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Town of Stowe
Development Review Board
Meeting Minutes – April 5th, 2022

A regular meeting of the Stowe Development Review Board was held on Tuesday, April 5, 2022, starting at approximately 5:00 pm. The meeting was held at the Stowe Town Office with remote participation using the “Zoom” application.

Members Present: Drew Clymer, Chair; Tom Hand; Chris Walton; Mary Black; Peter Roberts; David Kelly; Michael Diender

Staff Present: Sarah McShane- Planning & Zoning Director & Layne Darfler- Assistant Planning & Zoning Administrator

Others Present in Person- Mark Ray, Dan Snyder, Edwin Bitter, Chris Kerr, John Pitrowiski, Hal Stevens, Stacy Ramos, Russ Kincaed

Others Present via Zoom: George McCain, John Thurgood, Nick Donahue, John Springer Miller, “DWW”, “Iphone”, Kristen Beystehner, Meredith Kerr, Sam Landsman, Scott Hunter, Douglas Daczkowski, Marilyn Hunter

Approval of the Agenda – The public meeting was called to order at 5:02 P.M by Chair Clymer

Development Review Public Hearing

Project #: 6773 (Continued from 3-1-22)

Owner: Jameson Partners LLC

Tax Parcel #: 07-034.000

Location: 782 Mountain Road

Project: Construct two 12-unit multi-family dwellings and related improvements

Zoning: HT/FHD

Tom Hand and Mary Black recused themselves from this review.

The following parties were presented as the project representatives Greg Rabideau, Rabideau Architects; Aaron Stewart, Stewart Construction; Nick Donahue; Tom Hand; Alan Spencer; and John Grenier, Grenier Engineering.

At 5:03pm Greg Rabideau provided an overview of the materials that were requested at the previous DRB review of the project.

Greg Rabideau reported that the Lighting plan was updated and shown on site plan; the driveway openings shown at 24’ at both openings; Tom Hand provided an overview of the landscaping plans; Greg Rabideau gave overview of the reserved parking area location for 36 spaces, he requested the ability to change that location and noted future development possibilities for the lot. Tom Hand stated the location may change but the applicants would carry the burden of supplying those additional spaces on the property if needed.

Greg Rabideau discussed the shadow analysis and visuals that were provided. A question was raised of whether the event barn at the Town & Country site would be affected. John Grenier stated the structure was further to the North and would not be affected.

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Greg Rabideau provided traffic analysis overview and reported communications with VTrans acknowledging the two entrances. D. Clymer requested confirmation on building coverage. John Grenier stated site plan showing 6.4% coverage.

Zoning Administrator read received comments from Department of Public Works Director Harry Shepard. John Grenier stated the requirements asked by Mr. Shepard would be dependent on if the structures would be required to be sprinkled or not.

At 5:27pm C. Walton made the motion to close testimony and move the review into deliberative session to draft a decision. The motion was seconded by M. Diender and approved with two members recused.

Project #: 6789 (Continued from 3-15-22)
Owner: Marc Chretien
Tax Parcel #: 07-004.000
Location: 17 Town Farm Lane
Project: Add commercial kitchen, 50 seat restaurant, and updated occupancy.
Zoning: HT/FHD

Mark Ray, owner, and Dan Snyder, applicant, were present and provided project updates requested by the DRB. Dan Snyder reported that the pass-through window at the rear of the kitchen has been removed from the plans and the hood vent elevation renderings were submitted showing the screening proposed as metal to match roof color.

P. Roberts requested better detailed sketch of the hood vent screening materials and asked how it fastens to the roof, size of screen and specifications.

Discussion regarding dumpster location and whether or not the DRB required screening. M. Ray stated the location is naturally screened from public view.

D. Kelly requested clarification on occupancy load. D. Snyder stated they are asking for 100 people within the assembly areas and have shown typically 10 staff members on site at a time. Overall occupancy is 150 people with 59 parking spaces.

Discussion regarding parking spaces between the two businesses. T. Hand asked if the drawn parking spaces are how people typically park. M. Ray stated that when larger events are held or busier days they hire parking management to enforce proper parking. Discussion regarding if parking is accurately drawn on plan. D. Snyder stated plan was drawn by Grenier in 2021 and should be accurate.

M. Diender asked for clarification if the use of food trucks would take away parking and if there would be tailgating. D. Snyder stated they do not anticipate tailgating and food trucks would not be taking up parking spaces.

At 5:42pm T. Hand made the motion to direct the zoning administrator to draft findings of fact and conclusions of law approving the project as presented with the usual change conditions and condition that dimensional details and specifications for mechanical screening be submitted for approval.

97 D. Kelly requested to add the condition that the screening be installed per hood vent
98 manufacturers recommendations. The additional condition was accepted and put into the
99 motion.

100
101 The motion was seconded by M. Diender and approved with Chris Walton abstaining.

102 Project #: 6802
103 Owner: Hotel Sportiva Stowe LLC
104 Tax Parcel #: 07-021.000
105 Location: 876 Mountain Road
106 Project: Amend Previously Approved Project#6204- Single Story Unenclosed Event Barn
107 Zoning: HT/FHD

108
109 Edwin Bitter was sworn in at 5:46pm and provided a brief overview of the amended plans.
110 He reported that the building size and height was reduced, the building was originally
111 proposed as enclosed but is now open on three sides. He described the changes as
112 essentially a change from an enclosed structure to an open pavilion.

113
114 P. Roberts stated that the DRB placed a condition on the prior permit that should there be a
115 change in plans that the project be brought back to the Zoning Administrators attention for
116 review and possibly the DRB for final approval prior to the work being done. P. Roberts
117 requested clarification on if the structure was built already. E. Bitter confirmed the
118 structure is built.

119
120 The Zoning Administrator stated that the project had changes made to it during
121 construction and that due to the open walled structure the project is being brought back
122 before the DRB for review for noise considerations that may not have been originally
123 considered by the DRB.

124
125 P. Roberts made motion to enter deliberative session at 5:50pm, the motion was passed by
126 M. Black and approved unanimously.

127
128 The Board returned from deliberative session at 6:09pm. Interested parties sworn in at
129 6:10pm; Nick Donahue asked to be considered an interested person.

130
131 D. Clymer requested clarification on when the changes were made to the project, before or
132 after construction started. E. Bitter stated changes were made during construction process
133 and had reached out to Zoning Administrator after work was done.

134
135 T. Hand requested clarification on when the applicant reached out to Zoning Administrator.
136 Zoning Administrator stated it was quite a few months ago. T. Hand requested clarification
137 on when structure was completed. E. Bitter stated the structure was completed at the end of
138 2021. T. Hand asked if a CO was issued. E. Bitter stated no CO had been obtained.

139
140 D. Clymer began standard review at 6:14pm

141

142 The Board had discussion regarding the size of the barn on the site plan and the edge of the
143 barn show in renderings. T. Hand requested clarification if the outline of the barn on the site
144 plan captures the drip line of the structure and if it meets the setbacks. D. Clymer concurred
145 that the front corner is very close to the setback line without the drip line drawn in.
146 P.Roberts recommended the applicant overlay the roof plan onto the existing pavement
147 plan relative to the setback lines. T. Hand requested the building coverage be confirmed
148 and accurately shown. M. Diender requested clarification if the concrete pad was still the
149 dimension previously approved or if that was reduced as well. E. Bitter stated there is no
150 excess concrete and it is under structure.

151 D. Clymer requested clarification on the intended use of the structure. E. Bitter stated uses
152 may involve recreation, sporting teams, weddings, birthday parties, multi-functional space
153 and winter storage. D. Clymer requested clarification on sporting uses. E. Bitter stated
154 practice space for teams that may need it.

155
156 D. Clymer asked if there were plans for live music. E. Bitter stated it would depend on the
157 event but yes they would like to be able to have live and/or amplified music for events.

158
159 D. Clymer requested the applicant to discuss what potential noise would be from the
160 structure. E. Bitter stated noise would depend on the use at the time, recreation noise,
161 amplified music, live music, the field below is used for events but he would use the pavilion
162 as a secondary space or reception space for those events.

163
164 T. Hand asked if there was lighting inside or outside the structure. E. Bitter stated they have
165 string lights within structure. No outside lighting proposed or installed.

166
167 Further discussion regarding noise.

168
169 D. Clymer requested clarification on hours of operation. E. Bitter stated it depends on the
170 event being held but typically no later than 10pm because they have an enclosed event
171 space below that parties could move into. D. Kelly requested clarification on start times. E.
172 Bitter stated recreation uses could start at 9am and social events would start later in the
173 afternoon.

174
175 D. Clymer noted that the DRB would like to see a revised site plan to show the accurate
176 building size and location. E. Bitter asked for clarification if that was needed before a
177 decision could be made. D. Clymer stated the Board could make a decision based on the
178 information in front of them or the applicant could request continuance to date and time
179 certain. E. Bitter requested continuance to date and time certain. Zoning Administrator
180 stated next available meeting date is May 3, 2022

181
182 At 6:36 pm M. Diender made the motion to continue the hearing to a date and time certain
183 of May 3, 2022. The motion was seconded by M. Black and passed unanimously.

184 Project #: 6806
185 Owner: Somers Point LLC
186 Tax Parcel #: 06-038.000
187 Location: 2364 Mountain Road

188 Project: Subdivision Amendment-Modify Access of Previously Approved Project #6643
189 Zoning: UMR

190
191 George McCain, McCain Consulting, was sworn in at 6:39pm and provided a project
192 overview. He explained that there are no proposed changes to the subdivision itself but a
193 change in access. The original proposal had access coming off from Mountainside Drive but
194 it is now proposed to come from the access serving the Hob Knob residential units off
195 Mountain Road.

196
197 There was discussion regarding the former access off Mountainside Dr. G. McCain stated it is
198 almost unrecognizable as a road due to vegetation overgrowth.

199
200 Discussion regarding road width and emergency access. G. McCain stated the main access is
201 proposed to be widened to 18'.

202
203 At 6:47pm the motion to approve was made by Michael Diender and seconded by Mary
204 Black.

205 T. Hand is requested that the clearing limits be clearly identified on the plans and in the
206 legend.

207 The motion unanimously approved.

208
209 Project #: 6798
210 Owner: Christopher and Meredith Kerr
211 Tax Parcel #: 11-122.000
212 Location: 0 Hartson Road
213 Project: Final Subdivision -Subdivide Lot 9 into two parcels
214 Zoning: UMR

215
216 At 6:53pm D. Clymer swore in interested parties and the applicant party. Interested parties
217 included: Stacy Ramos (abutter), Douglas Daczkowski (156 Harston Road), Kristen
218 Beystehner (108 Hartson Road), Sam Landsman (109 Hartson Road). Applicant Party
219 included: John Pitrowiski (Trudell Engineering), Hal Stevens, Chris and Meredith Kerr
220 (owners).

221
222 J. Pitrowiski provided a project overview. Kerrs purchased the property with an approved
223 wastewater permit for two lots on one parcel to service two single family homes with five
224 bedrooms each, but there was no formal subdivision with the Town. They are requesting a
225 two-lot subdivision with access from Hartson Road via a 25' right of way previously
226 approved driveway permit. They have received recommendations from Fire Chief for
227 emergency vehicle turnaround and are working with Electric Dept. to put power lines
228 underground on the downhill side of property.

229
230 T. Hand requested clarification on why the right-of-way changes from 25' to 30' on Lot 9A to
231 9B. J. Pitrowiski stated the size does not make a difference and could bring the 30' to 25' to
232 match if needed.

233
234 There was discussion regarding access off Hartson Road and previous driveway approval. S.
235 Ramos stated the right-of-way was for access to one lot not two. D. Clymer clarified that any
236 right-of -way agreements are civil matters and not before the Board.

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S. Landsman stated the easement was granted for one lot, with two new lots they believe Harston Road will be overburdened. He asked if a road impact study had been conducted. The Zoning Administrator stated that question was raised at a recently withdrawn application for subdivision of the lot and the Town Attorney recommended the Board not get involved in the road or easement discussion as they are civil matters.

J. Pitrowiski stated they had a wetland consultant, Shannon Morrison, out to the site to review the wetland areas and study the site to confirm wetland delineations and findings. S. Landsman requested clarification if the consultant looked at adjacent properties. J. Pitrowiski stated the consultant reviewed the full plans and the site.

D. Clymer began the subdivision review at 7:10pm.

Discussion regarding the measurements of the lot.

Discussion regarding the emergency vehicle turnaround. J. Pitrowiski stated the Fire Chief had recommended a location but would be better on opposite side of the drive to accommodate level ground and move away from neighboring properties. T. Hand requested looking at options for location and to minimize any further clearing between the abutting properties. D. Clymer requested the applicant send Fire Chief a mockup of their proposed location for confirmation. S. Landsman stated he would like to see plan before any decision is made. D. Clymer clarified that they are discussing a driveway not a road.

S. Ramos requested clarification on if the owners proposed to split the property more. D. Clymer clarified that they can only review the plans before them and that the applicants have not proposed any further subdivision plans.

There was discussion regarding watercourses in the area. It was confirmed no watercourses near the proposed building zones.

There was discussion regarding if property was landlocked. Zoning Administrator confirmed that the property was not landlocked as it has a right-of-way access to private road but not to Town Highway. The original subdivision envisioned access from Sandborn Rd but also reserved the right-of-way off Hartson Rd.

There was discussion regarding easement studies and impacts to drinking water. S. Landsman stated he believes creation of the drive and service of two new lots from Hartson Road will impact the spring for their drinking water and wetlands. Discussion regarding site plan noted dug wells. S. Landsman clarified that the dug wells and pump house shown do not service their property but a different property and are no longer in use, the dug well near right-of-way is a spring they use for drinking water.

D. Clymer requested clarification on how Hartson Road is maintained. H. Stevens stated owners share maintenance costs.

D. Clymer asked what the average driveway gradient is. J. Pitrowiski stated no greater than 8%.

285 D. Clymer asked what the current condition of Hartson Road is. S. Landsman stated he runs
286 the maintenance of Hartson Road. The road was designed and built in the mid 1960's, it is a
287 fragile road, quite steep. S. Landsman stated they reached out to engineers in past but were
288 told the road was too steep to pave. It is very fragile and has a hard time with the homes on
289 it currently. There are steep dangerous ditches on both sides of the road that make it very
290 dangerous in the winter and almost unpassable.

291
292 There was discussion regarding turn around area for emergency vehicles. D. Clymer asked
293 that the applicant share the turnaround sketch with neighbors. Zoning Administrator
294 advised the Board that if they decide to approve as drawn they should allow the Zoning
295 Administrator to approve modification to the drive. D. Clymer clarified that the updated site
296 plan will have to be recorded.

297
298 At 8:03pm C. Walton made the motion to direct the zoning administrator to draft findings of
299 fact and conclusions of law approving the project as presented. The motion was seconded
300 by M. Diender and approved (6-1) with Tom Hand voting against.

301
302 **Other Business:**

303
304 The Zoning Administrator reviewed upcoming 4-19-22 agenda items.

305
306 There was discussion regarding Vice Chair position, the Board decided to have a rotating Vice Chair
307 until re-appointments are made.

308
309 A motion was made by C. Walton to approve minutes from 3-15-22 and seconded by T. Hand. The
310 motion passed.

311
312 At 8:16pm the motion to adjourn was made by D. Kelly and seconded by M. Black. The motion
313 passed. The DRB entered deliberative session.

314
315 Respectfully Submitted,
316 Layne Darfler
317 Assistant Planning & Zoning Administrator