



**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 6649  
Application Date 7/26/2021  
Physical Location 2038 MOUNTAIN RD  
Map ID 06-060.000 Tax ID 25021  
Project Description CHANGE OF USE FROM OFFICE/RETAIL TO RETAIL/RESTAURANT/SERVICE ESTABLISHMENT  
Owner CHARLES AND JANET PERKINS  
Applicant MIRROR MIRROR CHRISTOPHER LEIGHTON  
Applicant Address 2038 MOUNTAIN ROAD  
STOWE VT 05672

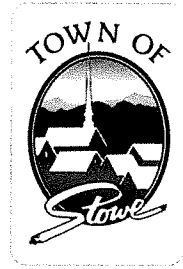
APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	9/21/2021	10/21/2021	10/21/2023

*Sarah McShane*

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Zoning Office

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



**PROJECT:** 6649

**SUBJECT PROPERTY:** 2038 Mountain Road; #06-060.000

**PROPERTY OWNER:**

Chuck and Jann Perkins  
3681 Mountain Road  
Stowe, VT 05672

**APPLICANT:**

Christopher Leighton, Mirror Mirror  
2038 Mountain Road  
Stowe, VT 05672

**APPLICATION:**

The Applicant, Christopher Leighton of Mirror Mirror (herein referred to as the “Applicant”), requests conditional use review to change the use of the property from office and retail to retail, restaurant, and service establishment. There are no exterior renovations or site improvements proposed under this application. The subject parcel, consisting of ±1.8 acres and located at 2038 Mountain Road [#06-060.000], is in the Mountain Road Village (MRV) Zoning District and Source Protection Overlay District. The parcel contains an existing historic commercial building with office and retail uses and is generally bounded to the north by a ±4.19-acre property owned by Alchemy Holding Stowe LLC containing a commercial use, to the east by Cottage Club Road, to the west by a ± 2.75-acre property owned by 1976 Mountain Road LLC containing a lodging facility, and to the south by Mountain Road (VT-108). 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 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 Christopher Leighton on July 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 August 19, 2021.

The public hearing to consider the application convened on September 7, 2021 utilizing a hybrid meeting of in person participants at Town Hall’s Memorial Room and through the remote meeting platform Zoom, with a quorum of the DRB present. No ex parte communications or conflicts of interests were reported. Members who participated in the review include D.Clymer, L.Wasserman, T. Hand, F.Aumand III, M.Black, and D.Kelly. The following persons attended and participated in the hearing process:

- Christopher Leighton & Jason LeBlanc, Mirror Mirror, 2038 Mountain Road, 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 07/08/2021;
2. Detailed overview of the project and proposed uses;
3. Floor plan of the structure showing uses in their respective locations;
4. Previously approved site plan for the property (staff).

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 review 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 12- Source Protection Overlay District
- Section 15- Parking Regulations

**DIMENSIONAL REQUIREMENTS:**

1. **Zoning District.** The subject parcel is located in the Mountain Road Village (MRV) and Source Protection Overlay District (SPOD) as shown on the Official Town of Stowe Zoning Map (as adopted October 9, 2018).
2. **Lot Area, Lot Width.** The parcel is  $\pm 1.8$  acres. No changes to lot width or lot area are proposed under this application.
3. **Setbacks.** Required minimum district setbacks for the MRV district are front (20'), side (10') and rear (20'). No change to building footprint or parking area is proposed under this application.
4. **Maximum Building Coverage.** The maximum building coverage in the MRV district is 20%. The regulations define 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."* No changes to the building coverage are proposed under this application.
5. **Use.** The building is currently permitted for office and retail uses. The Applicant proposes to change the use of the property from office and retail to retail, restaurant, and service establishment. The Applicant proposes the  $\pm 6,128$  sq. ft total space will be divided into the following:  $\pm 2,126.47$  sq. ft of retail space,  $\pm 1,742.01$  sq. ft dedicated to the restaurant use,  $\pm 1282.50$  sq. ft of service establishment (spa/salon services) space, and  $\pm 410.06$  sq. ft of ancillary uses such as reception and restrooms. During the hearing the Applicant testified the proposed accessory restaurant is intended to support the spa visitors; the uses were generally described to be 50-60% retail; 25% hair salon and spa room (waxing, lash extensions, etc.); and 15% dedicated to the kitchen and restaurant.
6. **Density.** Does not apply to this application.
7. **Height.** The maximum building height in MRV is 28' feet. There is no proposed change in building height proposed under this application.

**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:

8. **Section 3.7(2)(A)(1) – Capacity of existing or planned community facilities and services:** Staff requested comments on the proposal from respective Town departments including the Department of Public Works, Fire Department, Stowe Electric, Police Department, EMS, and Parks and Recreation. No Municipal Department review forms returned indicated that the proposal would have any adverse impact on existing or planned community facilities and services. The Applicant has coordinated with the Department of Public Works a re-allocation of water/sewer flow to support the change of use.

**Conclusion:** Based on the above findings, the Board concludes the proposal will not result in an undue adverse effect on the Town’s existing or planned facilities or services.

9. **Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:** The Applicant proposes a change of use of the property from office and retail to retail, restaurant, and service establishment. During the hearing the Applicant testified that each visitor typically would spend anywhere from 45 minutes to two hours at the facility; with three to five people circulating through for appointments. The retail component of the business is expected to generate five to ten people an hour on a busy day. The proposed alterations are not expected to generate additional traffic on roads and highways in the vicinity.

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

10. **Section 3.7(2)(A)(3) – The character of the area affected:** The subject parcel is in the MRV zoning district. The purpose of the MRV district is *“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.”* Adjacent to the parcel and in the nearby vicinity are other commercial, lodging, and residential uses. No change to the building exterior is proposed.

**Conclusion:** Based on the above findings, the proposal will not adversely affect the character of the area as defined under the town’s zoning regulations.

11. **Section 3.7(2)(A)(4) – Regulations and ordinances in effect:** The application was reviewed under applicable Conditional Use criteria. Applicable bylaws include the Stowe Zoning Regulations, as adopted October 9, 2018. No other known or 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 October 9, 2018.

12. **Section 3.7(2)(A)(5) – Utilization of renewable energy sources:** No change is proposed with regard to the use of, or access to, the utilization of renewable energy resources.

**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:**

13. **Section 3.7(2)(B)(1) – Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.** The Applicant proposes a change of use of the property from office and retail to retail, restaurant, and service establishment. The parcel is previously developed- no impacts/disturbances are proposed.

**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.

14. **Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.** The Applicant proposes a change of use of the property from office and retail to retail, restaurant, and service establishment. The proposal is not expected to create any impacts on water, noise, or air pollution. During the hearing, the Applicant testified that the days and hours of operation are generally 10:00 am to 7:00 pm with an hour at the end of the day for restaurant closure.

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

15. **Section 3.7(2)(B)(3) –Access Management:** The parcel is served by Cottage Club Road and Mountain Road (VT-108). No expansions or improvements to the existing curb cuts are proposed under this application.

**Conclusion:** Based on the above findings, the Board concludes that no changes to the existing access are proposed under this application.

16. **Section 3.7(2)(B)(4) – Shared Access:** The parcel is served by Cottage Club Road and Mountain Road. No changes are proposed to the existing access.

**Conclusion:** Based on the above findings, the Board finds that no changes to the existing access are proposed under this application.

17. **Section 3.7(2)(B)(5) – Circulation and Parking:** The regulations require parking be provided per the requirements of Section 15 and be designed to minimize the visibility of parking areas from off-site through the location, landscaping and screening of such areas. The Applicant proposes a change of use of the property from office and retail to retail, restaurant, and service establishment. No site improvements or changes to parking are proposed under this application. Under Section 15.2 the minimum parking requirement for the proposed use is one (1) space for every 300 sq. ft of gross floor excluding storage: no less than three (3) spaces. Restaurants are required to have one (1) parking space per every three (3) seats, plus one (1) seat for each person employed at peak times. The previously approved site plan showing the existing conditions depicts the location of twenty-seven (27) parking spaces with two (2) spaces designated ADA accessible. The Applicant proposes the ±6,128 sq. ft total space will be divided into the following: ±2,126.47 sq. ft of retail space (requires 7.08 parking spaces);

±1,742.01 sq. ft dedicated to the restaurant use with forty-eight (48) seats (requiring 16 parking spaces), ±1282.50 sq. ft of service establishment (spa/salon services) space (requiring 4.2 parking spaces), and ±410.06 sq. ft of ancillary uses such as reception and restrooms. During the hearing the Applicant testified that approximately ten (10) or eleven (11) total employees will be on-site at any given time operating the business. A total of twenty-seven (27.28) parking spaces are required under the regulations, plus additional parking for each person employed at peak times (restaurant use). The Applicant testified that approximately three (3) stylists, two (2) aestheticians, three (3) to four (4) retail employees, and one (1) to two (2) restaurant employees would be working on-site at any given time. Under the regulations, only the restaurant use is calculated to include employees. Including restaurant employees, a total of thirty (29.28) parking spaces are required; including ADA parking spaces twenty-nine (29) parking spaces currently exists on site.

**Conclusion:** Based on the above findings, the Board concludes the proposal does not meet the total number of parking spaces as required under the regulations, however if the Applicant reduces seating, the total number of required parking spaces can be satisfied for the proposed uses.

18. **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. The Applicant proposes a change in use of the property from office and retail to retail, restaurant, and service establishment. No exterior changes to the site plan are included in this proposal. During the hearing the Applicant described the existing pedestrian circulation patterns and how pedestrians would enter the building.

**Conclusion:** Based on the above findings, the Board concludes the existing parcel provides adequate pedestrian circulation and access as regulated under Section 3.7(2)(B)(6).

19. **Section 3.7(2)(B)(7) – Landscaping and Screening:** The regulations require landscaping details and screening of garbage collection areas, outdoor storage, commercial ventilation systems over two square feet; loading and unloading areas and other outdoor utilities, including solar installations, be provided as part of proposed site development plans. No change to the existing landscaping or screening are proposed under this application. During the hearing the Board inquired about the location of dumpsters and asked that they be enclosed and screened from view.

**Conclusion:** Based on the above findings, the Board concludes the proposal conforms to the landscaping and screening requirements.

20. **Section 3.7(2)(B)(8) – Stormwater Management:** The Applicant proposes a change in use; no change to the existing site improvements are proposed under this application. The proposed project is not expected to change drainage patterns or add to impervious surface cover.

**Conclusion:** This provision does not apply.

21. **Section 3.7(2)(C).** In addition to other provisions of Section 3.7, the Board shall be guided by the following standards when reviewing all site development plans in the designated zoning district. These standards apply to all site development plans, including those involving new construction, expansion, alteration or change of use. The Board may waive the specific

requirements of this section when it is found that mitigation through design, screening or other mitigation will accomplish the objectives outlined for the designated districts.

Additional MRV, MRC, VC, VR, MC and LVC Standards: Within the **MRV**, MRC, VC, VR, MC and LVC Districts, site plans shall re-enforce a compact development pattern defined by a pedestrian orientation, the functional and visual integration of neighboring properties, well defined streetscapes and a mix of uses. To help achieve these objectives, the following standards shall apply:

- a. Driveways and Road Edge Treatment: The Board shall require curbing or other appropriate treatment along all road frontage(s) and to define driveway entrances. Driveways shall be the minimum width necessary to provide safe vehicular access and promote pedestrian circulation.
- b. Front Yard Treatment: Required front yards shall be limited to landscaping and yard area, sidewalks and public spaces and shall not be used for parking or outdoor storage. 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. Parking: Parking shall be designed to re-enforce an internal street network by maximizing the use of parallel or diagonal parking on internal driveways and streets.
- d. Pedestrian Circulation and Sidewalks: Adequate provision for pedestrian circulation within the site, and for pedestrian access to adjacent properties, shall be required. In addition to internal pedestrian circulation, all site plans shall be designed in a manner, which allows a minimum five feet (5') wide sidewalk along all frontage roads.
- e. Internal Road Network and Traffic Mitigation: Site plans shall be designed in a manner that facilitates the development of an interconnected network of village streets. In instances where a connector ("side") street is deemed appropriate, internal driveways shall be designed as side streets, shall be separated from parking areas with curbing, sidewalks, landscaping, buildings or other physical features, and shall be configured to provide access to adjacent properties. In instances where driveways will not touch upon adjacent properties, a condition of site plan approval may be the establishment of a right-of-way to provide access to and through adjacent properties; in instances where such access has been provided on adjacent properties as part of a prior permit condition, the DRB may require the applicant to connect to the existing driveway (side street).
- f. Orientation of buildings within the site: Buildings shall define a streetscape through a consistent building line and setbacks. Buildings shall front towards and relate to public streets, both functionally and visually, and shall not be oriented toward a parking lot. The Board may impose a maximum setback to achieve a consistent streetscape. The front elevation shall include a main entryway, pedestrian access and appropriate front-yard landscaping. Drive-thru lanes and drive-up windows, where allowed, shall be located in the rear of buildings. Buildings may be clustered around a common focal point, such as a green or public courtyard, providing that an appropriate visual and functional relationship with public roads is maintained.

**Conclusion:** Based on the above findings, the Board concludes the parcel is previously developed and the proposed alterations are in keeping with the MRV district

**DECISION**

On a motion by Tom Hand, seconded by Francis Aumand III, the Development Review Board hereby approves the Applicant's request to change the use of the property from office and retail to retail, restaurant, and service establishment as described in the application dated 07/08/2021 and associated supporting materials subject the following conditions of approval:

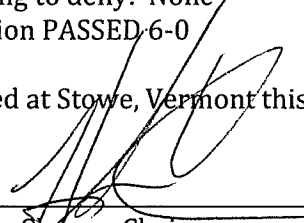
1. The project shall be completed, operated, and maintained in accordance with (a) the conditions of this approval and (b) the permit application, plans, and exhibits on file in the Town of Stowe Zoning Office and other material representations. Any change to the plans or the proposed use of the property 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.
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. Prior to the issuance of the zoning permit, the Applicant shall submit an updated site plan reflecting the current project information, parking calculations, and the location of any dumpsters.
4. The total number of restaurant seats must not exceed forty-five (45), unless other aspects of the proposal are reduced to meet the parking requirements.
5. Any dumpsters or recycling contains must be enclosed and screened from view.
6. The days and hours of operation shall be limited to seven (7) days a week from 10:00 am to 7:00 pm unless otherwise approved by the Development Review Board.
7. 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.
8. 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, L.Wasserman, T. Hand, F.Aumand III, M.Black, and D.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.