



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 6847
Application Date 4/8/2022
Physical Location 605 MAPLE ST
Map ID 7A-098.000 **Tax ID** 01098
Project Description AMEND PREVIOUSLY APPROVED LANDSCAPING PLAN OF PROJECT 6168; REPLACE LANDSCAPING ALONG MAPLE ST.
Owner RIVERBEND APARTMENTS LIMITED PARTNERSHIP C/O LAMOILLE HOUSING PARTNERSHIP
Applicant RIVERBEND APARTMENTS LIMITED PARTNERSHIP C/O LAMOILLE HOUSING PARTNERSHIP
Applicant Address PO BOX 637
MORRISVILLE VT 05661

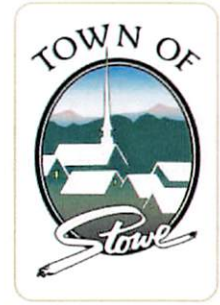
APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	5/17/2022	6/16/2022	6/16/2025

Sarah McShane

Zoning Office

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



PROJECT: 6847

SUBJECT PROPERTY: 605 Maple Street; #7A-098.00

PROPERTY OWNER & APPLICANT:

River Bend Apartments LP
c/o Lamoille Housing Partnership
PO Box 637
Morrisville, VT 05661

APPLICATION:

The Applicant/property owner, River Bend Apartments LP (herein referred to as the “Applicant”), requests conditional use review for modifications to a previously approved landscaping plan. The Applicant seeks to replace a row of arborvitae located along the frontage of Maple Street with a low-lying plant [carpet junipers] to allow better sight distance for vehicles exiting the driveway. The previously approved arborvitae plantings are tall and block the view of oncoming traffic. The landscaping plan was previously approved by the Development Review Board (DRB) under Project 6168 in a written decision dated February 18, 2020.

The subject parcel is located at 605 Maple Street (#7A-098.00) and contain lands within the Village Residential 20 (VR20) and Village Residential 40 (VR40) zoning districts. The parcel contains a recently completed nine (9) unit multi-family dwelling and related improvements and is served by Maple Street/VT-Route 100, a Class 1 town-maintained highway [portions]. The subject parcel is bounded to the north by a ±7-acre parcel currently owned by Scott Moriarty; to the east by the Hillcrest condominium community; to the south by Maple Street/VT Route 100; and to the west by a ±0.33-acre parcel owned by Reid & Jane Grayson and a ±11.96-acre parcel owned by Lesley & William Adams. The application has been reviewed by the DRB under applicable standards of the Town of Stowe Zoning Regulations (as adopted October 9, 2018) for the purpose of amended conditional use review. The DRB’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 was filed by Applicant Jim Lovinsky of Lamoille Housing Partnership on April 5, 2022. The application was accepted as administratively complete by Town of Stowe Zoning Administrator Sarah McShane and referred to the DRB for a public hearing. A public hearing of the DRB was scheduled for May 3, 2022 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 April 14, 2022. A completed certificate of service in accordance with Section 2.14(1)(B) is part of the application record.

The public hearing to consider the application convened on May 3, 2022 at the Akeley Memorial Building, 67 Main Street, with a quorum of the DRB present. Remote participation was available via Zoom. No other *ex parte* communications or conflicts of interests were reported. Board members who participated in the review included: Drew Clymer, Chris Walton, David Kelly, Leigh Wasserman, Peter Roberts, Tom Hand, and Mary Black.

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

- Jim Lovinsky, Lamoille Housing Partnership, PO Box 637, Morrisville, VT 05661
- David Bailey, PO Box 5127, Burlington, VT 05402 [180 Hillcrest Drive]
- William Adams, PO Box 23, Stowe, VT 05672 [58 Cemetery Road]

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

1. Town of Stowe Development Application, dated 4/5/2022;
2. Previously Approved Utility and Landscape Plan '605 Maple St /621 Maple St' prepared by Mumley Engineering, Sheet C-3, last revised 2/24/2020;
3. Site plan showing location of plantings proposed to be replaced;
4. Various photographs showing location of plantings, 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- *During its review of the application, the Board made the following Findings of Fact and Conclusions of Law:*

The Applicant's request for conditional use approval was reviewed by the 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 3.7(2)(A) – Standards of review (Conditional Use Applications): The DRB 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:

1. Upon review, the DRB concludes the proposed project will have no impact on the following review standards.
 - a) Section 3.7(2)(A)(2) – Capacity of existing or planned community facilities and services
 - b) Section 3.7(2)(A)(2) – Traffic on roads and highways in the vicinity
 - c) Section 3.7(2)(A)(3) – The character of the area affected
 - d) Section 3.7(2)(A)(4) – Regulations and ordinances in effect
 - e) Section 3.7(2)(A)(5) – Utilization of renewable energy sources
 - f) Section 3.7(2)(C)- Additional Standards
 - g) 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
 - h) Section 3.7(2)(B)(2) - Project will not result in undue water, noise or air pollution
 - i) Section 3.7(2)(B)(3) –Access Management
 - j) Section 3.7(2)(B)(4) – Shared Access

- k) Section 3.7(2)(B)(5) – Circulation and Parking
- l) Section 3.7(2)(B)(6) – Pedestrian Circulation and Access
- m) Section 3.7(2)(B)(8) – Stormwater Management

2. **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.

- a) The Applicant seeks approval to modify a previously approved landscaping plan.
- b) The Applicant received approval of the project and landscaping plan under Project# 6168 which was approved by the DRB in a written decision dated February 18, 2020.
- c) The approved landscaping plan called for the installation of seven (7) emerald arborvitae planted at a height of five (5) to six (6) feet. The arborvitae plantings were to be installed along the highway right-of-way in front of the existing dwelling and attached garage.
- d) The arborvitae have been installed as approved. Upon installation it was realized that the plantings restrict proper sight distance of oncoming traffic and create a safety issue for vehicles exiting the driveway and oncoming traffic.
- e) In addition to creating a safety hazard, the planted arborvitae show signs of salt burn from road treatments.
- f) The Applicant proposes to replace the arborvitae with a low-lying plant, carpet juniper, to be planted in the same location. The Applicant desires to use a plant that will not grow to a height that will block the view of oncoming traffic.
- g) During the hearing the Board inquired about possible additional or alternative measures that would provide both screening and a physical separation to block vehicles. A variety of suggestions including a granite curbing, split rail fence, other types of shrubs/grasses, larger rocks/boulders, etc.

Conclusion: Based upon the above findings, the DRB concludes the proposed modified landscaping is appropriate for the intended use and site location. As a condition of approval, the Board will require a combination of carpet junipers and stone/boulders to be installed on the existing berm.

DECISION

On a motion by C.Walton, seconded by M.Black, the Development Review Board hereby approves the Applicant's request for conditional use review, as outlined in the development application dated 4/5/2022 and supporting plans and drawings, 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 Planning & 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.

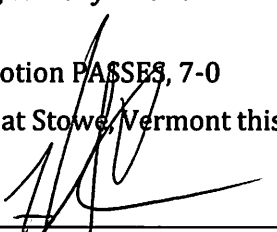
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. The modified plantings shall be installed in accordance with this approval. The DRB approves the replacement of seven (7) arborvitae as illustrated within the application with a combination of stone and boulders and carpet juniper planted on the existing berm.
4. 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.
5. 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 in Favor: Drew Clymer, Chris Walton, David Kelly, Leigh Wasserman, Peter Roberts, Tom Hand, and Mary Black.

Voting to Deny: None

The motion ~~PASSES~~, 7-0

Dated at Stowe, Vermont this the 14 day of May 2022

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.