shrubs are proposed around the building and surrounding the parking areas. The landscape plan including a planting schedule with proposed species and sizes. The overall site plan depicts a dumpster area located near the westerly side of the parking area- screening details were not provided.

Two (2) screened condenser units are shown on the west elevation. Wood screening is also shown between patios on the north and south elevations. No mechanical equipment is shown on the proposed accessory storage building.

Conclusion: Based on the above findings, the Board concludes the proposed landscaping and screening are appropriate for the intended use and site location. The Board will require as a standard condition of approval that the Applicant replace any dead and dying plants and trees within one (1) year of death and provide screening details for the dumpster area.

21. **Section 3.7(2)(B)(8) – Stormwater Management:** The Applicant seeks approval for a multi-family dwelling thirty-six (36) dwelling units and related improvements (i.e. parking, landscaping, lighting). Section 3.12(2) provides standards for stormwater and erosion control for construction-related activities associated with any new construction. The Applicant provided multiple plans involving stormwater management and erosion control prevention. The plans were prepared by Lamoureux & Dickenson, satisfying the requirement that a stormwater management plan be prepared and sealed by a registered engineer before a zoning permit is issued. The Overall Site Plan provides the existing and proposed lot coverage calculations. A total of 46,880 sf of impervious surfaces are proposed on Lot A; an additional 6918 sf of impervious surfaces are proposed on Lot B. The application includes construction of a new stormwater bioretention facility to treat the additional impervious surfaces. The bioretention basin is located on the western side of Building A. An existing stormwater detention basin is located south-west of the existing Building B.

DPW Director Harry Shepard provided the following comments:

Project 6595-Mountain Haus PUD Amendment and Boundary Line Adjustment
In general, this is Phase 2 of a 2 phase project. The Public Works infrastructure, including extensions of Municipal water and sewer, were completed in 2015. The PUD amendment and Boundary Line adjustment proposed do not affect these systems. The private stormwater system was previously designed and constructed for both phases of the development. The addition of the proposed Bioretention Basin west of the proposed building is an enhancement to the existing stormwater management system and achieves the additional requirements of the 2017 Stormwater Rules.

Conclusion: The Board finds the project is in conformance with Section 3.12 of the regulations. As a general condition of approval, the Applicant will be required to follow the requirements of Section 3.12. The Board concludes, if constructed and maintained as approved, the proposed improvements will not cause an undue adverse impact on neighboring properties, town or state highways or surface waters.

22. **Section 3.7(2)(C).** In addition to other provisions of Section 3.7, the DRB 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 DRB 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(sic) of the 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.

Additional UMR Standards: In addition to the conditional use criteria of the regulations, the DRB shall find that the proposed development is designed in a manner compatible with the area's rural character. At a minimum, the Board will consider:

(i) Adequacy and appropriateness architectural design and visual context of the project. Generally, architectural designs shall reinforce the rural landscape of the district through contextual scale and orientation of the buildings within the site and should reflect vernacular Vermont residential and agricultural building styles and incorporate, where appropriate, traditional materials.

(ii) Buildings should generally be designed with a pitched roof and be of a mass and scale compatible with neighboring properties and the site.

Conclusion: Based on the above findings, the Board finds the proposed site plan and architectural drawings satisfy the requirements of Section 3.7(2)(C)(2). The Board concludes the proposal has been designed in a manner compatible with the areas rural character and is consistent with the defined purpose of the UMR district.

23. Section 4.8 Outdoor Lighting. The regulations require that all outdoor lighting shall be installed in accordance with the standards outlined in Section 4.8. The Applicant provided a Landscape and Lighting Plan (Sheet 3) prepared by Lamoureux & Dickenson. The plan shows the details for proposed parking light fixture and pole height. The southerly parking is proposed to contain one pole mounted light fixture on the southern edge of the parking area; the parking area closest to the building is proposed to contain three (3) pole mounted light fixtures. Photometrics are shown on the plan to range from 0.1 footcandles to 1.0 footcandles. One (1) pole mounted fixture is proposed on Lot B near the expanded parking area and bike storage building. The Applicant testified there will be recessed lighting in the entry canopies.

Conclusion: Based on the above findings, the Board concludes the proposed outdoor lighting is in conformance with Section 4.8, has been designed to minimize spill into the night sky, and is appropriate for the intended use and site location.

24. **Section 15 Parking Regulations.** – See discussion above.

DECISION

On a motion by Francis Aumand III, seconded by Mary Black, the Development Review Board hereby approves the Applicant's request as outlined in the application dated 6/8/21 and supplemental materials, subject to 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.

Approved plans, amended herein, include:

- Mountain Haus Phase II Plan Set, dated 5/14/2021 provided by Freeman, French, Freeman
 - Mountain Haus Bike Storage Plan Set, dated 5/14/2021 provided by Freeman, French, Freeman
 - Mountain Haus PUD, Overall Site Plan, Sheet 1, dated 5/25/2021 provided by Lamoureux & Dickinson Consulting Engineers, Inc.
 - Mountain Haus PUD, Site Plan Grading & Utilities, Sheet 2, dated 5/25/2021 provided by Lamoureux & Dickinson Consulting Engineers, Inc.
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 - Mountain Haus PUD, Details & Specifications Erosion Protection & Sediment Control Plan, Sheet 8, dated 5/25/2021 provided by Lamoureux & Dickinson Consulting Engineers, Inc.
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
 3. Prior to the issuance of a zoning permit the Applicant shall submit the following:
 - Revised density calculations accounting for the existing development on 45 Mountain Haus Drive.
 - Screening details for dumpster area.
 - Revised Overall Site Plan depicting the parking calculations.
 - Manufacturer cut sheet(s) for the proposed outdoor lighting fixtures (building mounted).
 4. Landscaping shall be installed and properly maintained in accordance with the approved plans. The Applicant shall replace any dead and dying plants and trees within one (1) year of death.

5. The Applicant shall obtain all necessary municipal water and sewer allocations, approvals, and connections from the Department of Public Works. Final Plans, Details, Technical Specification and for proposed Water and Sewer Connections shall be approved by Department of Public Works.
6. Construction hours shall be limited to Monday-Friday from 7:00 am-5:00 pm and Saturday morning from 9:00 am- 1:00 pm. with no construction on Sunday or State or Federal holidays.
7. The installation of exterior light fixtures is limited to those described and depicted within the application. The parking area lighting shall be mounted no higher than sixteen (16) feet above grade level. All outdoor light fixtures shall be installed, shielded, and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property. Outdoor light fixtures shall be on photocells or timers.
8. All trash and recycling receptacles/dumpsters shall be stored inside of a screened structure. Screening details must be provided to the Zoning Administrator.
9. Site construction shall adhere to the standards outlined in Section 3.12(2)(A-E) including:
 - o The amount of soil exposed at any one time must be kept to a minimum.
 - o Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
 - o Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
 - o Soil disturbance shall not be allowed between the period of October 15 to April 15 unless adequate erosion control measures are provided as outlined in Section 3.12(2)(A-C) taking into consideration winter and spring conditions.
 - o An adequate stormwater drainage system must be continuously maintained to ensure that existing drainage patterns are not altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
10. 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.
11. 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: Drew Clymer, Mary Black, Francis Aumand III, David Kelly, and Leigh Wasserman.

Voting to deny: None

Abstaining: Tom Hand

The motion passed, 5-0-1.

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

By: _____

Drew Clymer

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.