



Notice of DRB Decision
Town of Stowe Planning and Zoning Department
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 Department at 253-6141 if you have any questions.

APPLICATION INFORMATION

Project Number 7228
Application Date 8/17/2023
Physical Location 2060 ROBINSON SPRINGS RD
Map ID 15-042.490 Tax ID 30226
Project Description CONSTRUCT ADDITION AND DECK ON EXISTING SINGLE FAMILY DWELLING, REBUILD STONE WALLS AND STEPS, AND ADDITIONAL LANDSCAPING - RHOD
Owner DAVID P FARR REVOC TRUST DAVID & NORENE FARR TRUSTEES:
Applicant VOLANSKY STUDIO ARCHITECTURE & PLANNING ANDREW VOLANSKY
Applicant Address 135 LUCE HILL ROAD
STOWE VT 05672

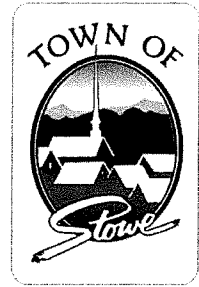
APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	10/17/2023	11/16/2023	11/16/2025

Sarah McShane

Dept. of Planning Zoning

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



PROJECT# 7228

SUBJECT PROPERTY 2060 Robinson Springs Road, Stowe, VT (#15-042.490)

PROPERTY OWNER

Norene & David Farr
2060 Robinson Springs Rd
Stowe, VT 05672

APPLICANT

Volansky Studio
135 Luce Hill Road
Stowe, VT 05672

APPLICATION

The Applicant, Volansky Studio, on behalf of property owner Norene & David Farr, requests Ridgeline and Hillside Overlay District [RHOD] to construct an addition on the existing single-family dwelling. The subject parcel consists of ±4.42 acres (Tax Map # 15-042.490) and is located within the Rural Residential 5 (RR5) zoning district and the RHOD. The parcel was created in 1983 under S-83-7 (III) and is subject to the terms and conditions of the Robinson Springs Properties Phase III subdivision approval. The application has been reviewed by the Development Review Board (DRB) under applicable standards of the Town of Stowe Zoning Regulations (the "Regulations") (effective June 13, 2022) for the purpose of RHOD 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 RHOD review was filed by Applicant Volansky Studio on August 17, 2023. 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 September 19, 2023 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 August 31, 2023.

The public hearing to consider the application convened on September 19, 2023 at the Akeley Memorial Building, 67 Main Street, with remote participation available through Zoom. A quorum of the DRB was present. No *ex parte* communications or conflicts of interests were reported. Members who participated in the review included: Drew Clymer, David Kelly, Mary Black, Chris Walton, Patricia Gabel and Michael Diender. 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.

INTERESTED PERSONS

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

1. Andrew Volansky (Architect), 135 Luce Hill Road, Stowe, VT 05672

THE RECORD

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

1. Town of Stowe Development Application; dated 8/17/2023;
2. Outdoor Lighting Manufacturer Cut-Sheet;
3. Window & Door Cut-Sheets;
4. Cover, Sheet A0.1; prepared by Volansky Studio, dated 8/8/2023;
5. Existing Conditions Plan; Sheet EX-1, prepared by Grenier Engineering, dated 8/6/2023;

6. Architectural Site Plan, Sheet A1.1, prepared by Volansky Studio, dated 8/8/2023;
7. Landscape/Hardscape Plan, Sheet A1.2, prepared by Volansky Studio, dated 8/8/2023;
8. Floor Plans, Sheet A2.1, prepared by Volansky Studio, dated 8/8/2023;
9. Addition Elevations, Sheet A3.1, prepared by Volansky Studio, dated 8/8/2023;
10. Addition Section, Sheet A4.1, prepared by Volansky Studio, dated 8/8/2023.

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 RHOD approval was reviewed by the DRB for conformance with the applicable requirements, including the following:

Town of Stowe Zoning Regulations (effective June 13, 2022)

- 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 9- Ridgeline and Hillside Overlay District (RHOD)

Dimensional Requirements

1. **Zoning District.** The subject parcel is located within the Rural Residential 5 (RR-5) zoning district and the Ridgeline and Hillside Overlay District (RHOD).
2. **Lot Area, Lot Width.** The subject parcel consists of ±4.42 acres. No changes to lot area or lot width are proposed.
3. **Setbacks.** Required minimum district setbacks for the RR5 district are front (70'), side (75') and rear (75'). The minimum required setbacks are depicted on both the Existing Conditions Plan and the Architectural Site Plan. The proposal meets the required setbacks.
4. **Use.** The Applicant proposes to construct an addition on the existing single-family dwelling. Single-family dwellings are permitted uses in the RR5 district. No change in use, or additional/accessory dwelling units are proposed.
5. **Density.** The RR5 district allows single-family dwellings at a density of one (1) per five (5) acres. The subject parcel is ±4.42 acres. While the property is less than five (5) acres in size, it is a legally existing, undersized lot approved as part of a planned residential development (PRD). The proposal meets the required density.
6. **Height.** The maximum building height in RR5 is 28' feet. The regulations define building height as the "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." The addition will be 22' 2" in height and according to the elevation drawings, it will be slightly shorter than the existing home. The Landscape/Hardscape Plan shows the outdoor grade at 1722.75' and the finished main-level floor at 1725.53'.

Conclusion: Based upon the above findings, the DRB concludes the proposal meets applicable dimensional requirements for the RR5 district.

Section 9 – Ridgeline and Hillside Overlay District.

Under the provisions of the Regulations, the application was reviewed under the applicable provisions of Section 9- Ridgeline and Hillside Overlay District. The Zoning Administrator referred the application to the DRB upon determining that the project was not eligible for an exemption under Section 9.4(2).

7. Standard (1) General Requirements:

- a) The Applicant proposes to construct an addition to an existing single-family dwelling, and related improvements.
- b) The lot is currently developed as a single-family use.
- c) Site work will include rebuilding stone walls and steps to match existing conditions.
- d) The existing dwelling and proposed addition are located entirely within the RHOD overlay district. The parcel is located below 2,000 ft.

8. Standard (2) Designation of Vantage Points:

- a) The regulations define vantage points as maintained (class 3 or higher) public roads, state highways and municipal properties.
- b) The Architectural Site Plan (Sheet A1.1) includes photos showing views outward from the property toward Mt. Mansfield, Trapp Family Lodge, and Stowe Mountain Resort.
- c) The addition will bump out approximately 12 feet from the existing dwelling, which will not negatively impact existing views toward the property.
- d) The Applicant provided testimony and photographic evidence demonstrating that neither the existing dwelling nor proposed addition can be seen from any public vantage points. This is a result of the location and elevation of the property, and surrounding tree lines.

9. Standard (1.1) requires all development, including grading, clearing and construction of driveways, must provide for the retention of native topsoil, stabilization of steep hillsides, prevention of erosion, and consequent sedimentation of streams and watercourses. Peak stormwater discharge from the site after development shall not exceed pre-development levels for a two (2) year/twenty-four (24) hour storm event and existing drainage patterns will not be altered in a manner to cause an adverse impact on neighboring properties, town highways or surface waters.

- a) The Applicant proposes to construct an addition to the existing single-family dwelling.
- b) The area is already cleared. No new clearing is proposed.
- c) A manmade pond exists on the property and is more than fifty (50) feet away from the existing home and proposed addition. No other mapped surface waters or streams are located on the property or within the vicinity of the project.

- d) The Applicant testified that peak stormwater discharge from the site after development will not exceed pre-development levels for a two (2) year/twenty-four (24) hour storm event.
 - e) The application indicated that there will be less than ½ acre of disturbance.
10. **Standard (2)** requires subsequent to the application for a zoning permit within the RHOD, forest management and timber harvesting shall, at a minimum, adhere to the guidelines included in the publication Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, published by the Vermont Department of Forests, Parks and Recreation in 1987.
- a) No future forest management and timber harvesting are proposed under this application.
11. **Standard (3)** Forest management activities designed as pre-development site preparation, including road and driveway construction, clearing and/or grading for house-sites and septic systems or related work, shall be reviewed by the DRB.
- a) The parcel is already developed as a single-family property, with a large yard. No additional clearing or grading is proposed for the new addition.
12. **Standard (4)** The regulations require that development not result in an undue adverse impact on fragile environments, including designated wetlands, wildlife habitats, streams, steep and extremely steep slopes and unique features. All efforts should be made to protect/preserve such areas and promote suitable buffers.
- a) According to the ANR Natural Resource Atlas the parcel does not contain wetlands, hydric soils, and wetland advisory areas.
 - b) According to the ANR Natural Resources Atlas, the project area does not contain steep slopes (>15%).
 - c) A mapped manmade pond is located within the yard. There are no other mapped surface waters or streams located on the property or within the vicinity of the project.
 - d) No unique features or wildlife habitats have been identified.
 - e) Development within Robinson Springs fragments what would be a high priority habitat block. This property has been fragmented out of the nearby habitat block.
13. **Standard (5)** The regulations require if the project is on a forested hillside, there will be no significant exposure of buildings, and all development be minimally visible and blend in with surroundings in winter months. The amount and location of clearing adjacent to structures shall be limited; additional tree planting may be required in instances where planting is needed to visually interrupt the portion of structures visible from defined vantage points.
- a) The property is already developed with a single-family dwelling and associated improvements. The proposed addition will locate on the side of the home that is possible to view from the Mount Mansfield area and the Trapp Family Lodge area, but not from public vantage points.
 - b) The Applicant included photos showing views from the property. The existing dwelling may already be visible from offsite, and the addition should add little, if any, view impact to an already existing development.

- c) No trees will be removed as a result of the proposal. The existing landscaping and hardscape will be replaced with new.
 - d) As noted above, the Applicant provided testimony and photographic evidence that the homesite cannot be viewed from public vantage points.
14. **Standard (6)** Development shall not detract from the sense of order or harmony of the landscape patterns formed by forests, agricultural fields and open meadows.
- a) The property is already developed with a home and surrounding yard and landscaping. No change to the existing landscape patterns are proposed.
 - b) There are no agricultural fields or open meadows on the parcel.
 - c) The property sits among other similarly situated residential lots and does not detract from the sense of order or harmony of the landscape patterns formed by forests any further than the existing impacts created by the Robinson Springs development.
15. **Standard (7)** During construction, trees identified on the landscaping plan are to be protected.
- a) The Applicant provided a site plan and images showing existing treelines around the proposed addition. There are no trees in the footprint of the addition.
16. **Standard (8)** The regulations require that driveway grades not exceed fifteen (15%) percent and have an average grade that does not exceed twelve (12%) percent. Where necessary, limited steeper grades are acceptable if they serve to better minimize overall erosion potential and environmental/aesthetic impacts, provided adequate access is ensured for fire and rescue vehicles.
- a) Not applicable. The existing driveway will remain as-is.
17. **Standard (9)** The regulations require that development not result in any building, roof or appurtenant structure being located in a manner which would allow the building, roof or structure to visually exceed the height of land or tree line if it is protected serving as the visual and physical backdrop to the structure as viewed from vantage points.
- a) Not applicable. The addition is below the highest roofline of the existing dwelling.
18. **Standard (10)** The regulations require that massing of a project be designed to minimize visual impacts and contribute to, and harmonize with, the scenic quality of the surrounding landscape.
- a) The addition will result in very little increased massing of the existing dwelling.
19. **Standard (11)** Offsite light impacts shall be minimized. Outdoor lighting must comply with the standards contained in Section 4.8 of the regulations.
- a) The Applicant provided a cut-sheet showing proposed outdoor light fixtures.
 - b) The elevation drawings depict the location of six outdoor light fixtures. These fixtures will include both relocated existing fixtures from the existing dwelling and new fixtures to match existing.

c) The Applicant testified that window glazing has been designed to prevent off-site glare.

20. **Standard (12)** The regulations require that the minimum area for all lots in existence prior to August 3, 1998 be as established for the underlying district. Minimum area for any lot created after August 3, 1998 shall be as established for the underlying district, excluding any portion of the lot with an average steepness (slope gradient) in excess of twenty (20%) percent. The lot area must have an area four times (4x) the minimum lot area identified in the underlying district for that portion of the parcel exceeding 20%.

a) No change to lot area is proposed under this application. Does not apply.

Conclusion: Based upon the above findings, the DRB concludes the proposed addition and related improvements have been designed in conformance with all applicable RHOD standards and guidelines.

DECISION

On a motion by Chris Walton, seconded by Michael Diender, the DRB hereby approves the Applicant's request for RHOD approval to construct an addition to the existing single-family dwelling, and related landscape improvements as outlined in the application dated August 17, 2023 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 plans, amended herein, include:
 - a) Town of Stowe Development Application; dated 8/17/2023;
 - b) Outdoor Lighting Manufacturer Cut-Sheet;
 - c) Window & Door Cut-Sheets;
 - d) Cover, Sheet A0.1; prepared by Volansky Studio, dated 8/8/2023;
 - e) Existing Conditions Plan; Sheet EX-1, prepared by Grenier Engineering, dated 8/6/2023;
 - f) Architectural Site Plan, Sheet A1.1, prepared by Volansky Studio, dated 8/8/2023;
 - g) Landscape/Hardscape Plan, Sheet A1.2, prepared by Volansky Studio, dated 8/8/2023;
 - h) Floor Plans, Sheet A2.1, prepared by Volansky Studio, dated 8/8/2023;
 - i) Addition Elevations, Sheet A3.1, prepared by Volansky Studio, dated 8/8/2023;
 - j) Addition Section, Sheet A4.1, prepared by Volansky Studio, dated 8/8/2023.
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. The installation of outdoor light fixtures is limited to those described and depicted within the application.
4. All outdoor lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area and does not cast direct illumination or cause glare beyond the boundary lines of a property.
5. Should blasting be necessary, it shall be done by a qualified, insured, and licensed professional to ensure surrounding properties and infrastructure remain unaffected. VT DEC Best Management Practices for Blasting (2016) guidance document shall be followed. If blasting is to be done, it will be

scheduled during the week, Monday-Friday between 8 am and 5 pm with no blasting on the weekend or state or federal holidays.

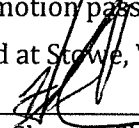
6. Construction hours shall be limited to Monday-Friday from 7:00 am-5:00 pm and Saturday morning from 9:00 am- 1:00 pm. with no construction on Sunday or State or Federal holidays.
7. Site construction shall adhere to the standards outlined in Section 3.12(2)(A-E) including:
 - a) The amount of soil 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) Existing drainage patterns must not be altered in a manner to cause an undue adverse impact on neighboring properties, town highways or surface waters.
8. 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 DRB. Prior to the issuance of a Certificate of Occupancy, a licensed surveyor or engineer shall submit written confirmation that the finished main floor elevation of the dwelling does not exceed 2007' and the finished floor elevation of the barn does not exceed 1996'.
9. These conditions of approval shall run with the land and are binding upon and enforceable against the Applicant and its heirs, successors and assigns. By acceptance of this approval, the Applicant, and his successors, 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, David Kelly, Mary Black, Chris Walton, Patricia Gabel, and Michael Diender

Voting to deny: None

The motion passed, 6-0.

Dated at Stowe, Vermont this the 17 day of October 2023

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 request for reconsideration that specifies the basis for the request with the Secretary of the Development Review 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 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.