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Town of Stowe
Development Review Board
Meeting Minutes – December 6, 2022

A regular meeting of the Development Review Board was held on Tuesday, December 6, 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: Mary Black, Chris Walton, Tom Hand, Peter Roberts, Drew Clymer, Leigh Wasserman, David Kelly.

Staff Present: Sarah McShane- Planning & Zoning Director

Others Present in Person: [See sign-in attendance sheet]

Approval of the Agenda

Chair Clymer called the meeting to order at 5:01pm

Project #: 7019

Owner: Somers Point LLC/Katherine Laster

Tax Parcel #: 06-038.000

Location: 2364 Mountain Rd

Project: Amend Previously Approved Subdivision; Boundary Line Adjustment; Access Modifications

Zoning: UMR

At 5:02pm Chair Clymer swore in George McCain and Kate Laster.

G. McCain provided a brief summary of the proposed project. He explained there are three components to the application: 1) proposing subdivision of lot 1 to split buildings to separate lots into lot a and lot b; 2) proposing boundary lot adjustment to lot 4; and 3) proposing revised access to serve lot 2. The Fire Department has reviewed the new access; it has been designed to meet all their standards and will provide adequate turn around areas at top of drive.

At 5:04 Chair Clymer began the standard review.

C. Walton requested clarification regarding the change of use and if that can be decided on under this application or if it will remain separate. The Zoning Administrator stated the application for the change of use has been applied for separately, but the Board could condition this proposal with the condition that the permit for the change of use must be obtained prior to filing the mylar.

Chair Clymer asked for clarification regarding whether the property line which separates Lot A and Lot B meet the 10’ setback requirements. G. McCain stated it does not, but they do have a letter prepared stating the owners of both lots accept the setback not being met.

The Zoning Administrator confirmed the proposal meets density requirements but will be further reviewed under the change of use requirements.

46 Chair Clymer requested clarification on communication from the Fire Chief. The Zoning
47 Administrator provided a review of Fire Chiefs recommendations. G. McCain stated they are aware
48 of the requests and are happy to meet them.

49
50 No other municipal communications were received.

51
52 C. Walton requested to see the entire Lot B shown on the plans. G. McCain clarified where that is in
53 the plans and provided a brief overview of the Lot configuration.

54
55 Chair Clymer requested clarification regarding no open space shown but notes stating that Lot 1B
56 will hold a common open space. G. McCain confirmed there is open space within Lot 1B that will be
57 for the condominium project. The Zoning Administrator requested clarification on where the open
58 space is located. G. McCain pointed the locations out. Chair Clymer requested that it be noted. The
59 Zoning Administrator requested clarification on future development plans for that open space. G.
60 McCain stated there were no plans at this time and the space will be restricted as part of the
61 covenants.

62
63 T. Hand requested clarification as to what the applicants see as a benefit of making the access
64 change to Lot 2. G. McCain stated that change would be a beneficial feature of the lot and works
65 with the slope of the land; it was a decision based on the development plans.

66
67 Chair Clymer requested information on any stormwater changes that are new to the project. G.
68 McCain stated there is one additional stormwater pond that has been shown on previous plans but
69 has changed due to the driveway changes.

70
71 G. McCain requested that in the motion the Board leaves off the requirement to increase the width
72 of the access at Rt 108. T. Hand asked if that was not an already established condition. The Zoning
73 Administrator stated confirmation is needed. Chair Clymer confirmed it is an already existing
74 condition.

75
76 At 5:19pm C. Walton made the motion to approve the project with conditions to require the change
77 of use application be approved prior to submitting the mylar, the applicants shall submit a letter
78 stating adjoining landowners accept the reduced setback, meet the Fire Departments requirements,
79 as well as noting the shared open space on the plans. The motion was seconded by T. Hand and
80 unanimously approved.

81
82 **Project #: 7020**
83 **Owner: 1500 Edson Hill Holdings LLC**
84 **Tax Parcel #: 11-029.000**
85 **Location: 1500 Edson Hill Rd**
86 **Project: Partial Review of Section 3.9(1)(c) (4) & (6)/Non-Conforming Use**
87 **Zoning: RR5/RHOD**

88
89 At 5:27pm C. Walton made the motion to go into deliberative session. T. Hand seconded the motion.
90 The motion was unanimously approved. At 5:52 the Board returned from deliberative session

91
92 At 5:53pm Chair Clymer swore in Tyler Mumley and Eric Stacy.

93
94 Chair Clymer stated that the Board feels that the applicants are asking for the interpretation of
95 three sections of the Regulations, in order to address those standards in context the Board would

96 like to see a timeline of the project and the development history. The Board will seek legal advice
97 regarding the question of aggregate area by the Town Attorney. T. Mumley stated the reasoning
98 behind partial application is to avoid unreasonable efforts and they are looking for what numbers
99 the Board would approve after the historic use has been solidified. He noted they are ready to work
100 within the decided parameters. He explained the interpretations are vague and unknown so having
101 a more direct interpretation allows them to explore possibilities and have more accurate numbers.
102

103 Chair Clymer stated the Board does not have any more information than the applicants do. C.
104 Walton stated the past approvals on the property will reflect how much of the 50% has already
105 been used. T. Mumley stated that interpretation is up in the air. T. Hand stated they have to figure
106 out if the cottages are supposed to be considered as part of the nonconforming use or not. T.
107 Mumley requested clarification on what is actually being questioned. The Zoning Administrator
108 explained that some buildings and uses are pre-existing non-conforming meaning some pre-date
109 zoning however some were built after zoning was enacted. T. Mumley asked for clarification
110 regarding the cottages. C. Walton asked if they were expansion of the pre-existing non-conforming
111 use. The Zoning Administrator stated there is not clarity around what rules were in place at the
112 time the additional cottages were built but research could uncover more information.
113

114 Chair Clymer stated the Board would like additional information before they go down the path of
115 interpreting. T. Hand stated the record is incomplete in terms of history and how the property was
116 expanded upon so there needs to be more clarity before the Board can have an accurate
117 interpretation and answers.
118

119 T. Mumley asked if the Board would make the interpretation or if it would be coming from the
120 Town Attorney. Chair Clymer stated the Board would be making the interpretation with guidance
121 from the Town Attorney.
122

123 T. Mumley requested specific guidance on what the Board needs, he asked if they wanted to see a
124 timeline of permits on the property. C. Walton stated they want to see anything that expanded the
125 property or have relevance to the non-conforming use. P. Roberts added specifically improvements
126 that were done after zoning was enacted.
127

128 At 6:10pm T. Hand made a motion to continue the review at a time and date certain of January 3,
129 2023. The motion was seconded by C. Walton and unanimously approved.
130

131 **Project #: 7033**

132 **Owner: Nicholas Stolowitz & Claudia Thurston**

133 **Tax Parcel #: 07-367.000**

134 **Location: 300 North Hollow Rd**

135 **Project: Final Subdivision Review- 2 Lot Subdivision/Lot 1 being ±5 Acres & Lot 2 being ±10**
136 **Acres**

137 **Zoning: RR5**
138

139 M. Black recused herself from the review.
140

141 At 6:12 pm Chair Clymer swore in Tyler Mumley, Claudia Thurston, Peter Anderson, and Doug
142 White.
143

144 T. Mumley provided a brief summary of the project; the Applicant is proposing a new five acre
145 parcel to be subdivided from a fifteen acre parcel, accessed via right of way through the existing

146 driveway. The property is mostly open meadow area, they have completed a wastewater design
147 and dug test pits. He reported the proposed subdivision conforms to the requirements and they
148 have met with the fire chief who is happy with the plan, there will be no adverse impact to wildlife.
149

150 C. Walton requested clarification on the acreage calculation. T. Mumley provided clarification that
151 calculations were from the original subdivisions.
152

153 At 6:18pm Chair Clymer began the standard review.
154

155 T. Hand requested intent on burying the house deep back into the lot versus more forward. T.
156 Mumley stated they wanted to get higher to get more views of the meadow.
157

158 Chair Clymer stated Lot 1 contains prime agricultural lands and asked if it is actively farmed. T.
159 Mumley stated they mow it and hay it. D. White stated the applicants and neighbor came to an
160 agreement regarding driveway location and would like to see it in that location in the future. T.
161 Mumley stated the house and driveway are not part of this application, but the intention is to leave
162 it as shown.
163

164 T. Hand stated the specific building zone is not shown on the plan. T. Mumley stated the building
165 site location is not part of this application as they are only looking at a subdivision. The Zoning
166 Administrator stated the building zone will show potential development location. C. Walton stated
167 Section 5.1.11 states the building zone must be shown. In regards to the building zone, T. Mumley
168 stated the intention is the house would be set to meet the setbacks but if the Board needs to see a
169 building zone they can add that to the plan. Chair Clymer stated there is concern about the meadow
170 area so allowing the building zone to just meet the setbacks could cause issues. T. Mumley stated
171 the building zone would be the eastern most portion of the lot, halfway up the meadow, and
172 meeting setbacks. D. White stated Mr. Anderson is concerned about the driveway bisecting the
173 property. P. Anderson stated the location of the house site proposed has a significant impact and
174 would prefer the house site to be lower below the meadow.
175

176 Chair Clymer stated he would like the building zone specified. T. Mumley requested the building
177 zone to match the setbacks up to the driveway to allow flexibility for setting the house either lower
178 or higher on the lot. T. Hand if someone wants to change the building zone in the future, they could
179 request approval by the DRB. The Zoning Administrator clarified the request is for the building
180 zone to match the setback up to the driveway.
181

182 Chair Clymer asked if each site would have their own well. T. Mumley confirmed.
183

184 D. White requested proper easements for access to the property.
185

186 Chair Clymer requested clarification regarding if the 10-acre parcel would be subdivided. T.
187 Mumley stated there are no plans to further develop or subdivide at this time.
188

189 The Zoning Administrator requested clarification regarding if the driveway was a right of way or
190 easement and which lot owns that land underneath. T. Mumley stated Lot 1 owns that land. Chair
191 Clymer stated Lot 1 owns the land and grants the rights to the right of way to Lot 2.
192

193 At 6:54 pm C. Walton made a motion to approve the project with usual change order and showing
194 the building zone. The motion was seconded by T. Hand. The motion was approved with 4 in the
195 affirmative, M.Black recused, and 1 (L.Wasserman) voting in opposition.

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Other Business:

At 6:58pm the motion was made to approve the minutes from 11-15-22 by C. Walton. The motion was seconded by M. Black and unanimously approved.

At 7pm the Board entered into deliberative session

Respectfully Submitted,
Layne Darfler