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**Town of Stowe
Development Review Board
Meeting Minutes – January 17, 2023**

A regular meeting of the Development Review Board was held on Tuesday, January 17, 2023, 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, Tom Hand, Mary Black, Chris Walton, David Kelly, Sarah Henshaw (alternate)

Staff Present: Sarah McShane- Planning & Zoning Director, Ryan Morrison- Deputy Zoning Administrator

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

Approval of the Agenda

Chair Clymer called the meeting to order at 5:02pm

Project #: 7022 (Cont. from 11/15) [Note: Applicant has requested a continuance to 3/7/2023]

Owner: AWH Stowe Resort Hotel LLC c/o AWH Partners LLC

Tax Parcel #: 11-138.000

Location: 199 Topnotch Dr

Project: Construct Four Story Multi-Family Dwelling with Conference Room/Related Improvements

Zoning: UMR/PUD

Chair Clymer noted that the applicant had requested a continuance to the March 7, 2023 DRB meeting.

T. Hand made the motion to continue the application to March 7, 2023. The motion was seconded by C. Walton and unanimously approved.

Project #: 7039 (Cont. from 1/3/23)

Owner: The Green Mountain Experience LLC

Tax Parcel #: 11-149.000

Location: 3418 Mountain Rd

Project: Construct an 80' x 150' Recreation Building with Associated Site Improvements

Zoning: UMR/RR2

The DRB conducted a public site visit at 3418 Mountain Road at 4:00 PM. Board members present included T. Hand, D. Kelly, and S. Henshaw. Tyler Mumley gave a brief overview of the project, showing the location of all proposed development. Other board members noted that they visited the site individually prior to the scheduled site visit.

M. Black recused herself from the review.

Chair Clymer swore in Tyler Mumley, Noah Labow and George Coultas .

46
47 T. Mumley provided an update as to revisions made to the site plan. The following site plan
48 revisions were noted: removal of 'grease trap', alteration of the outside curb radius to 35 ft to
49 accommodate the Fire Chief, adding an ADA ramp in the sidewalk, modify the tree removal line in
50 the southeast corner, adding three evergreen on the west side of the new structure to provide
51 additional screening, adding huckleberry trees throughout the parking area, and adding a return
52 aisle for the driveway.

53
54 T. Mumley added that a muted earth tone will be used for the structure and that the mosaic roof
55 pattern shown in structural examples will not be used.

56
57 Chair Clymer asked if the Board had any additional questions.

58
59 D. Kelly made the motion to close testimony and deliberate at the end of the meeting.

60
61 Chair Clymer swore in Rob Wettach and Nelson Riley.

62
63 R. Wettach asked what the hours of operation will be and what type of light would come out of the
64 skylights. T. Mumley responded that operations will cease at 8:00pm each day, and because of the
65 downward lighting within the building, very little illumination will be visible from the exterior.

66
67 N. Riley stated that he lives in Stowe and supports the project.

68
69 S. Henshaw seconded D. Kelly's motion to close testimony and deliberate at the end of the meeting.
70 The motion passed unanimously.

71
72 **Project #: 7052**

73 **Owner: Wallace & Von Doering 2014 Revoc. Trust/ Stephane Von Doering**

74 **Tax Parcel #: 03-053.02C**

75 **Location: 237 Points North Rd**

76 **Project: Appeal of Zoning Administrator's Issuance of a Notice of Violation**

77 **Zoning: RR2/RR3**

78
79 Chair Clymer swore in Hal Stevens and Sarah McShane.

80
81 H. Stevens provided a brief overview of the appeal, stating that they are appealing the DRB's
82 decision regarding the pavilion on the property. He and the property owners believe that the
83 pavilion structure is in a side yard setback, not a front yard setback as was determined by the
84 Zoning Administrator (ZA). He stated that they are also appealing to the State of Vermont
85 Environmental Court.

86
87 Chair Clymer commented that the Board is tasked with either upholding or overturning the ZAs
88 authority to issue a notice of violation on the pavilion project.

89
90 S. McShane stated that the ZA has the duty of identifying and documenting zoning violations, as was
91 the case here. It is the ZA's interpretation that the pavilion structure is within the front yard
92 setback, and a zoning permit was not obtained for its construction. Therefore, the Notice of
93 Violation was issued.

94
95 H. Stevens noted that he submitted the appeal in a timely manner.

96
97 At 5:29pm T. Hand made the motion to uphold the ZA's Notice of Violation. The motion was
98 seconded by M. Black and approved unanimously.

99 **Project #: 7018**

100 **Owner: David Bailey**

101 **Tax Parcel #: 03-077.000**

102 **Location: 2878 Waterbury Rd**

103 **Project: Change of use from Single-Family Dwelling to Office; Nonconforming Use Review**

104 **Zoning: RR2**

105

106 Chair Clymer stated the applicant is requesting a continuance to the March 7, 2023 DRB meeting.

107

108 T. Hand made the motion to continue the application to March 7, 2023. The motion was seconded
109 by S. Henshaw and unanimously approved.

110 **Project #: 7040**

111 **Owner: Kyle Maxwell/Maxwell Properties**

112 **Tax Parcel #: 07-312.010**

113 **Location: 45 Old Farm Road**

114 **Project: Modify previously approved floor plan for Immediate Care Facility**

115 **Zoning: RR1/SHOD**

116

117 Chair Clymer swore in Kyle Maxwell and Ernie Ruskey.

118

119 E. Ruskey provided a brief overview of the project, which is to modify the previous floor plan
120 approved under Permit #6562. As project development progressed, the applicant determined that
121 to meet internal circulation and egress requirements, as well as external delivery and parking
122 circulation, the footprint of the new building would have to be slightly reduced, and the floor plan
123 modified. The floor plan modifications result in reduced usage areas within the building.

124

125 T. Hand asked if there were any exterior changes planned. E. Ruskey responded that there would
126 be no changes to the exterior of the building, aside from a minor reduction in footprint. The
127 appearance of the building, parking, landscaping, etc., will remain as previously approved.

128

129 Chair Clymer asked what the primary use of the property will be. E. Ruskey responded that the
130 primary use will be intermediate care facility/pharmacy, with accessory retail.

131

132 Chair Clymer asked the Board if the applicant has presented a compelling case to consider the
133 proposed changes under the standards of the 'Stowe Club Test' section. The Board agreed with the
134 applicant's position that the changes requested are covered by Sec. 2.16 (2) (b), where these new
135 changes to the construction and operation of the permittee's project were not foreseeable at the
136 time the permit was issued.

137

138 C. Walton made the motion to approve the application as presented. The motion was seconded by
139 M. Black and unanimously approved.

140

141 **Other Business:**

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143 DRB annual reports/updates were reviewed from Stowe Mountain Resort. The reports are in
144 response to a condition of the Master Plan.

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A motion to approve meeting minutes from January 3rd, 2023 was made by D. Kelly, seconded by M. Black. Motion passed unanimously.

At 5:57pm the meeting was adjourned, and the Board moved to deliberative session.

Respectfully Submitted,
Ryan Morrison
Deputy Zoning Administrator