



**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.

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**APPLICATION INFORMATION**

Project Number            7237  
Application Date         8/22/2023  
Physical Location        32 SWEETSER LN  
Map ID                    10-045.000                    Tax ID                    23029  
Project Description      LOT LINE ADJUSTMENT WITH 136 SWEETSER LANE.  
Owner                     DANCING BEAR FARM LLC  
Applicant                 MUMLEY ENGINEERING INC TYLER MUMLEY  
Applicant Address       46 HUTCHINS STREET  
                                 MORRISVILLE VT 05661

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**APPROVALS ON RECORD**

Action Taken	Date	End of Appeal Period	Expiration Date	
DRB DECISION	11/21/2023	12/21/2023	12/21/2025	APPROVED

*Sarah McShane*

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Dept. of Planning Zoning

**TOWN OF STOWE  
DEVELOPMENT REVIEW BOARD**

Findings of Fact & Conclusions of Law



**PROJECT#** 7237

**SUBJECT PROPERTY** 32 & 136 Sweetser Lane, Stowe, VT (#10-045.000 & 09-004.010)

**PROPERTY OWNER:**

Dancing Bear Farm LLC  
536 Granite Street  
Braintree, MA 02043

**PROPERTY OWNER:**

Marilyn Steinberg  
136 Sweetser Lane  
Stowe, VT 05672

**APPLICANT:**

Tyler Mumley  
46 Hutchins Street  
Morrisville, VT 05661

**APPLICATION**

The Applicant, Tyler Mumley of Mumley Engineering Inc., on behalf of property owners Dancing Bear Farm LLC and Marilyn Steinberg, (herein referred to as the "Applicant"), requests approval for a lot line adjustment between adjoining properties 32 Sweetser Lane (Tax Map # 10-045.000) and 136 Sweetser Lane (Tax Map #09-004.010). The proposed boundary line adjustment will reduce the area of parcel located 136 Sweetser Lane from  $\pm 10.70$  acre to  $\pm 6.28$  acres, transferring  $\pm 4.42$  acres to 32 Sweetser Lane. The parcel located at 32 Sweetser Lane will increase from  $\pm 5.85$  acres to  $\pm 10.27$  acres. The subject lot(s) are located off Sweetser Lane (a privately owned and maintained road) in the Rural Residential 5 (RR5) zoning district. The application has been reviewed by the Development Review Board (DRB) under applicable standards of the Town of Stowe Subdivision Regulations (effective July 16, 2012) and the Town of Stowe Zoning Regulations (effective June 13, 2022) for the purpose of a lot line adjustment. 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 lot line adjustment review was filed by Applicant Tyler Mumley 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 November 7, 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 October 19, 2023.

The public hearing to consider the application convened on November 7, 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, Tom Hand, David Kelly, Mary Black, Peter Roberts, Patricia Gabel, and Will Ardolino. 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. Tyler Mumley, 46 Hutchins Street, Morrisville, VT 05661

**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 08/17/2023;

2. Boundary Line Adjustment Plan between Arthur Steinberg – 136 Sweetser Lane and Dancing Bear Farm LLC – 32 Sweetser Lane, Stowe Vermont, Sheet C-1, prepared by Grenier Engineering, PC., dated 08/04/2023 [last revised 11/06/2023].

### **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 a lot line adjustment 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 5- Zoning Districts
- Section 6- Uses, Dimensional Requirements and Density

Town of Stowe Subdivision Regulations (effective July 16, 2012)

- Section 2 – General Provisions
- Section 3- Administration and Enforcement
- Section 4- Submission Requirements
- Section 5- Planning and Design Standards

### ***Dimensional Requirements***

1. **Zoning District.** The subject lot(s) are within the Rural Residential 5 (RR5) zoning district as shown on the Official Town of Stowe Zoning Map.
2. **Lot Area, Lot Width.** The Applicant requests approval for a lot line adjustment between 32 & 136 Sweetser Lane as shown on the proposed plan. Following adjustment, 32 Sweetser Lane will contain ±10.27 acres and 136 Sweetser Lane will contain ±6.28 acres. Minimum lot width in the RR5 zoning district is three hundred (300') feet. Both lots will continue to have and/or exceed the three hundred (300) ft lot width requirement following the lot line adjustment.
3. **Setbacks.** Setback requirements within the RR5 zoning district, as outlined under Table 6.2 are: front (70'), side (75'), and rear (75'). Both lots are residentially developed with single-family dwellings. As proposed, the relocated lot line will not create a situation where an existing structure no longer meet the minimum setback requirements.
4. **Density.** In the RR5 zoning district, allowed density is one (1) dwelling unit per five (5) acres. After the lot line adjustment, the single-family dwelling on each lot will exceed five (5) acres.

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

### **SUBDIVISION REGULATIONS -SECTION 5.1 – GENERAL PLANNING STANDARDS:**

5. **Section 5.1(10) – Lot Configuration:** Flag lots, elongated lots, and other odd shaped lots which include narrow strips of land are prohibited unless the DRB finds the configuration is appropriate given

the existing topography and natural features, existing development, or the existing configurations of internal or adjacent lots.

6. The Applicant proposes to adjust the lot line between 32 & 136 Sweetser Lane as shown on the lot line adjustment plan. Following adjustment, 32 Sweetser Lane will contain ±10.27 acres and 136 Sweetser Lane will contain ±6.28 acres.
7. The subject lots are previously developed each containing single-family dwelling and associated improvements.
8. The lot line adjustment will not create any irregularly shaped lot.
9. The proposed lot lines are intended to follow existing development patterns and accommodate existing improvements.

**Conclusion:** Based on the above findings, the Board concludes the proposed lot line adjustment, as conditioned, will conform to Section 5.1(10).

#### DECISION

On a motion by Tom Hand, seconded by Peter Roberts, the DRB hereby approves the Applicant's request to adjust the lot line between 32 & 136 Sweetser Lane 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:
  1. Town of Stowe Development Application, dated 08/17/2023;
  2. Boundary Line Adjustment Plan between Arthur Steinberg – 136 Sweetser Lane and Dancing Bear Farm LLC – 32 Sweetser Lane, Stowe Vermont, Sheet C-1, prepared by Grenier Engineering, PC., dated 08/04/2023 [last revised 11/06/2023].
2. All conditions of prior approvals, except as amended herein, remain in full force and effect.
3. The 'Boundary Line Adjustment Plan between Arthur Steinberg – 136 Sweetser Lane and Dancing Bear Farm LLC – 32 Sweetser Lane, Stowe Vermont, Sheet C-1, prepared by Grenier Engineering, PC., dated 08/04/2023, [last revised 11/06/2023]' shall be submitted for recording in the land records of the Town of Stowe within 180 days of the date of this approval, or the approval shall expire.
4. The Applicant shall file the Mylar plat, signed by the Chair or other authorized representative of the DRB, with the Stowe Town Clerk in accordance with the requirements of 27 V.S.A. Chapter 17 and the Stowe Subdivision Regulations. Two paper copies of said plat shall be filed with the Zoning Administrator.
5. The final survey plat as recorded shall carry the following notation:

*"This plat is subject to the terms and conditions of subdivision approval by the Stowe DRB per the Subdivision Regulations of the Town of Stowe. The terms and conditions of the approval and related information are on file in the Stowe Zoning Office".*

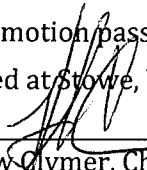
6. These conditions of approval shall run with the land and are binding upon and enforceable against the permittee and his successors. By acceptance of this approval, the permittee and his successors agree to allow authorized representatives of the Town of Stowe to access the property subject to this approval, at reasonable times, for purposes of ascertaining compliance with the conditions of approval.

Voting in favor: Drew Clymer, Tom Hand, David Kelly, Mary Black, Peter Roberts, Patricia Gabel, and Will Ardolino

Voting to deny: None

The motion passed, 7-0.

Dated at Stowe, Vermont this the 21 day of November 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.