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Town of Stowe
Development Review Board
Meeting Minutes – September 20, 2022

A regular meeting of the Development Review Board was held on Tuesday, September 20, 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; Chris Walton; David Kelly; Peter Roberts; Michael Diender; Leigh Wasserman, Andrew Volansky

Staff Present: Sarah McShane- Planning & Zoning Director

Others Present in Person: Chapman Smith, Doug White, Anne Krumme, Ryan Lamberg, Daniel Jennings, Tyler Mumley, Kevin Song, Amanda Song, Steven Foster. Others were present but did not sign the attendance sheet.

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

Project #: 6808 (cont. from 4/19; 6/7; & 7/19/22)

Owner: Aaron & Carolyn Solo

Tax Map ID: 07-073.080

Location: 0 Foxfire Lane

Project: Preliminary Review: Subdivision of 67 Acres into 9 Lots and One Buffer Lot

Zoning: RR2

Chair Clymer stated a letter was received by the Board requesting continuance to November 15th 2022. Zoning Administrator confirmed the requested date. Motion was made at 5:02pm by M. Black to continue to a date and time certain of November 15th, 2022. The motion was seconded by M. Diender and unanimously approved.

Project #: 6958

Owner: Andrew & Lacy Mink

Appellant: Lamoille Board of Realtors

Tax Map ID: 10-228.000

Location: 1763 Pucker St

Project: Appeal of Zoning Permit 6956 for Installation of a Sign

Zoning: RR2

M. Black recused herself from the review. C. Walton recused himself.

Chair Clymer swore in Graham Wheeler, representing the Lamoille Area Board of Realtors, at 5:03pm and others providing testimony (Sarah McShane, Steven Foster).

G. Wheeler stated the appeal is for the issuance of a zoning permit for a permanent sign. He explained that since the sign is a real estate sign, they feel it is a temporary sign because real estate signs are for the sole purpose of selling property and are removed following the sale. He reported it is their position that the sign is temporary; he reported that they felt the applicant put the application forward in order to circumvent the Town’s temporary sign policy.

46 The Zoning Administrator stated the project is located at 1763 Pucker Street; the sign regulations in
47 RR district apply to the project. The appeal is based on the fact that the appellants feel the sign is
48 temporary. She reported that within the sign regulations the difference between permanent and
49 temporary is not based on duration, rather is based on material. If it is a permanent sign structure
50 it is not considered temporary. The Town cannot regulate based on the content and cannot
51 regulate the messaging of the sign. She reported that the regulations require review of location,
52 dimension, size, area; regardless of whether it says "For Sale" or otherwise.

53
54 M. Diender requested clarification on if the sign is currently on the property. The Zoning
55 Administrator stated the permit was issued and then appealed so the sign is not currently erected
56 on the property.

57
58 S. Foster stated in leading up to the appeal the Lamoille Area Board of Realtors reached out to the
59 applicant and provided guidance regarding temporary sign regulations. He reported that he did not
60 feel there was mediation or satisfaction there thus they went ahead with the appeal. He reported
61 that he did have conversations with staff regarding the sign being put up without a permit and
62 longer than two days prior to the permit being issued. He expressed that the Lamoille Area Board
63 of Realtors position that a notice of violation should have been issued and rather a permit was
64 issued.

65
66 Zoning Administrator clarified the Board should determine the interested party status of the
67 Lamoille Area Board of Realtors. S. Foster stated in the appeal there are several signatures from
68 Stowe Residents as necessary to appeal under State Statute.

69
70 L.Wasserman asked for clarification regarding if the appeal is filed under the Lamoille Area Board
71 of Realtors or the signatures, he asked do we consider the Lamoille Area Board of Realtors as a
72 whole appealing or individuals all appealing? G. Wheeler was asked if he represents the entire
73 Board. G. Wheeler stated he is the President of Lamoille Area Board of Realtors. The other
74 signatures are all realtors on the Board as well as residents of Stowe. A board member requested
75 clarification on if the application for the appeal was filed individually or as a representative of the
76 Lamoille Area Board of Realtors. The Zoning Administrator stated staff received a letter dated July
77 22nd on behalf of the Lamoille Area Board of Realtors with a signature by Steven Foster as a
78 representative of the following, with ten signatures following.

79
80 M. Diender asked for clarification on the bylaws stating no real estate signs in the Town of Stowe.
81 The Zoning Administrator stated there are no zoning regulations prohibiting real estate signs in the
82 Town of Stowe. M. Diender asked for clarification on if the appellants would have appealed a non-
83 real estate related sign. G. Wheeler stated they would not have appealed the sign as they do not
84 want to infringe on someone's rights to having a sign; in this case the sign is a temporary sign being
85 disguised as a permanent sign.

86
87 S. Foster recited language from Municipal Town and Government Section 44 chapter 117 regarding
88 party status and that any ten persons can apply as a collective through designating one person to
89 represent the appeal. Chair Clymer stated he agrees with that position. The Zoning Administrator
90 stated disagreement with the statement and disagrees with Lamoille Area Board of Realtors having
91 party status, however noted that the individual ten persons may meet the definition of interested
92 person. Chair Clymer stated he agrees the ten individuals do have status but not the Lamoille Area
93 Board of Realtors as a collective; he sees the appellant as the individuals and not the collective.
94 L.Wasserman stated if it is ten individuals then all ten should be providing testimony. Chair Clymer

95 stated S.Foster may be considered the representative for all ten which would be sufficient. It was
96 clarified that S.Foster is representing the testimony of the ten individuals.
97
98 P. Roberts stated the appellants are appealing the content of the sign; he asked for clarification
99
100 G. Wheeler stated the Lamoille Area Board of Realtors believe the sign is temporary in nature and
101 not permanent as permitted.
102
103 P. Roberts clarified the proposed sign is a 'for sale' sign. Chair Clymer clarified that the content of
104 the sign cannot be considered. The Zoning Administrator confirmed it does not matter what the
105 sign says, she can only review whether the signs meets the size requirements and that is remains
106 outside of the right of way. Under the regulations Section 14.5 also requires that a permanent sign
107 material be stiff material and not banner-like material; for temporary signs under section 14.3(2)
108 temporary signs cannot exceed three square feet in height and must remain outside of the travel
109 portion and allowed no more than one sign per property for no more than two days per calendar
110 month. She explained that if it meets the permanent sign requirements it meets the regulations
111 regardless of the content or message on the sign.
112
113 P. Roberts clarified that a permanent sign was applied for. The Zoning Administrator confirmed.
114
115 G. Wheeler asked for clarification on if the sign was temporary or permanent- is it temporary to
116 advertise it or is it a permanent sign that will remain there once the property is sold. M. Diender
117 asked if they can assume the sign comes down once it is sold? G. Wheeler stated that is the typical
118 process for real estate signs.
119
120 Chair Clymer asked for clarification as to if the sign was ever erected. The Zoning Administrator
121 stated the sign was put up prior to being issued a permit but was taken down upon staff request
122 once the department became aware of it.
123
124 Chair Clymer asked for a timeline on the decision for the appeal. The Zoning Administrator stated
125 once the testimony is closed and a decision rendered the DRB has the same 45 days to issue the
126 decision.
127
128 L. Wasserman asked for clarification as to why the appellants believe the intent is fraudulent. G.
129 Wheeler stated the industry does not put up permanent signs. L. Wasserman clarified they are
130 appealing the intent and asked if they had spoken to the applicant regarding their intent and
131 whether or not the sign would be taken down. G. Wheeler could not confirm.
132
133 M. Diender made the motion at 5:25pm to deny the appeal and uphold the Zoning Administrator's
134 determination. The motion was seconded by L.Wasserman. The motion passed with P.Roberts,
135 L.Wasserman, M.Diender, D.Kelly voting to uphold. A.Volansky voted in opposition. D.Clymer as
136 Chair did not vote.
137
138 The appellants asked for clarification. Chair Clymer stated the motion is to uphold the zoning
139 administrators issuance of the permit. S. Foster stated the appeal was not stating the permit was
140 incorrectly issued. Chair Clymer clarified that the appeal in fact was regarding whether or not the
141 permit was issued per the regulations. G. Wheeler clarified that the Board is voting to say no to the
142 appeal and that the sign is okay. Decision is upheld and the appeal is denied.
143
144

145 Project #: 6854
146 Owner: Ryan Lamberg
147 Tax Map ID: 7A-138.000
148 Location: 78 Highland Ave
149 Project: Waiver for the Construction of 14'x 27.5' Residential Addition
150 Zoning: VR20/SHOD

151
152 Chair Clymer swore in Ryan Lamberg, Ann Krumme, and Doug White at 5:25pm

153
154 R. Lamberg provided a project overview and stated the design went through several rounds of HPC
155 review for design approval; the house sits on a very small lot and has no prominent façade; it has
156 not been updated since the 70's; the goal of the project is to create a family home; the request is to
157 create additional living space, update design, addition of a garage, and additional deck for outdoor
158 use.

159
160 Chair Clymer clarified that the request is for a setback waiver to apply a reduced setback. D. White
161 pointed out the existing buildable zone, the footprint of the structure, and the area where the
162 setback waiver is necessary to build the additions.

163
164 Chair Clymer asked Zoning Administrator for clarification regarding the setbacks and that they are
165 predominately looking at the rear setback which is required at 40'. Zoning Administrator
166 confirmed. D. White stated under Section 10.9 waivers may be granted for small additions. R.
167 Lamberg stated when they purchased the property the regulations had not been updated and
168 shortly after the regulations updated and decreased the setback allowance. He explained had that
169 not changed the project would have fallen under a preexisting condition and they are hoping to
170 improve the lot.

171
172 Chair Clymer asked Zoning Administrator what conditions the waiver falls into. Zoning
173 Administrator stated under Section 10- after receiving positive design recommendations from the
174 HPC the DRB may grant a waiver from the dimensional requirements of the underlying zoning
175 district, waivers may be granted to small additions, decks, etc.

176
177 Chair Clymer stated the allowable waiver is up to 30'.

178
179 M. Diender stated he used to live a couple doors down and this neighborhood is a historic street,
180 what the applicant is proposing is an improvement for the lot.

181
182 Chair Clymer asked if the letter of recommendation was forwarded by the Historical Committee.
183 Zoning Administrator confirmed and provided a brief summary of the HPC review.

184
185 A motion was made by C. Walton at 5:37pm to approve the project as presented. The motion was
186 seconded by M. Black and unanimously approved.

187
188 Project #: 6972
189 Owner: Daniel Jennings
190 Tax Map ID: 02-157.000
191 Location: 500 Ayers Farm Rd
192 Project: RHOD Review for Predevelopment Clearing; Driveway Relocation; Pond & Barn
193 Construction
194 Zoning: RR3/RHOD

195
196 C. Walton, A. Volansky recused themselves from the review.

197
198 At 5:39pm Chair Clymer swore in Andrew Volansky, Tyler Mumley, Daniel Jennings, Kevin Song,
199 and Amanda Song.

200
201 T. Mumley provided the project overview; he explained the property owners own three existing lots
202 on Ayers Farm Rd; an existing house is located at 500 Ayes Farm Rd on its own lot; proposing a new
203 driveway. Chair Clymer requested clarification on if the lots were being merged. T. Mumley stated
204 the lots were to remain as they are, three separate lots. T. Mumley continued with his overview: a
205 new drive is planned off Ayers Farm Rd coming in to serve a new residential dwelling as well as a
206 new accessory dwelling. Chair Clymer asked for clarification as to if the drive was the new right of
207 way across the existing lot. T. Mumley confirmed the drive will cross the vacant lot into the interior
208 lot. T. Mumley continued to state the proposed building and accessory dwelling would be on the
209 larger interior lot which is called out as existing Lot 1. He explained they are looking for approval of
210 the clearing associated with the driveway, the new structures, pond, open space, barn, wastewater
211 system, and clearing on Lot 2 and 3 for views. They are also requesting revisions to the existing
212 drive to decrease steepness/grade. As part of this application, they are requesting approval for the
213 barn structure itself as well, they plan on returning for residential structures at a later time.

214
215 L. Wasserman requested clarification on the purpose of the thinning on Lot 1. T. Mumley stated to
216 provide useful area as it is quite dense there as well as forest health.

217
218 M. Diender asked for clarification on why the dwellings and barn are not being applied for at the
219 same time. T. Mumley stated the plans are not ready yet. Standard review began at 5:47pm

220
221 Chair Clymer asked for the lot sizes. T. Mumley stated Lot 3 is 2.16 acres, Lot 2 is 2.4 acres and Lot 1
222 is 10.07 acres. Chair Clymer asked for clarification on the interior lot meeting the required setbacks.
223 T. Mumley stated the right of way goes into the interior lot and they show 60' setbacks all around.
224 Zoning Administrator stated the property line where the right of way comes into is the front yard
225 which should show 70' setback. T. Mumley stated that it would not be a problem and can update
226 the site plan.

227
228 Chair Clymer requested clarification on the use of the barn. Zoning Administrator stated the barn
229 would be classified as the single family dwelling unit and then when the larger residential structure
230 is applied for the barn will be reclassified as an accessory dwelling unit after confirmation of
231 consistency with the regulations.

232
233 Discussion regarding building height. A. Volansky stated the building height is at 22' on west
234 elevation and the lower level elevation at 1246' at slab.

235
236 Chair Clymer requested an overview of the designation of vantage points. T. Mumley stated
237 proposing clearing from house and barn towards the back of the property to obtain mountain
238 views. The viewshed analysis focused on the view line as well as vantage points throughout town.
239 Found minimal view of the lot as the ridgelines block out views. River Road and Shaw Hill are the
240 main views. North side of the structures will still have trees remaining which will block visibility as
241 well. There is a possibility that glimpses of the house could be seen from Trapps. A. Volansky stated
242 the application today and the work to still come back are two separate items, preempting the
243 structural applications by showing the viewshed analysis of everything. There will be visibility from
244 Trapps of the house but working on confirming; he explained they will provide mitigation efforts

245 with the application for the new development. The Board discussed the plan sets provided and
246 viewsheds. Clarifications regarding clearing areas and existing versus proposed clearing. M.
247 Diender requested clarification on how the Board treats properties that are lower in elevation than
248 the vantage point as it seems inevitable that the property would be visible. Zoning Administrator
249 pointed to Section 9.5.2 designated vantage points- the DRB shall consider the relative importance
250 of the vantage points and the number of designated vantage points, traffic, distance, and visibility of
251 the vantage points as seen by pedestrians. M. Diender asked how the applicants propose to deal
252 with the visibility. T. Mumley stated they are requesting the clearing with the goal that the buildings
253 will fit into the area and alleviate the visibility concerns with the Trapps view. A board member
254 requested verification as to if the Villas at Trapps are lower than the lots and what the reasoning is
255 regarding clearing directly up to the property line with the clearing.

256
257 Chair Clymer stated the applicant is proposing 50% of the lot being cleared. T. Mumley stated it was
258 30-40%. A. Volansky stated the view of the mountain and trapps is very limited, they are balancing
259 off-site views that fall within the RHOD regulations. Clearing provides the view that does not
260 currently exist. Chair Clymer requested clarification on the timeline of construction, applications,
261 and vegetation/landscaping installations. A. Volansky stated they expect to come in with another
262 application late fall-early winter. Landscaping is proposed as part of this application for the barn;
263 there will be additional landscaping with the house when that is applied for. A. Volansky stated
264 removing some trees while leaving other trees would create an issue with trees falling and become
265 hazardous, so the strategy is to open the site up and create the room needed while coming back
266 with a full landscaping plan for the house. Chair Clymer reiterated that they requested Board
267 approval of clearing four acres within the RHOD without providing a complete landscaping plan to
268 soften the visibility effects of the development. T. Mumley stated there is no other impacts beyond
269 the Trapp visibility. Chair Clymer stated the amount of clearing shall be limited. A. Volansky stated
270 they are trying to accomplish creating room for the development, as well as take advantage of off-
271 site views.

272
273 M. Diender asked for clarification on why requesting clearing with the barn at this time rather than
274 request to build the barn and then request the clearing with the larger structural development on
275 the lot. P. Roberts seconded the question, proposed the applicant focus the request for just the
276 aspects relative to the barn and come back with the clearing necessary for the house. D. Jennings
277 stated the total acreage is 14 acres and the request is for 4 acres, he felt the request remains limited
278 as the regulations state. Chair Clymer clarified that the lots are not merged so the request is looked
279 at as shown on the 10-acre lot and not the total. D. Jennings stated they are requesting the clearing,
280 the barn, and the pond as the first priority, should the house take longer. Discussion regarding
281 clearing and appropriateness of the amount of clearing.

282
283 Chair Clymer requested clarification on where the roof of the barn sits relative to the treeline. A.
284 Volansky showed visual representation of the treeline and the barn structure, confirming it sits
285 below treeline.

286
287 Chair Clymer requested clarification on if the barn cupola was lit. A. Volansky stated there is
288 internal light but would not be visible offsite, no direct internal light within that cupola. D. Kelly
289 requested if the light was dark sky compliant. A. Volansky stated he would have to confirm but it
290 would be ambient light similar to the other windows in the structure.

291
292 M. Diender requested clarification as to how much clearing was required for the pond, can the plans
293 be altered to get the homeowners requests without the full site clearing proposed. A. Volansky
294 stated the request is submitted as-is due to timelines and getting contractors lined up.

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M. Diender requested clarification on how the Board proceeds. Chair Clymer asked if the Board would like a site visit. P. Roberts stated the project is well planned but he is not comfortable with the magnitude of the site work and the phasing order of the project. The Zoning Administrator stated they could also close testimony and proceed in deliberative session.

A.Volanksy asked if the Board would be open to conditioning the permit to allow the driveway, pond, and barn to be developed and coming back with plans for the main structure and further clearing.

At 6:45pm a motion was made by D. Kelly to approve the project as conditioned by A. Volanksy to reduce the clearing to just include the barn, pond and driveway. The motion was seconded by M. Diender.

A.Volansky provided an updated marked up site plan showing what they need approved to put the barn, pond, and driveway in.

The motion passed 5-1 with D.Clymer, L.Wasserman, D. Kelly, M.Black, M.Diender voting in the affirmative and P.Roberts voting in opposition.

Other Business:

Chair Clymer stated he has a couple of items to discuss. Zoning Administrator stated there are deliberative session items as well.

Zoning Administrator went over the upcoming meetings October 4th and October 18th are both full. T. Hand not present October 18th. M. Black potentially has jury duty.

A motion was made to approve the minutes at 6:55pm by M. Diender, seconded by D. Kelly and unanimously approved.

The Board moved closed the public meeting and moved into deliberative session at 7:00pm by a motion by D. Clymer, seconded by M. Diender and unanimously approved.

At 7:30 pm the meeting was adjourned and the DRB entered deliberative session.

Respectfully Submitted,
Layne Darfler