



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

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

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

APPLICATION INFORMATION

Project Number 6665
Application Date 8/24/2021
Physical Location 0 COTTAGE CLUB [E911 # TO BE ASSIGNED]
Map ID 06-063.030 Tax ID 28008-005
Project Description LANDSCAPING PLAN FOR LOT 3 AS CONDITIONED PER PRIOR SUBDIVISION APPROVAL
Owner BRIAN NAVARRO TRACY STUART
Applicant VOLANKSY STUDIO ANDREW VOLANSKY
Applicant Address 351 NORTH HOLLOW ROAD
 STOWE VT 05672

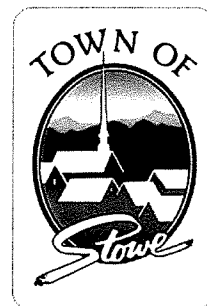
APPROVALS ON RECORD

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

Sarah McShane

Zoning Office

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



PROJECT: 6665

SUBJECT PROPERTY: Cottage Club Road Lot 3; Tax Map #06-063.030

PROPERTY OWNER:
Brian Navarro & Tracy Stuart
P.O. Box 188
West Mystic CT 06388

APPLICANT:
Volansky Studio, Andrew Volansky
351 North Hollow Road
Stowe VT 05672

APPLICATION:

The Applicant, Andrew Volansky on behalf of property owners Brian Navarro & Tracy Stuart (herein referred to as the "Applicant"), requests Development Review Board approval for a proposed landscaping plan on Lot 3. A decision of the Stowe Planning Commission [S-94-14] required the following:

Supplement trees shall be planted for screening purposes on Lot 3. Such trees shall be planted at the time of construction of a building in a manner which generally breaks up the visual expanse of the home as seen from off-site, including public roads, but which allows a reasonable view of the valley and distant ridges. Trees shall be a mixture of evergreen and deciduous and shall be maintained in healthy condition or replaced if killed or destroyed. The landscape plan for Lot 3 shall be reviewed and approved by the Stowe Planning Commission prior to the issuance of a zoning permit.

The subject parcel, consisting of ±2.11 acres and located at 0 Cottage Club Road [Lot 3] (Parcel #06-063.030), is in the Rural Residential 2 (RR2) Zoning District and Source Protection Overlay District. 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 prior decisions and applicable conditions of approval including the following:

- S-94-14 Dr. James G. Howe Final Plat Review for 3-Lot Subdivision

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.)

A development application was filed by Applicant Andrew Volansky on August 28, 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 public hearing to consider the application convened on September 21, 2021 with a quorum of the DRB present. Board member Andrew Volansky recused himself. Otherwise, no ex parte communications or conflicts of interests were reported. The hearing was held at the Stowe Town Office, 67 Main Street, with remote participation available through 'Zoom'. Board members participating in the 9/21 review included: Drew Clymer, Leigh Wasserman, Francis 'Paco' Aumand III, Michael Diender, Chris Walton, and Peter Roberts. The following persons attended and participated in the hearing process:

- Andrew Volansky, 351 North Hollow Road, 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 8/24/2021;
- Planning Commission Notice of Decision, regarding S-94-14;
- Planning Commission meeting minutes from October 11th, 1994;
- Sheet A0.1 Cover Sheet, provided by Volansky Studio, dated 8/17/2021;
- Sheet A1.2, Site Discovery & Proposed Tree Planting Plan, provided by Volansky Studio, dated 8/17/2021;
- Sheet A1.3, provided by Volansky Studio, dated 8/17/2021;
- Sheet A2.0, Architectural Concrete Plan, provided by Volansky Studio, dated 8/17/2021;
- Sheet A2.1, Main Level Floor Plan, provided by Volansky Studio, dated 8/17/2021;
- Sheet A.2.2, Upper-Level Floor Plan, provided by Volansky Studio, dated 8/17/2021;
- Sheet A 2.3, Roof Plan, provided by Volansky Studio, dated 8/17/2021;
- Sheet A3.1, South Elevation, provided by Volansky Studio, dated 8/17/2021;
- Sheet A3.2, North Elevation, provided by Volansky Studio, dated 8/17/2021.

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

FINDINGS OF FACT & CONCLUSIONS OF LAW- *During its review of the application, the Board made the following Findings of Fact and Conclusions of Law:*

The application 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 prior condition of subdivision approval:

5. Supplemental trees shall be planted for screening purposes on Lot 3. Such trees shall be planted at the time of construction of a building in a manner which generally breaks up the visual expanse of the home as seen from off-site, including public roads, but which allows a reasonable view of the valley and distant ridges. Trees shall be a mixture of evergreen and deciduous and shall be maintained in a healthy condition or replaced if killed or destroyed. The landscape plan for Lot 3 shall be reviewed and approved by the Stowe Planning Commission prior to the issuance of a zoning permit.

1. The subject lot is referred to as Lot 3 of the Dr. James G. Howe Final Plat Review/3-Lot Subdivision approved by the Stowe Planning Commission under S-94-14.
2. The original approved subdivision plat is recorded on Map 10 Page 85 in the Town of Stowe Land Records.
3. The shared driveway over Lots 1 & 2 to serve Lot 3 was permitted and constructed under Project 5634. Project 5942 granted administrative approval for minor adjustments to the building zone and previously approved clearing limits as allowed under Section 3.1(4) of the Town of Stowe Subdivision Regulations [effective July 16, 2012].
4. The Applicant submitted a proposed landscape plan in order to fulfill a prior condition of subdivision approval.

5. The Site Discovery and Proposed Tree Planting Plan prepared by Volansky Studio (Sheet A1.2) shows the proposed location of coniferous and deciduous trees along with existing trees to remain located throughout the parcel.
6. The Applicant also provided a series of photographs showing a variety of views onto and arising from the subject parcel.
7. During the hearing, the Applicant presented the proposed landscaping plan and described the off-site visibility from nearby locations including Cottage Club Road and Mountain Road. He testified that there is no off-site visibility from Mountain Road or Cottage Club and the design of the building conforms to the applicable requirements.

Conclusion: The Board concludes the landscape plan for Lot 3 is in conformance with prior conditions of subdivision approval.

DECISION

On a motion by Michael Diender, seconded by Francis Aumand III, the Development Review Board hereby approves the Applicant's landscaping plan for Lot 3 as outlined in the application dated 8/18/21 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.

The approved plan[s] are:

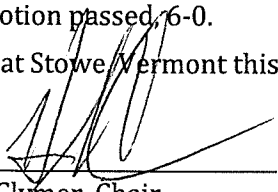
Sheet A1.2, Site Discovery & Proposed Tree Planting Plan, provided by Volansky Studio, dated 8/17/2021.

2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. The Applicant must obtain a zoning permit from the Zoning Administrator prior to beginning site work and construction of Lot 3. In the event that a zoning permit has not been obtained within two years of the date of this decision, DRB approval shall expire and reapplication shall be required.
4. Landscaping shall be installed and maintained in accordance with the approved plans. Any dead and dying plants and trees shall be replaced within one (1) year of death.
5. A Certificate of Occupancy must be obtained from the Zoning Administrator following the construction but prior to occupancy and use to ensure that it has been constructed as approved by the Development Review Board.
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: Drew Clymer, Leigh Wasserman, Francis 'Paco' Aumand III, Michael Diender, Chris Walton,
and Peter Roberts
Voting to deny: None

The motion passed, 6-0.

Dated at Stowe, Vermont this the 5 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.

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



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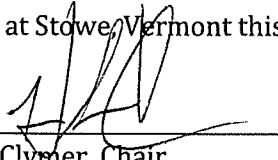
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Voting favor: Drew Clymer, Leigh Wasserman, Francis 'Paco' Aumand III, Michael Diender, Chris Walton, and Peter Roberts

Voting to deny: None

The motion passed, 6-0.

Dated at Stowe, Vermont this the 5 day of October 2021

By: 
Drew Clymer, Chair

NOTICES:

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