



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 6737
Application Date 11/4/2021
Physical Location 0 MT MANSFIELD STATE FOREST
Map ID 14-001.000 Tax ID 00001-001
Project Description REPLACE TRIPLE CHAIR LIFT WITH SIX PERSON CHAIR LIFT; 215' LONGER TO NEW BASE
TERMINAL; BURIAL OF POWERLINE
Owner VR US HOLDINGS LLC
Applicant
Applicant Address
STOWE VT 05672

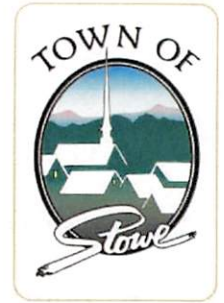
APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	12/28/2021	1/27/2022	1/27/2024

Sarah McShane

Zoning Office

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



PROJECT: 6737

SUBJECT PROPERTY: 390 Mansfield Base- Mt Triple Lift; #14-001.000

PROPERTY OWNER:

VR US Holdings LLC (leaseholder)
5781 Mountain Road
Stowe, VT 05672

APPLICANT:

Bobby Murphy
VR US Holdings LLC
5781 Mountain Road
Stowe, VT 05672

APPLICATION:

The Applicant, Bobby Murphy on behalf of property owner VR US Holdings LLC (herein referred to as the "Applicant"), request conditional use review for a project generally described as replacement of the existing Mansfield Triple Chairlift with a high speed detachable six (6) person chairlift that is 215 feet longer and extends to a new base terminal location that allows for improved loading access without the need to climb up any uphill grade. The project also involves burying 393 feet of existing overhead power lines. The subject parcel is located in the Rural Residential 5 (RR5) Zoning District and is part of a designated SKI-PUD comprised over ±3188 acres. The chairlift is served by Mansfield Base, a privately maintained roadway connecting to 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, as well as prior DRB decisions and applicable conditions of prior approvals¹ including the following:

- Project BA-14-002-25 (i.e. SMR 2000 Spruce Peak Master Plan); dated 3/10/2004
- Project 4707 (i.e. approval to extend Phase I construction to 3/10/2024); DRB Decision dated 12/26/2012.

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 approval was filed on November 4, 2021. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the Development Review Board for a public hearing. A public hearing of the DRB was scheduled for December 7, 2021 and warned by the Zoning Administrator 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 November 18, 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 December 7, 2021 at the Akeley Memorial Building, 67 Main Street, with a quorum of the DRB present. Remote participation was available via Zoom. Board member Tom Hand recused himself and did not participate in the review. No other *ex parte* communications or conflicts of interests were reported. Members participating in the review included: Drew Clymer, Leigh Wasserman, Peter Roberts, Mary Black, David Kelly, and Andrew Volansky. The following persons attended and participated in the hearing process:

¹ Note: The above list contains the identified applicable prior approvals; there may be additional prior approvals not identified above.

- Rob Apple & Bobby Murphy, VR US Holdings LLC , 5781 Mountain Road, Stowe, VT 05672

The following materials were submitted in support of the application:

1. Town of Stowe Development Application, dated 11/04/2021;
2. Project Narrative- Stowe Development Review Board Conditional Use & Site Plan, dated 11/4/2021;
3. Stowe Mountain Resort- Triple Chair Replacement- Plans prepared by SE Group (3 pages), dated October 2021;
4. Stowe Mountain Resort- Triple Chair Replacement- Plans prepared by SE Group (3 pages), dated December 2021;
5. Base Terminal Design- Doppelmayr, Contract No. SAA0003365.

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 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 is located within the Rural Residential 5 (RR5) Zoning District as shown on the Official Town of Stowe Zoning Map (as adopted on October 9, 2018).
2. **Lot Area, Lot Width.** No changes to lot area or lot width are proposed under this application.
3. **Setbacks.** The parcels are part of a SKI-PUD. Setback requirements within a SKI-PUD are outlined under Section 13.6(4)(B), as discussed below.
4. **Maximum Building Coverage.** Does not apply to the RR5 district.
5. **Use.** The Applicant seeks approval for a lift replacement; an accessory structure to the ski resort.
6. **Density.** Does not apply to this project.
7. **Height.** Within a SKI-PUD there is no maximum building height (see Section 13.6(G) states "*maximum building height by review of each individual building.*") The Applicant provided a design

of a typical base terminal. The height and dimensions were not labeled, the Applicant testified that the terminal is the same height of the existing Fourrunner Quad terminal.

8. **Section 13.6 SKI – PUD.** The parcel is part of a SKI-PUD approved by the Stowe Planning Commission on May 5, 2003 under S-03-05, as recorded in Map Book 14 Pages 2-17 in the Land Records of the Town of Stowe. The SKI-PUD is comprised of ±3188 acres of multiple private and public entities. Additional specific requirements of SKI-PUDs include private internal road system, supplementary fire and police protection, density of development, and maximum building height based on review of individual buildings. Section 13.6(2) provides standards for development on land leased from public entities including the following:

B. Conditional uses permitted on lease lands shall include ski lifts, snow-making equipment, trail improvements, base facilities and other commercial amenities associated with the operation and enhancement of a four-season resort.

D. Facilities and structures associated with the operation of an alpine ski area, including ski-lifts, maintenance and snow-making facilities, and base facilities, shall not be subject to side and rear yard setback standards from lot lines involving a boundary between public lease land and property included within a designated Ski-PUD.

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. During the hearing, the Board concurred with staff's recommendation that the following review standards are not applicable to this application:

Section 3.7(2)(B)(3) – Access Management
Section 3.7(2)(B)(4) – Shared Access
Section 3.7(2)(B)(5) – Circulation and Parking
Section 3.7(2)(A)(5) – Utilization of renewable energy sources
Section 3.7(2)(B)(7) – Landscaping and Screening
Section 4.8 Outdoor Lighting

10. Capacity of existing or planned community facilities and services:

- A. 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.
- B. The proposed lift replacement is located on land leased from the State of Vermont and accessed via private road.
- C. No municipal comments were received.

Conclusion: Based on the above findings, 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.

11. Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity:

- A. During review of the SMR 2000 Community Master Plan, the Board reviewed traffic study prepared by Resource Group Systems (RSG) in 1999 and ultimately concluded that traffic will increase as a result of the project. A number of mitigation measures were required as conditions of approval, including access and road improvements, as well as ongoing traffic analysis and monitoring. The Board's decision required a report be provided every other year starting in the winter of 2005-2006 which outlined skier day count and an analysis from its traffic engineer of any traffic impacts. Most recently a traffic report was submitted in January 2021. The report evaluated turning movement counts, traffic volume during peak hours, and intersection capacity analysis. The report concluded *"based on the information summarized in this memorandum, it is our determination that unacceptable peak period congestion on minor legs of the subject intersections during the monitoring periods in the 2017/2018, 2018/2019, and 2019/2020 winter seasons is limited to locations where Uniformed Traffic Officers are present or locations that fall just beyond the LOS D threshold."*
- B. The Applicant's narrative indicated that the replacement of the original Triple Lift will not alter traffic on the roads and highways serving the resort.
- C. The Applicant testified that the goal of the project is to provide uphill access and to encourage the movement of skiers from Spruce Peak to the Mt. Mansfield side to reduce crowding at the quad. The Applicant testified that the improvement is not anticipated to increase traffic on the roads and highways in the vicinity.

Conclusion: Based on the above findings, the Board concludes the proposal will not create an undue adverse impact on traffic on roads and highways in the vicinity. Ongoing traffic monitoring is required under prior conditions of approval. All prior conditions of approval, unless amended herein, remain in full force and effect.

12. Section 3.7(2)(A)(3) - The character of the area affected:

- A. The subject parcels are in the RR5 zoning district with indirect access to Vermont Route 108. The general purpose of the Rural Residential district is as follows:
 - A. *To maintain the natural and scenic qualities which create and preserve the best possible environment for residential development.*
 - B. *To promote the preservation of adequate open space through carefully planned cluster types of development.*
 - C. *To encourage agricultural productivity of good farmlands and of forest resources.*
 - D. *To permit the establishment of recreational and resort facilities when compatible with the primary purpose of a residential environment.*

The specific purposes in RR 3 and RR 5:

- A. *To eliminate undue demand for new or extended municipal services in outlying areas which would cause a burden on the town.*
- B. *To maintain the rural character and beauty of the existing neighborhoods.*

C. To discourage intensive development in areas where slopes or soil conditions dictate otherwise.

- B. The project is located at the base of Spruce Peak and Mount Mansfield within a previously developed ski resort.
- C. The Applicant's narrative provides the following summary:

This project replaces an existing lift and makes use of the original lift corridor while lowering the new base terminal by approximately 240 feet into a small parking area adjacent to the south of the Mansfield Base Lodge. The top lift terminal will be shortened by 25 feet. An existing 393 foot long section of overhead power line will be buried underground just above the new lift's bottom terminal. The character of the existing ski area with multiple lifts and trails will not change. This replacement lift will improve resort guest's access to these lifts and trails by eliminating the need to climb up to the other lift bases.

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

13. Section 3.7(2)(A)(4) – Regulations and ordinances in effect:

- A. Applicable bylaws include the Stowe Zoning Regulations as adopted on October 9, 2018. 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. No other municipal bylaws or ordinances apply to this project.

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.

- A. The proposed project is located at the base of Spruce Peak and Mount Mansfield within a previously developed ski resort. The base of the resort consists of numerous resort and recreation amenities, buildings, and parking areas.
- B. This lift will utilize the original Triple lift corridor and will not impact the scenic or natural beauty of the area.

Conclusion: Based on the above findings, the Board concludes the proposed project 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.

15. Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution.

- A. The Applicant proposes a replacement of the existing Mansfield Triple Chairlift with a high speed detachable six (6) person chairlift that is 215 feet longer and extends to a new base terminal location.

- B. There are no mapped watercourses impacted by this project.
- C. There will be limited noise impact during the lift's installation.
- D. During the hearing the Applicant testified that the project will involve limited noise. The towers will be flown in and out and no blasting is anticipated. Standard construction days and hours are proposed.

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

16. Section 3.7(2)(B)(6) – Pedestrian Circulation and Access:

- A. The regulations require pedestrian circulation within the site, and access through the site to adjacent properties along public roads, be provided.
- B. The application materials indicate the proposed location of the new base terminal will allow for improved loading access for resort guests without the need to climb up any uphill grade.

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

17. Section 3.7(2)(B)(8) – Stormwater Management:

- A. The application indicates that less than ½ acre of impervious surfaces are proposed.
- B. The application indicates that more than ½ acre of land will be graded and/or disturbed.
- C. Section 3.12(C) *"Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters. All development involving the disturbance of more than one-half acre shall submit an erosion and sediment control plan that incorporates the State of Vermont erosion prevention and sediment control practices before a zoning permit is issued."*
- D. The narrative states the following: *"Construction stormwater will be managed in accordance to the Vermont Construction Stormwater Permit to be issued for this project."*

Conclusion: Based on the above findings, 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. As a general condition of approval, the Applicant will be required to follow the requirements of Section 3.12 and submit an ECSP plan prior to the issuance of a zoning permit.

DECISION

On a motion by Andrew Volansky, seconded by Leigh Wasserman, the Development Review Board hereby approves the Applicant's request for conditional use review as outlined in the application dated 11/04/21 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.

2. All prior conditions of approval, unless amended herein, remain in full force and effect.
3. Prior to the issuance of the zoning permit the Applicant shall complete the following:
 - a) In accordance with Section 3.12(2)(C), the Applicant must submit an erosion and sediment control plan that incorporates the State of Vermont erosion prevention and sediment control practices before a zoning permit is issued.
 - b) The Applicant must provide confirmation of the dimensions and height of the base terminal.
4. Site construction shall adhere to the standards outlined in Section 3.12(2)(A-E) including:
 - a) The amount of soil exposed at any one time must be kept to a minimum.
 - b) Areas of exposed soil that are not being actively worked, including soil that has been stockpiled, must be stabilized.
 - c) Stormwater shall be controlled during construction to minimize soil erosion and transport of sediment to surface waters.
 - d) 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.
 - e) 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.
5. Construction hours shall be limited to Monday-Friday from 7:00 am-5:00 pm.
6. 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, as required under Section 2.10 of the zoning regulations.
7. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of a permit, the permittee agrees to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Leigh Wasserman, Peter Roberts, Mary Black, David Kelly, and Andrew Volansky.

Voting to deny: None

The motion PASSED, 6-0

Dated at Stowe, Vermont this the 28 day of December 2021



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.