



**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.

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**APPLICATION INFORMATION**

Project Number	6618		
Application Date	6/30/2021		
Physical Location	160 EAST RIDGE RD		
Map ID	06-103.060	Tax ID	26074-600
Project Description	CONSTRUCT EXTERIOR DECK		
Owner	BRIAN & BRANDI SALTZMAN		
Applicant	CHAPMAN SMITH PATTERSON AND SMITH		
Applicant Address	PO BOX 1209 STOWE VT 05672		

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**APPROVALS ON RECORD**

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	10/5/2021	11/4/2021	11/4/2023

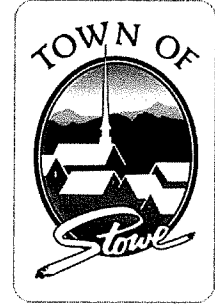
*Sarah McShane*

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Zoning Office



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



**PROJECT:** 6618

**SUBJECT PROPERTY:** 160 East Ridge Rd, Stowe, VT [Tax Map #06-103.060]

**PROPERTY OWNER:**

Brian and Brandi Saltzman  
160 East Ridge Rd  
Stowe, VT 05672

**APPLICANT:**

Patterson and Smith Construction  
P.O. Box 1209  
Stowe, VT 05672

**APPLICATION:**

The Applicant, Chapman Smith of Patterson and Smith Construction (herein referred to as the "Applicant"), requests Ridge and Hillside Overlay District [RHOD] review for the construction of a 12'-4" by 22'-8" exterior deck on the west side of the existing dwelling. Per Section 9.4(2)(a), construction of uncovered decks with a footprint greater than 200 sq. ft. requires review by the Development Review Board unless otherwise found to be eligible for administrative review under Section 9.4(2).

The subject parcel consists of ±4.07 acres and is located on East Ridge Road, a privately owned and maintained road. The parcel is located in the Rural Residential 3 (RR3) Zoning District, the Ridgeline and Hillside Overlay District (RHOD), and the Source Protection Overlay District (SPOD). The parcel is shown as Lot 6 on MB 9/30 of the previously approved Upper Birch Hill Development subdivision approved by the Stowe Planning Commission in 1991 [S-88-8A]. The application has been reviewed by the Development Review Board (DRB) under applicable standards of the Town of Stowe Zoning Regulations (as adopted October 9, 2018) for the purpose of Ridgeline and Hillside Overlay District (RHOD) 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 RHOD review was filed by Applicant Chapman Smith on June 30, 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 21, 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 September 2, 2021. The Applicant provided a completed certificate of service in accordance with Section 2.14(1)(B).

The public hearing to consider the application convened on September 21, 2021 both in person and using a virtual meeting platform 'Zoom', with a quorum of the DRB present. Andrew Volansky recused himself from the review. Otherwise, no ex parte communications or conflicts of interests were reported. Members who participated include: D. Clymer, F. Aumand III, P.Roberts, C.Walton, M.Diender, and L. Wasserman.

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

- Town of Stowe Development Application, dated June 30, 2021
- Photographs at visibility points from public roads, no date;
- Site plan showing location of deck, no date;
- Floor plans, drawn by Volansky Studios, no date
- Elevation renderings, by Volansky Studios, no date

The DRB adjourned the hearing that evening, following the submission of testimony and evidence, marking the start of the 45-day period for the issuance of written findings and a decision.

**FINDINGS OF FACT & CONCLUSIONS OF LAW-** The Applicant's request for RHOD approval was reviewed by the 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 9- Ridgeline and Hillside Overlay District

**DIMENSIONAL REQUIREMENTS:**

1. **Zoning District.** The subject parcel is within the Rural Residential 3 (RR-3), the Ridgeline and Hillside Overlay District (RHOD), and Source Protection Overlay District (SPO) as shown on the Official Town of Stowe Zoning Map (as adopted October 9, 2018).
2. **Lot Area, Lot Width.** The subject parcel is ±4.07 acres. No changes to lot width or lot area are proposed under this application.
3. **Setbacks.** Required minimum district setbacks for the RR3 district are front (70'), side (60') and rear (60'). The provided site plan shows the location of the existing dwelling, proposed deck, and setbacks. The proposed deck is sited to meet the required district setbacks.
4. **Maximum Building Coverage.** Does not apply to the RR3 zoning district.
5. **Use.** The Applicant is not proposing a change in use. The parcel contains a single-family dwelling.
6. **Density.** The RR3 district allows single-family dwellings at a density of one per three (3) acres. No changes in density are proposed under this application.
7. **Height.** The maximum building height in RR3 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 change to building height is proposed under this application.

**SECTION 9 – RIDGELINE AND HILLSIDE OVERLAY DISTRICT.** (1) Under the provisions of the Town of Stowe Zoning Regulations (as adopted October 8, 2018), the application was reviewed under the applicable provisions of Section 9- Ridgeline and Hillside Overlay District. Staff referred the application to the Board since the project is not eligible for an exemption under Section 9.4(2).

8. **Standard (1) General Requirements:** To protect the unique visual and environmental character of the RHOD, especially those characterized by steep slopes, prominent knolls, ridgelines and significant focal points, the regulations require that all development be designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and the

physical environment of the town. The Applicant seeks approval for a 12'-4" x 22-8" deck addition to the west elevation of existing dwelling. The lot is part of the Upper Birch Hill Development subdivision approved by the Stowe Planning Commission in 1991 [S-88-8A] and contains the existing dwelling and related improvements. The Board finds that the proposal has been designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and the physical environment of the town.

9. **Standard (2) Designation of Vantage Points:** The regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties. The Applicant provided two photographs; one from the Bistro parking area on corner of Luce Hill Road and Barrows Road and the other from the red barn near Barrows Road. The existing dwelling is partially visible from these locations but contains mature trees that provide filtered screening. The Board finds the proposal will be minimally visible and not negatively impact any defined public vantage points.
10. **Standard (3) Standards and Guidelines:** Standard 3 provides guidelines and accompanying illustrations to guide development in a visually and environmentally sensible way without an undue adverse impact to scenic and environmental resources. The Applicant seeks approval for a 12'-4" x 22-8" deck addition to the west elevation. The dwelling sits within a partially cleared area; the proposed deck is attached to the dwelling and does not appear to have any adverse impact to scenic or environmental resources. The Board reviewed the applicable standards and guidelines and finds that the proposed deck will not adversely impact the character of the scenic landscape and no further mitigation measures are warranted.
11. **Standard (4)** The regulations require that development not result in an undue adverse impact on fragile environments, including designated wetlands, wildlife habitats, streams, steep and extremely steep slopes and unique features. All efforts should be made to protect/preserve such areas and promote suitable buffers. The Applicant seeks approval for a 12'-4" x 22-8" deck addition on the west elevation. The parcel contains an existing single-family dwelling and related improvements. According to the ANR Natural Resources Atlas the subject property is within deer wintering areas but does not contain any identified wetlands, or hydric soils. The Board finds that the proposal, if constructed as approved, will not result in an undue adverse impact of fragile environments.
12. **Standard (5)** The regulations require if the project is on a forested hillside, there will be no significant exposure of buildings, and all development be minimally visible and blend in with surroundings in winter months. The amount and location of clearing adjacent to structures shall be limited; additional tree planting may be required in instances where planting is needed to visually interrupt the portion of structures visible from defined vantage points. The Applicant seeks approval for a 12'-4" x 22-8" deck addition on the west elevation. According to the project plans, no clearing is necessary. The following description is in the deed for the property.

g) A restriction appears in the Warranty Deed from Arthur J. Kreizel to Victor Delgado and Frank Calderon stating that there shall be no cutting, girdling, topping, limbing, removal, destruction, or any damage of any tree or trees, located anywhere on Lot 6 between the westerly perimeter boundary of Lot 6 (i.e. N. 39° 17' E 358.0 feet line) and a line described for purposes of establishing this no-cutting zone as running along the horizontal plane of the westerly side of the dwelling on Lot 6, said line extending southerly to the southerly perimeter boundary of Lot 6 and extending northerly to the northerly perimeter boundary of Lot 6, unless the prior written consent of Grantor is obtained.

The Board finds the proposal will be minimally visible and conforms to Standard 5.

13. **Standard (6)** Development shall not detract from the sense of order or harmony of the landscape patterns formed by forests, agricultural fields and open meadows. The Applicant seeks approval for a 12'-4" x 22-8" deck addition to the west elevation. The existing dwelling is situated in a previously cleared area. No additional clearing is proposed under this application. The Board finds that the proposal has been designed and sited in a manner that will not detract from the sense of order or harmony of the landscape patterns.
14. **Standard (7)** During construction, trees identified on the landscaping plan are to be protected. The Applicant provided a site plan showing the location of the proposed deck in relation to other existing improvements. No additional clearing or removal of trees is proposed under this application.
15. **Standard (8)** The regulations require that driveway grades not exceed fifteen (15%) percent and have an average grade that does not exceed twelve (12%) percent. Where necessary, limited steeper grades are acceptable if they serve to better minimize overall erosion potential and environmental/aesthetic impacts, provided adequate access is ensured for fire and rescue vehicles. No changes to the existing driveway are proposed under the application.
16. **Standard (9)** The regulations require that development not result in any building, roof or appurtenant structure being located in a manner which would allow the building, roof or structure to visually exceed the height of land or tree line if it is protected serving as the visual and physical backdrop to the structure as viewed from vantage points. The Applicant seeks approval for a 12'-4" x 22-8" deck addition on the west elevation. The proposed deck will not increase the overall building height or change the roofline.
17. **Standard (10)** The regulations require that massing of a project be designed to minimize visual impacts and contribute to, and harmonize with, the scenic quality of the surrounding landscape. The Applicant seeks approval for a 12'-4" x 22-8" deck addition on the west elevation of an existing dwelling.
18. **Standard (11)** Offsite light impacts shall be minimized. Outdoor lighting must comply with the standards contained in Section 4.8 of the regulations. No outdoor lighting was presented in the application, however during the hearing the Applicant testified that lighting will be installed below the deck and will be down-cast.
19. **Standard (12)** The regulations require that the minimum area for all lots in existence prior to August 3, 1998 be as established for the underlying district. Minimum area for any lot created after August 3, 1998 shall be as established for the underlying district, excluding any portion of the lot with an average steepness (slope gradient) in excess of twenty (20%) percent. The lot area must have an area four times (4x) the minimum lot area identified in the underlying district for that portion of the parcel exceeding 20%. No change in lot area is proposed under this application. The provisions of this section do not apply.

**Conclusion:** Based on the above findings, the Board concludes the proposed construction of a 12'-4" x 22-8" deck addition on the west elevation is in conformance with all applicable RHOD standards and guidelines.

**DECISION**

On a motion by F.Aumand III, seconded by M.Diender, the Development Review Board hereby approves the Applicant's request for RHOD approval as outlined in the application and supplemental materials, subject to the following conditions of approval:

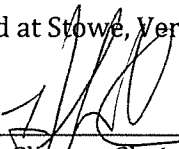
1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Zoning Office and other material representations. Any change to the plans or the proposed use of the property 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.
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Prior to the issuance a zoning permit, the Applicant shall submit the manufacturer information/outdoor lighting cut-sheet for the proposed outdoor light fixtures.
4. 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.
5. A Certificate of Occupancy must be obtained from the Zoning Administrator prior to occupancy and use to ensure that the project has been completed as approved by the Development Review Board, as required under Section 2.10 of the zoning regulations.
6. 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: D. Clymer, F. Aumand III, P.Roberts, C.Walton, M.Diender, and L. Wasserman

Voting to deny: None

The motion PASSES, 6-0.

Dated at Stowe, Vermont this the 3 day of October 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.