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Town of Stowe
Development Review Board
Meeting Minutes – August 2, 2022

A regular meeting of the Stowe Development Review Board was held on Tuesday, August 2, 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; Mary Black; Tom Hand; David Kelly; Peter Roberts; Michael Diender; Leigh Wasserman

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

Others Present in Person: Scott Dowart; Will Ardolino; Chris Conant; Alan Guazzoni; Lynn Altadonna; Paul Sakash; Edwin Bitter; Brian Adams; Al Karousas

Others Present via Zoom: Jed Harris; Margie Kehr; Greg Kehr; “17035993654”; Cory Repka.

Approval of the Agenda – The public meeting was called to order at 5:01 P.M by Chair Clymer.

Development Review Public Hearing-

Project #: 6923

Owner: Lyndall Heyer & Scott Dowart

Tax Map ID: 12-056.010

Location: 5039 Mountain Road

Project: Lot Line Adjustment with Neighboring Property to Swap 0.5 Acres and Purchase 0.5 Acres

Zoning: RR5

Scott Dowart was sworn in at 5:02pm and provided a project overview. He explained that he owns 13 acres in RR5 zoning district. The parcel is naturally steep landscape with small portion of flat land; he has an agreement with neighbors to do a boundary line adjustment in order to place future structure on the flat area. The boundary line adjustment includes swapping 0.5 acres and purchasing 0.5 acres.

The Zoning Administrator clarified that under the regulations the Zoning Administrator can approve up to a certain percentage of land area for boundary line adjustments however due to the irregular property shape this creates the application was referred to the DRB for review.

T. Hand requested clarification on if this irregular shape would be an issue for future development setbacks, he asked whether setbacks would be met if proposing development in the new area. Mr. Dowart stated that this area was the best location for future development and would be able to meet the setback requirements.

D. Clymer asked for clarification as to how the shape was determined. Mr. Dowart stated the line follows the natural elements of the lot which include a steep slope, wetland, and a ravine. L. Wasserman asked for clarification regarding the other portion of the land swap that is a more regular flat line and how the areas were determined. M. Diender also asked for clarification regarding if there was any other way to make the lot lines straighter and less irregular. Mr.

46 Dowart explained that the reasoning behind the shape and sizes were due to the agreement with
47 the neighbor as well as the natural elements and steepness of the lots.

48

49 Mr. Dowart expressed that the intention of the rule to avoid irregular shaped lots is to avoid
50 developers abuse of lot shapes and this is not the same situation, he explained that he has been
51 working on this agreement for a year.

52

53 At 5:16pm T. Hand made a motion to approve the project as presented. The motion was seconded
54 by M. Black and unanimously approved.

55

56 Project #: 6941

57 Owner: Hotel Sportiva Stowe c/o Edwin Bitter

58 Tax Parcel #: 07-021.000

59 Location: 876 Mountain Road

60 Project: Amend Project 6204: Single Story Partially Enclosed Structure for Events & Recreation

61 Zoning: HT/FHD

62

63 Applicant E.W. Bitter and adjoining property owner Nick Donahue were sworn in at 5:17pm. Mr.
64 Bitter provided a project overview; he explained he is seeking approval for a proposed
65 modification of a previously approved structure; the structure is now proposed to be enclosed on
66 two sides. The south side wall is proposed for noise mitigation along with proposed tree plantings.
67 The remaining walls will be left open, and the structure will not generate any frequencies beyond
68 what is currently on the lot already. Neighbors on the opposite side of the lot hold events with
69 amplified music in a structure that closes the doors at 10pm and it can still be heard. He explained
70 that he is not planning on having events in structure past 10pm, and believes the physical
71 mitigation is sufficient to address noise concerns.

72

73 M. Diender asked for clarification on which sides are being closed off. Mr. Bitter stated the south
74 wall which is closest to the Springer-Miller property line and the east wall which is towards the
75 pool area. The open sides will face the tennis court and the meadow area.

76

77 T. Hand requested clarification on the plantings proposed on the south side. Mr. Bitter stated they
78 would be three Norway Spruce trees around 10', but will grow and fill in.

79

80 M. Diender requested clarification of the proposed use of the structure. Mr. Bitter stated the uses
81 proposed are weddings, recreation camps, pickle ball, and winter storage.

82

83 M. Black requested clarification on the wall construction. Mr. Bitter stated it would be essentially a
84 barn wall.

85

86 D. Clymer asked if there would be electric power to the structure. Mr. Bitter stated that there
87 would be no power permanently to the structure, but he would use a quiet generator for lights. P.
88 Roberts stated the generator is a new element that was not originally presented, and the fire
89 department may have concern with it. Question was brought up regarding if State building permits
90 were obtained prior to the construction of the building. Mr. Bitter stated they have an application
91 submitted.

92

93 D. Clymer requested clarification regarding noise levels potentially escaping the building. Mr.

94 Bitter stated that the noise levels were consistent with events currently on the property subject to
95 no amplified music after 10pm, hours of operation requested are 9am-10pm every day.
96

97 M. Diender suggested a condition requiring no noise leaving the property line. Zoning
98 Administrator stated the standard prior similar conditions involved no noise leaving the property
99 after 10pm.
100

101 Nick Donahue stated he is concerned about the noise of the generator if placed near the property
102 line as well as late night noise.
103

104 P. Roberts requested a site plan showing the location of the generator along with the specifications
105 of the generator showing decibel levels.
106

107 P. Roberts asked for clarification on how the walls are constructed. Mr. Bitter stated they are barn
108 walls of wood material. P. Roberts requested the wall structure be shown in architectural plans.
109

110 Discussion regarding if the three trees would be sufficient to help mitigate sound. Mr. Bitter stated
111 they were transplanting trees from the site and have determined three would be sufficient. T.
112 Hand cautioned to make sure the trees were not part of a previously approved plan but concurred
113 that the tree growth could potentially cover 40-50% of the wall length as they grow.
114

115 A motion was made by D. Kelly 5:44pm to close testimony and continue discussion during
116 deliberative session. The motion was seconded by M. Black and unanimously approved.
117

118 Project #: 6933
119 Owner: Gregory Kehr
120 Tax Map ID: 07-140.020
121 Location: Werner Road (Lot 2)
122 Project: Pre-Development Clearing within the RHOD/Amend Prior Clearing Limits
123 Zoning: RHOD/RR2
124

125 Greg Kehr, Margie Kehr, and Brian Adams were all sworn in at 5:52pm
126 G. Kehr provided a project overview which includes requesting to clear trees to access the site.
127

128 D. Clymer requested clarification as to if any of the approved clearing had taken place. G. Kehr
129 stated that they have not completed any clearing, however there was some clearing done
130 previously. He reported they are requesting to clear within the setbacks. T. Hand cautioned that
131 once trees are removed, they are not easily replaced.
132

133 D. Clymer stated there is some confusion between plans being presented and deciphering what
134 was approved previously, what is being requested, and what is already cleared. Discussion
135 regarding which plans were showing what project elements.
136

137 D. Clymer stated that this project requires review under the Stowe Club Test, he briefly explained
138 the Stowe Club Test and requested the applicants indicate which provision they are requesting the
139 modification under. G. Kehr stated the request would fall under changes not being foreseen.
140

141 Further discussion regarding clarification as to what the request is and how to decipher the plans

142 provided. M. Kehr stated the plan showing orange is what they were told when they bought the
143 property that they could cut. The Zoning Administrator clarified that the plan shown in yellow
144 appears to show the areas that they are not allowed to cut.

145
146 D. Clymer requested clarification as to how the applicants meet the provisions of the Stowe Club
147 Test. G. Kehr stated Little River provided the plans and instructed that anything in the yellow they
148 could cut. D. Clymer stated that in order to amend the clearing limits one of the three provisions of
149 the Stowe Club Test have to be met and the reasoning has to be provided.

150
151 T. Hand stated it sounds like the condition on the ground may be different than what is presented,
152 he requested a more precise map showing existing clearing, previously approved clearing, and
153 newly proposed clearing limits.

154
155 M. Kehr requested continuance to date and time certain of October 4th.
156 A motion was made at 6:17pm by T. Hand to continue the review to date and time certain of
157 10/4/2022. The motion was seconded by M. Diender and unanimously approved.

158
159 Project #: 6895
160 Owner: Stowe Country Homes
161 Tax Map ID: 07-150.000
162 Location: 541 South Main Street
163 Project: Remove Former Pony Shed and Construct Two Story Barn Structure
164 Zoning: LVC

165
166 Alan Guazzoni was sworn in at 6:19pm and provided a project overview. The request is to remove
167 the dilapidated building known as the pony shed and construct a 2-story structure in the same
168 place. The new structure will contain laundry facilities, storage, and an office on the first floor with
169 a residential unit on the second floor. The laundry facility is moving from the existing main
170 structure up to the new structure, ancillary to the existing use of the main structure.

171
172 T. Hand stated there is no first-floor elevation on the plans.

173
174 D. Clymer asked the applicant if they had received the comments from Public Works. Mr. Guazzoni
175 stated they were working with Public Works regarding sewer connections.

176
177 M. Diender requested clarification as to venting location of the dryer exhausts.

178
179 D. Clymer requested clarification as to construction hours. Mr. Guazzoni stated weekdays 7:30am-
180 5pm and a couple of weekends with hours from 8pm-3pm.

181
182 D. Clymer asked the applicant if they were aware that the plans were deficient in the required
183 parking. Mr. Guazzoni stated they were unaware they were lacking spaces. Discussion regarding
184 the parking calculations. Mr. Guazzoni stated that there is potentially more room for parking, but
185 they would need to excavate to find out if it was available. The Zoning Administrator stated the
186 Board could consider a potential waiver if verbally requested and if it met criteria for a waiver. D.
187 Clymer requested a site plan showing the required parking. Mr. Guazzoni stated the existing
188 parking currently is not fully used. T. Hand stated that the waiver is unnecessary if the existing
189 and proposed parking can be better defined. L. Wasserman requested fire department input on

190 layout.

191

192 T. Hand asked if any clearing would be required for the building. Mr. Guazzoni stated a few trees
193 may need to be removed. T. Hand expressed concern that removing trees up into the hill may be an
194 issue.

195

196 D. Clymer asked for clarification on the proposed dumpster location and if any screening was
197 proposed. Mr. Guazzoni stated the dumpster location would not be visible from the street. D.
198 Clymer explained screening would still be needed and both location of the dumpster and the
199 screening should be submitted.

200

201 The Zoning Administrator also pointed out that the light posts specifications were not provided.

202

203 A. Karousas, owner, requested a continuance to date and time certain of 8/16/22.

204

205 The motion was made by M. Diender at 7:07pm to continue the review to a date and time certain of
206 8/16/22. The motion was seconded by M. Black and unanimously approved.

207

208 **Other Business:**

209

210 A motion was made by M. Diender to approve minutes from 07/19/22 with spelling edits made by
211 M. Black. The motion was seconded by M. Black and passed unanimously.

212

213 At 7:18pm the motion to adjourn the meeting and enter into deliberative session was made by M.
214 Diender, seconded by M. Black and unanimously approved.

215

216 Respectfully Submitted,

217 Layne Darfler

218 Assistant Planning & Zoning Administrator