



**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 6876  
Application Date 4/13/2022  
Physical Location LOT 4 MOSCOW MEADOWS  
Map ID 03-053.100 Tax ID 05000  
Project Description CONSTRUCT SINGLE FAMILY DWELLING & RELATED IMPROVEMENTS  
Owner SALVAS FAMILY TRUST TRUSTEES: JOAN & JEROME SALVAS  
Applicant GRISTMILL BUILDERS DAVE LACHTRUPP  
Applicant Address 5430 WATERBURY STOWE ROAD  
WATERBURY CTR VT 05677

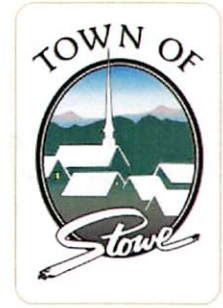
**APPROVALS ON RECORD**

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	6/21/2022	7/21/2022	7/21/2024

*Sarah McShane*

Zoning Office

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



**PROJECT:** 6876

**PROPERTY:** Lot 4 Moscow Meadows/Salvas Lane; #03-053.100

**PROPERTY OWNER:**

Kingston, LLC  
5430 Waterbury Stowe Road  
Waterbury Center, VT 05677

**APPLICANT:**

David Lachtrupp  
Gristmill Builders Ltd.  
5430 Waterbury Stowe Road  
Waterbury Center, VT 05677

**APPLICATION**

The Applicant, David Lachtrupp, on behalf of property owner, Kingston, LLC (herein referred to as the "Applicant"), requests flood hazard area review to construct a single-family dwelling and related improvements partially within the special flood hazard area. The subject property, Lot 4, was created in 2009/2010 as part of an eight (8) lot Joan Salvas Planned Residential Development (PRD) (Project 3970). The boundaries of the lot were later modified through a boundary line adjustment/minimal alteration approved under Project 6842.

The parcel is in the Rural Residential II District (RR2) and Flood Hazard Overlay District (FHOD). The property is served by Salvas Lane, a private development road connecting to Moscow Road, a Class 2 town-maintained highway. 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 flood hazard area 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.*)

A development application was filed by Applicant David Lachtrupp on April 13, 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 June 7, 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 May 19, 2022 and posted at the Library, Town Office, and Police Station. A completed certificate of service in accordance with Section 2.14(1)(B) is filed in the Planning & Zoning Office.

The public hearing to consider the application convened on June 7, 2022 at the Stowe Town Office Memorial Room, 67 Main Street, with a quorum of the DRB present. Remote participation was available via zoom. No *ex parte* communications or conflicts of interests were reported. Members who participated include: D. Clymer, T. Hand, C.Walton, L.Wasserman, M.Black, and D.Kelly.

The following person(s) attended and participated in the hearing process:

1. David Lachtrupp, Gristmill Builders Ltd., 5430 Waterbury Stowe Road, Waterbury Center, VT 05677

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

1. Town of Stowe Development Application (2 pages); dated 4/11/2022;
2. Comments from Stowe Electrical Department, dated 5/16/2022;
3. Comments from Rebecca Pfieffer, ANR Floodplain Manager, dated 4/28/2022;

4. ANR Natural Resources Atlas showing location of Flood Hazard Overlay; dated 5/23/2022;
5. Elevation Certificate, dated 4/18/2022;
6. Exterior Elevations prepared by Fifth Wall Architecture, Sheet A200, dated 12/21/2021;
7. Floor plans prepared by Kane Architecture, Sheet A1.1, dated 5/11/2022;
8. Site Plan 'Site Layout Plan Lot #4' prepared by Richard Bell, dated April 2022.

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 DRB made the following Findings of Fact and Conclusions of Law:*

The Applicant's request for flood hazard area 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 7- Flood Hazard Overlay District

**Dimensional Requirements:**

1. **Zoning District.** The subject parcel is within the Rural Residential II District (RR2) and Flood Hazard Overlay District (FHOD) as shown on the Official Town of Stowe Zoning Map (as adopted October 9, 2018).
2. **Lot Area, Lot Width.** No changes to lot area or lot width are proposed under this application. The lot contains ±0.59 acres.
3. **Setbacks.** The subject parcel, Lot 4, is part of an approved Planned Residential Development (PRD). Per Section 13.4(5)(C), *'the minimum setback for one and two-family dwellings on individual interior lots shall be ten (10') feet. One and two-family dwellings shall be located at least twenty (20') feet from each other.'*

Per Section 15.6 [Driveways and Parking Facility Setbacks], required driveway and parking facility setbacks (except for common driveways) shall be as follows (unless abutting property owners agree to less): HT, UMR, MRV, MRC, MC, RR1 and RR2: Ten (10') feet from property lines.

Per Section 3.10, within the fifty (50') foot setback, a vegetation buffer shall be left in an undisturbed state with the exception of minimal clearing necessary to accommodate and build public recreation and transportation paths, recreational river accesses, driveways, public or private road and utility crossings, landscaping, permitted impoundments and dams and stream bank stabilization and restoration projects.

The site plan shows the proposed building footprint and driveway in relation to the property lines. The building has been designed to avoid encroachment on any required setback (property line, watercourse, driveway). Wetlands and wetland buffers are regulated by the State of Vermont.

4. **Maximum Building Coverage.** Does not apply to the RR2 district.

5. **Use.** The Applicant proposes to construct a single-family dwelling. Single-family dwellings are a permitted use in the RR2 district.
6. **Height.** The maximum building height in RR2 is 28' feet. The proposed dwelling is approximately sixteen (16) feet in height, as defined under the regulations. Section 16.23 defines building height to mean: *"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."*

### **Section 7- Flood Hazard Overlay District**

7. Section 7.3 states: *These regulations shall apply to all areas in the Town of Stowe, Vermont identified as areas of special flood hazard in and on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP), as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. §753, which are hereby adopted by reference and declared to be part of these regulations.*

The subject parcel, Lot 4, is partially located within the Flood Hazard Overlay District (FHOD), as shown on current FEMA flood insurance maps.

8. Section 7.4 requires conditional use approval by the DRB for the construction of any new building(s) within the flood hazard overlay district. The Applicant proposes the construction of a single-family dwelling partially located within the FHOD. The conditional use review standards were applied by the DRB.
9. Section 7.5 sets forth procedures for development within the FHOD. Section 7.5(1) states *'prior to issuing a permit, a copy of the application and supporting information shall be submitted by the administrative officer to the State National Floodplain Insurance Program Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation, River Management Section in accordance with 24 V.S.A. §4424. A permit may be issued only following receipt of comments from the Agency or the expiration of thirty (30) days from the date the application was mailed to the Agency, whichever is sooner.'* ANR Floodplain Manager Rebecca Pfeiffer provided written comments dated 4/28/2022.
10. Section 7.6(1) states: *'Where available, base flood elevations and floodway limits (or data from which a community can designate regulatory floodway limits) provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations.'* The documented base flood elevation at this location is 646.6 ft as noted on the Elevation Certificate.
11. Section 7.7(2) sets forth requirements for the Floodway Fringe Areas (i.e., Special Flood Hazard Areas outside of the floodway)
  - A. *All Development - All development shall be reasonably safe from flooding and:*
    1. *Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood;*
    2. *Constructed with materials resistant to flood damage;*

3. *Constructed by methods and practices that minimize flood damage; and*

4. *Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.*

**B. Residential Development:**

1. *New construction and existing buildings to be substantially improved that are located in Zones A1-30, AE, and AH **shall have the lowest floor, including basement, elevated to or above the base flood elevation.** New construction and existing buildings to be substantially improved that are located in Zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in the feet on the community's FIRM or at least two (2') feet if no depth number is specified.*

The subject parcel is located within the Zone AE. The Applicant provided an Elevation Certificate prepared by Richard Bell, State of Vermont Licensed Land Surveyor #638. The Elevation Certificate notes the base flood elevation (BFE) to be 646.6 ft. The lowest adjacent grade at the lowest elevation of deck or stairs, including structure support, is 652.5 ft, or 5.9 ft above the base flood elevation (100 year flood).

**Conclusion:** Based on the above findings, the Board concludes the project, if constructed as approved, is designed in accordance with applicable provisions of Section 7.

**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:

12. Upon review of the application, the DRB determined that the following standards are either not applicable or the project will have no effect on the following:

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

Section 3.7(2)(A)(3) – The character of the area affected

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

Section 3.7(2)(A)(5) – Utilization of renewable energy sources

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

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

Section 3.7(2)(B)(3) – Access Management

Section 3.7(2)(B)(4) – Shared Access

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

Section 3.7(2)(B)(7) – Landscaping and Screening

13. **Section 3.7(2)(A)(1) – Capacity of existing or planned community facilities and services:**

a. The parcel is served by on-site septic and potable water regulated by the State of Vermont.

b. The parcel is accessed via private development road, Salvias Lane, which is accessed off Moscow Road, a Class 2 town highway.

- c. 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. The Stowe Electrical Department (SED) provided written comments dated 5/16/2022.
- d. No Municipal Department review forms returned indicated that the application would have any undue adverse impact on existing or planned community facilities and services.

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

**18. Section 3.7(2)(B)(5) – Circulation and Parking:**

- a. Each single-family dwelling is required to provide two (2) parking spaces. The Applicant proposes one (1) parking space in the garage and one (1) parking space within the driveway.

**Conclusion:** Based on the above findings, the Board concludes adequate parking is provided per Section 15.2.

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

- a. Section 3.12(2) provides stormwater and erosion control standards for construction-related activities associated with any new construction.
- b. Less than ½ acre of new impervious surfaces are proposed. Less than ½ acre of disturbance is proposed.

**Conclusion:** Based on the above findings, the Board concludes the proposal involves no change to existing drainage patterns.

**DECISION**

On a motion by C.Walton, seconded by M.Black, the Development Review Board hereby approves the Applicant's request for flood hazard review, as outlined in the development application dated 4/11/2022 and supporting plans and drawings, subject to the following conditions of approval:

1. The project shall be completed and maintained according to the project plans hereby approved. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to such change being made, for a determination whether 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 it had been included in the plans as approved.
2. All prior conditions of approval, unless amended herein, remain in full force and effect.
3. 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.
4. 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. Prior to the issuance of a Certificate of Occupancy, the Applicant must submit the following:
- a. A licensed engineer shall certify that Salvas Lane was constructed in accordance with A-21 Standards and is 20 feet wide (see Project 3970 final approval).
  - b. As-built documentation from a licensed engineer or surveyor that the dwelling was constructed in accordance with the approved plans.
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 permittee 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, T. Hand, C.Walton, L.Wasserman, M.Black, and D.Kelly.

Voting to deny: None

Motion PASSED 6-0

Dated at Stowe, Vermont this the 21 day of June 2022

By: \_\_\_\_\_

Drew Clymer, Chair

**NOTICES:**

1. The foregoing represents the decision of the Development Review Board and is NOT a zoning permit. A zoning permit will not be issued by the Administrative Office until all relevant conditions imposed as part of the approval have been met.
2. 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.
3. 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.
4. 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.
5. 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.