



1 **Town of Stowe**
2 **Development Review Board**
3 **Meeting Minutes – August 16, 2022**

4 A regular meeting of the Development Review Board was held on Tuesday, August 16, 2022,
5 starting at approximately 5:00 pm. The meeting was held at the Stowe Town Office with remote
6 participation using the “Zoom” application.

7 **Members Present:** Drew Clymer, Chair; Mary Black; Tom Hand; David Kelly; Peter Roberts;
8 Michael Diender; Leigh Wasserman

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

11 **Others Present in Person:** Thomas Wawrzeniak, John Pitrowski, Tom Hubbs, David Spaulding,
12 Rick Rancourt, Molly Banks, Tim Lackey, Liz Lackey, Claudine Safar, Matt Lillis, Alan Guazzoni, Tyler
13 Mumley, Graham Mink, Jane Grayson, John Grenier.

14 **Others Present via Zoom:** Damon Lee, Michelle Devoe, Harry Shepard, Donald Hull, Jed Harris,
15 Bobby Murphy, Jenny Adams, Jim Lovinsky, Katie Knoll, “Stephanie AWA”, Tommy Gardner, Reid
16 Grayson, “Alans workphone”, Kip Adams, Rick Rancourt, “18022298689”, John Thurgood, Hoppy
17 Easter, “Michelle’s Phone”, Tim baker, “Molly”, Tedd Bludworth,

18
19 **Approval of the Agenda** – The public meeting was called to order at 5:01 P.M by Chair Clymer.

20
21 **Review Skier Days & Traffic Report with VR US Holdings II LLC (continued from 6/7/2022)**
22 **Project BA-14-002-25 & Project 4707 – Review Prior Condition of Approval**

23
24 Matt Lillis and Bobby Murphy were present to provide overviews of the report and answer Board
25 questions. T. Hand stated he would like to see the traffic analysis updated to reflect the recent
26 issues observed, would like to know what the short-term goals are and stated he does not want to
27 see miles and hours of backed up traffic. M. Lillis stated the report was limited to holidays and peak
28 hours. T. Hand asked if they felt that the peak hours had changed. M. Lillis stated no opinion but
29 that they abided by what was asked of them. T. Hand further discussed traffic impacts and the
30 request that a.m. peak hours be studied. M. Diender also asked if 9a.m. traffic back up was not
31 considered an issue. M. Lillis stated historically they have reported on p.m. peak hours and to
32 change the data would be inaccurate. M. Diender stated the Board is concerned with a.m. issues but
33 only hearing about p.m. hours. B. Murphy agreed that a.m. is an issue, and they are looking to
34 mitigate the issues through the paid parking program. He reported they can look at a.m. peak hours
35 traffic study but historically they have studied p.m. so that needs to be consistent.

36
37 T. Hand stated that initial approval conditions stated the applicant had certain study requirements
38 to meet, however conditions have changed since the data collection started. He stated traffic in the
39 morning is negatively impacting the town, a resolution needs to be found. T. Hand continued to
40 request clarification as to when the paid to park program will be rolled out to the public, he said the
41 outstanding issues that have not been clarified or resolved are that the vendor agreement had not
42 been made and the State permits had not been obtained. M. Lillis stated the paid parking program
43 is proposed to roll out in September, the vendor agreement has been made and they are working
44 with the State to implement the program.
45

46 M. Diender requested clarification on if any other mitigation steps were being considered. M. Lillis
47 stated they are working with the Rt. 108-task force to explore other possibilities such as traffic
48 signals, studies looking at additional bus stops and access to them, and satellite parking to allow
49 opportunity to carpool.
50

51 D. Clymer stated the business is essentially a data driven business. He asked if they have used that
52 data to identify areas that may be creating issues outside of the permit requirements. B. Murphy
53 stated they are adhering to the permit conditions but also using data to shift skier flow on the
54 mountain. M. Lillis stated they do not know how the skier gets to the mountain now.
55

56 D. Kelly stated the DRB has the authority to require additional traffic personnel at certain
57 intersections, he asked what the police department thought about the use of traffic personnel. Chief
58 Hull stated that he does not believe there will be staff available and that traffic personnel is not the
59 most useful tool to keep traffic moving. There was continued discussion regarding staffing ability.
60

61 M. Diender stated Mountain Road is a dangerous road to stand on the side of and wait for bus, the
62 applicants stated the buses would be every fifteen (15) minutes but if traffic is backed up that
63 schedule will not be kept. Bus stop improvements would be needed.
64

65 L. Wasserman stated there was a reservation system in place during COVID, he asked if there is a
66 possibility to utilize that system if the issue do not get resolved. B. Murphy stated the paid parking
67 is what they are focusing on, they have the ability to use that reservation system but do not foresee
68 utilizing it.
69

70 T. Hand stated that under the condition of the permit until the Board accepts the report no permits
71 are able to be issued for the Ski-PUD. The Board does not want to rely on hope. Emergency services
72 cannot get up Mountain Road easily. He asked what are the fall backs if the current issue does not
73 get resolved.
74

75 B. Murphy stated the paid parking is looking to change behavior and get cars off the road, engineers
76 are looking at existing parking lots to see if they can be better utilized to fit more parking, Stowe
77 alerts and texting systems are possible.
78

79 The Zoning Administrator stated that the traffic issue is a town-wide issue, and it is not the DRB's
80 responsibility to resolve.
81

82 D. Clymer requested clarification on next steps. The Zoning Administrator stated the Board could
83 move to accept the report and SMR would come back in two years, or requests could be made.
84

85 At 6:28pm T. Hand made a motion to go into deliberative session. The motion was seconded by M.
86 Black and unanimously approved.
87

88 At 6:45pm T. Hand made the motion to exit deliberative session. The motion was seconded by M.
89 Diender and unanimously approved.
90

91 At 6:46pm M. Black made a motion to accept the report with the understanding that a.m. traffic
92 study report will be completed, the paid parking agreement and state permit would be submitted to
93 the Zoning Administrator, additional traffic control officers will be utilized as needed, and the
94 applicants would return in a year to review.
95

96 B. Murphy stated that they were not agreeing to new conditions and were not accepting the
97 language presented in the motion.

98
99 Claudine Safar-attorney for Vail Resorts stated the language is problematic and the Board should
100 move to accept the report with the informal pledges being made by the applicants not being put
101 into the language of the motion.

102
103 M. Diender stated that the condition of the original permit was not being fully met as the Board has
104 been denied the knowledge of the actual number of skier days. The Board is asking for good faith on
105 behalf of the applicant to show they are working with the town to rectify the issues we are seeing.

106
107 D. Clymer stated the motion was made at 6:46pm, the applicants are uncomfortable with the
108 requests that were made; a condition of the permit is skier visit days and the permit holder is
109 unable or unwilling to uphold that condition.

110
111 At 7:14pm M. Black withdrew the condition

112
113 At 7:16pm D. Kelly made the motion to complete the review. The motion was seconded by M. Black.
114 The motion passed with four in favor (L.Wasserman, M.Black, D.Kelly, D.Clymer), two in opposition
115 (T.Hand, M.Diender), and one member abstaining (P.Roberts).

116
117 **Development Review Public Hearing-**

118
119 **Project #: 6814 (continued from 4/19/2022)**
120 **Owner: Thomas Michelson**
121 **Tax Parcel #: 07-309.070**
122 **Location: 87 Farr Hill Road**
123 **Project: Final Subdivision Review-2-Lot Subdivision of Lot B2**
124 **Zoning: RR1/RR2**

125
126 The Zoning Administrator reported that the applicant has verbally withdrawn the project but has
127 not formally submitted the written request; recommended continuance to date and time certain of
128 10/4/2022.

129
130 At 7:18 pm M. Black made the motion to continue the review of 6814 to a date and time certain of
131 October 4th, 2022. The motion was seconded by L. Wasserman and unanimously approved.

132
133 **Project #: 6895 (continued from 8/2/2022)**
134 **Owner: Stowe Country Homes**
135 **Tax Map ID: 07-150.000**
136 **Location: 541 South Main Street**
137 **Project: Remove Former Pony Shed and Construct Two Story Barn Structure**
138 **Zoning: LVC**

139
140 At 7:19pm Chair Clymer swore in Alan Guazzoni and Tyler Mumley.
141 A. Guazzoni provided an update on the project and an overview on supplemental information that
142 was requested by the Board at the previous meeting. The finished floor elevation is 491.5'; lamp
143 post detail was provided; the parking spaces were re-calculated and increased. A. Guazzoni stated

144 by his calculations 16 spaces were required and they were proposing 21 total spaces with 2 spaces
145 being added as part of this project. The Zoning Administrator confirmed that 20 spaces were
146 required. The dumpster location/screening was presented and clarification on sewer and water
147 connection issues being worked out was provided.

148
149 A motion was made at 7:25pm by T. Hand to approve the project as presented with the condition
150 that the sewer and water connection be resolved with DPW. The motion was seconded by M.
151 Diender and unanimously approved.

152

153 **Project #: 6957**

154 **Appellant: Jane Grayson**

155 **Owner: Riverbend Apartments Ltd Partnership**

156 **Tax Map ID: 7A-098.000**

157 **Location: 605 Maple St**

158 **Project: Appeal of Zoning Permit 6892: Modifications to Boulder Retaining Wall**

159 **Zoning: VR20/SHOD**

160

161 At 7:29pm Chair Clymer swore in Jane Grayson, Graham Mink, Tyler Mumley, Jim Lovinsky, Billy
162 Adams, Lesley Adams, and the Zoning Administrator Sarah McShane.

163 T. Hand disclosed minor involvement with the overall project, the Board did not feel it was
164 significant and did not request recusal.

165

166 J. Grayson stated the developer and engineer discussed the project with her at the initial phase of
167 the project and came to an agreement with the understanding that they (developer) would install a
168 hedgerow along a retaining wall to block out lights from cars using the drive. There is very little
169 space there for the vegetation to survive, the wall is 6' tall at the property line; the original
170 approval was for a block style retaining wall with a planting area provided between the drive and
171 the block wall.

172

173 D. Clymer requested clarification on the change from block wall to boulder wall. The Zoning
174 Administrator stated the original approval called for a block retaining wall, but changes were
175 made so an amendment application was submitted to change the block wall to a boulder wall, it
176 was reviewed by the Stowe Historic Preservation Commission and thereafter administratively
177 approved. D. Clymer asked why the retaining wall was changed. G. Mink stated it was due to
178 material availability; originally the boulder wall was not available but when it became available it
179 was determined that it would look more natural for the residential area.

180

181 T. Hand asked if the boulder wall still fit the parameters of the original block wall. T. Mumley
182 stated it matched the slight slope of the block wall and the height.

183

184 D. Clymer requested clarification on the number of trees approved and planted. T. Hand stated
185 they are showing forty-two trees of 5'-6' tall and 2'-3' on-center spacings. T. Mumley stated the
186 trees were installed per approval and the Zoning Administrator signed off on the Certificate of
187 Occupancy. The Zoning Administrator stated there was one tree missing but it was determined to
188 be non-material.

189

190 J. Grayson stated the rock wall has a very small planting area which sits directly on top of the rock
191 with soil built up. The original approval called for Emerald Arborvitae that grow up to 10' tall but

192 what was installed is Cedars which grow 15'-30'. D. Clymer clarified that the trees were alive. J.
193 Grayson confirmed they are alive.

194
195 T. Hand stated it is not an ideal way to install these trees as the root balls are out of the ground and
196 the edge of the curb is exposed.

197
198 J. Grayson continued to state that there is no gravel behind the boulders, it is eroding, there is no
199 drainage, the future of the trees is limited, nineteen cars coming up the drive and their lights go
200 directly into their house. She does not believe when the 1-year warranty is up that the owner will
201 maintain the trees.

202
203 D. Clymer clarified that the permit goes with the land not the applicant so if any of the trees die
204 they will have to be replaced in order to comply with the permit. This appeal is regarding the
205 Zoning Administrators decision to approve the wall with the HPC having also approved of the wall,
206 not the plantings. J. Grayson stated the change in the wall directly affects the vegetations ability to
207 survive.

208
209 L. Adams requested clarification as to why the change of the wall was not warned publicly but the
210 change in vegetation on the roadside was. The Zoning Administrator stated that under Section 10
211 the HPC can deem fences and walls as minor changes, the HPC is an advisory Board to the Zoning
212 Administrator, DRB, and Selectboard in general historic preservation matters.

213
214 L. Adams stated the change in the trees is a concern as they grow much taller and could block
215 sunlight to the neighbor's property. T. Hand clarified that the DRB conditions how tall the trees
216 are at installation but does not condition how tall they can grow, supply issues can cause
217 vegetation choices to vary greatly.

218
219 J. Lovinsky stated the project was constructed as approved and designed by the developer they
220 will go through the year and if the trees do not survive it is the developer's responsibility to
221 replace and following one year it is the responsibility of the property owner.

222
223 At 8:14pm M. Diender made the motion to uphold the Zoning Administrator's issuance of the
224 zoning permit. The motion was seconded by T. Hand and unanimously approved.

225
226 **Project #: 6939**
227 **Owner: Janet Ginsberg**
228 **Tax Map ID: 07-166.000**
229 **Location: 778 Taber Hill Road**
230 **Project: Final Subdivision Review for a 2-Lot Subdivision of 59.1-acre Parcel**
231 **Zoning: RR5/RHOD**

232
233 At 8:26pm Chair Clymer swore in John Grenier, Alan Wanzenberg & Stephanie Anuszkiewicz

234
235 J. Grenier provided a project overview; the request is for a two-lot subdivision with Lot 1 involving
236 the remains of the main lot of 50 acres and the existing dwelling and Lot 2 to consists of 9 acres
237 and a proposed single-family home. The lots are within the RR2/RR3 zoning districts and the
238 proposed house site on Lot 2 is within the RHOD district, the driveway is not within the RHOD
239 district. The project was reviewed by HPC with no issues. J.Grenier reported that he has provided

240 updated information to the Zoning Administrator which includes the 50' right-of-way from Taber
241 Hill Rd to the proposed new home. Stormwater will be treated on site. Approval for the
242 wastewater mound has been obtained, erosion prevention sediment control plan has been
243 submitted, grading/slope plan provided, the project is well under the density requirements,
244 planned selective tree clearing, and project is located away from any neighboring properties.
245 Landscaping and lighting plans have also been submitted and there are no issued with the Zoning
246 Administrators recommendations.

247
248 D. Clymer requested clarification regarding the calculations of grade greater than 20%. J. Grenier
249 presented the calculations.

250
251 D. Clymer stated the internal setbacks are missing. J. Grenier stated they can be added and is okay
252 with it being a condition.

253
254 T. Hand requested clarification on caretaker's apartment. J. Grenier stated it is no longer an
255 apartment it is just a garage/storage building.

256
257 At 8:47pm the motion was made by T. Hand to approve the project as presented with the condition
258 that the site plan be updated to show the internal setbacks and clarify standard #2 regarding the
259 slope and % grade. The motion was seconded by M. Black and unanimously approved.

260
261 **Project #: 6940**
262 **Owner: Janet Ginsberg**
263 **Tax Map ID: 07-166.000**
264 **Location: 778 Taber Hill Road**
265 **Project: Construct Single Family Dwelling and Related Improvements in RHOD**
266 **Zoning: RR5/RHOD**

267
268 The same parties as review of permit #6939 remained sworn in. J. Grenier provided a project
269 overview of the proposed house site. The house site sits on a flat knoll in wooded area, there is a
270 filtered view of Mt. Mansfield, clearing approximately 1.5 acres, not visible with leaves on or off,
271 closest neighbor is over 300' away, lot is naturally screened, landscaping and lighting plans
272 provided.

273
274 D. Clymer requested clarification of clearing. J. Grenier stated the house site sits on approximately
275 100' x 100' of previously cleared area and they are clearing in front of the house, which is mainly
276 flat plateau area, the house site is only clearing area as driveway is mainly cleared previously due
277 to it being a pre-existing road/path.

278
279 A motion was made at 9:03pm by T. Hand to approve the project as presented with the condition
280 that the tree clearing be shown on the landscaping and lighting plan. The motion was seconded by
281 M. Black and unanimously approved.

282
283 **Project #: 6939**
284 **Owner: Andrew McNeil & C. Todd Bludworth**
285 **Tax Map ID: 07-166.000**
286 **Location: 416 Nine Hearths Dr**
287 **Project: Preliminary Subdivision Review for a 6-Lot Subdivision**

288 **Zoning: RR2**

289

290 At 9:08pm Chair Clymer swore in Thomas Wawrzeniak, Tom Hubbs, David Spaulding, Rick
291 Rancourt, Molly Banks, Tim Lackey, and Liz Lackey.

292

293 Thomas Wawrzeniak provided a project overview; the parcel was subdivided in 2015, now
294 requesting a 6-lot subdivision, the zoning district is RR2, forested property, existing driveway 24'
295 wide with 2' shoulders which meets VTrans B71 standards, average grade of 12%. Proposing a 6-
296 lot subdivision with the five proposed lots to contain 5-bedroom single family homes with onsite
297 sewer and water. Obtaining Wastewater permit for all six lots and there is a Homeowners
298 Association in place.

299

300 D. Clymer requested clarification on how the property is accessed. Thomas Wawrzeniak stated the
301 access is off Nine Hearths Drive. D. Clymer asked if there was an access agreement in place.
302 Thomas Wawrzeniak stated that he believes there is related to the previous subdivision.

303

304 D. Clymer requested overview of character of the land. Thomas Wawrzeniak state there are two
305 perennial streams through wetland, trying to not impact natural components of property, able to
306 provide building zones for five additional lots with onsite stormwater retainment system.

307

308 John Pitrowiski- stated the construction is limited to five new sites, placed house sites in less steep
309 areas, environmental scientist reviewed wildlife habitat and wetlands, site primarily forested with
310 hemlock, birch and red maples, no signs of large animals, no vernal pools, wetland and buffers
311 avoided, has seasonal stream and no fish habitat, ANR maps do not show any threatened or
312 endangered species in the area. There is a wildlife connectivity block rated 4/10 as a general
313 buffer connection.

314

315 The Zoning Administrator noted that the usable building area on Lots 3 and 5 are very small due to
316 wetland buffer. Thomas Wawrzeniak stated there is a revised tree line that needs to be submitted.

317

318 D. Clymer requested clarification on medium priority block and how that is impacted.

319

320 M. Banks stated the road name is Nine Hearths Drive but the plans call the site Westview Heights
321 Subdivision. M. Black concurred that needs to change as there is already a Westview Heights
322 Subdivision. M. Banks stated the road is a shared drive with the condo association and the
323 easement was granted for one single family home, this is a great increase and there is concern
324 regarding the future degradation of the road, have not heard of any agreement with the condo
325 association for this project. D. Clymer clarified that overburdening of right-of-way is a civil matter.

326 T. Hubbs concerned that the septic of Lot 3 is very close to his property.

327 L. Lackey requested clarification on building height limits. The Zoning Administrator stated 28'
328 height limit.

329

330 At 10:13pm M. Diender made the motion to continue the review to date and time certain of
331 10/18/2022. The motion was seconded by M. Black and unanimously approved.

332

333 **Other Business:**

334

335 A motion was made by T. Hand to approve minutes from 08/02/22. The motion was seconded by
336 M. Black and passed unanimously.

337

338 At 10:15pm the meeting was adjourned.

339

340 Respectfully Submitted,

341 Layne Darfler

342 Assistant Planning & Zoning Administrator