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**Town of Stowe
Development Review Board
Meeting Minutes – June 6, 2023**

A regular meeting of the Development Review Board was held on Tuesday, June 6, 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, David Kelly, Will Ardolino (alternate), Michael Diender (alternate), Sarah Henshaw (alternate), and Andrew Volansky (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

Meeting Chair D. Clymer called the meeting to order at 5:00pm.

Development Review Public Hearings

Project #: 7115

Owner: 109 Main LLC

Tax Parcel #: 7A-046.000

Location: 109 Main St

Project: Exterior building revisions including new covered porch, vents/mechanical units, gas meters, revised door styles, and new door and windows; add outdoor seating area

Zoning: VC10/SHOD

Chair Clymer swore in Tyler Mumley, Chris Carey, and Graham Mink.

T. Mumley provided a summary of the project. The proposal includes various architectural changes that were recommended for approval by the Stowe Historic Preservation Commission including a new covered porch at the rear of the building, additional/relocated vents and mechanical units, gas meters, revised door styles, and new doors and windows. The proposal also includes an outdoor seating area for the main level restaurant use that will face Main Street. Located between the building and sidewalk, the outdoor seating area will situate entirely out of the public right-of-way.

C. Carey provided an overview of the updated plans which highlight all new changes.

Chair Clymer went through the standards.

Chair Clymer asked for more details pertaining to the outdoor seating area. T. Mumley responded that the hours will be between 7:00AM to 9:00PM. The restaurant use itself will have 42 seats in total – 26 indoor and 16 outdoor.

A. Volansky made the motion to direct staff to draft findings of fact and conclusions of law in support of Project #7115 for the DRB’s consideration. The motion was seconded by S. Henshaw and approved 6-0.

Project #: 7144

46 **Owner: John Hanson**
47 **Tax Parcel #: 05-020.010**
48 **Location: 2481 Nebraska Valley Rd**
49 **Project: Request to re-open hearing #6380 to extend the timeframe for issuance of a zoning**
50 **permit under Section 2.9(2)**
51 **Zoning: RR5**

52
53 Chair Clymer swore in John Hanson.

54
55 John Hanson provided an overview of Project #6380. The DRB decision was issued in November
56 2020, and around that time, Sarah McShane informed him that she wanted to coordinate the project
57 with the State floodplain coordinator. Given the various requirements and general back and forth
58 between the town, state and applicant, the two-year expiration date of the DRB decision passed (in
59 December 2022) – which, the applicant claims, was not his fault.

60
61 S. McShane explained the situation to the DRB. One concern is if the DRB approval were to be
62 extended, it would still be subject to the regulations that were in effect at that time. There have
63 been some changes in regulations that a new permit would be subject to. J. Hanson claims that
64 delays in state permitting and the Covid epidemic are what held his progress back.

65
66 S. McShane added that the conditions of the DRB approval haven't yet been satisfied, which is what
67 held back issuance of the zoning permit. The two conditions not satisfied were to obtain a driveway
68 entrance permit from the Dept. of Public Works, and to obtain the necessary approvals to develop
69 in the floodplain from the state.

70
71 A. Volansky asked if an extension were granted, would those two conditions still have to be met by
72 the applicant. S. McShane confirmed.

73
74 Chair Clymer noted that their charge tonight is to determine whether the DRB will reopen the
75 hearing for the requested extension.

76
77 S. Henshaw asked if there were any changes to zoning that would impact the development. S.
78 McShane responded that last June, the Selectboard, after recommendation from the Planning
79 Commission, adopted a lot of revisions which the Town is acting under today. As part of that, the
80 Town worked with the regional planning commission to update the floodplain regulations.

81
82 Chair Clymer made the motion to deny application #7144. The motion was seconded by S.
83 Henshaw. A vote of 3-3 was made.

84
85 J. Hanson reiterated his difficulties in being able to work with the state floodplain coordinator in
86 moving forward with the development. Chair Clymer responded that he understands, but in the 2
87 years that have passed, regulations have been updated and the development needs to comply with
88 the current regulations.

89
90 D. Kelly made the motion to deny the application under Section 2.9(2) – Town of Stowe Zoning
91 Regulations. The motion was seconded by S. Henshaw and passed with a vote of 5-1 (M. Diender).

92
93 **Project #: 7130**
94 **Owner: 123 Mountain Road LLC**
95 **Tax Parcel #: 7A-132.000**

96 **Location: 123 Mountain Rd**
97 **Project: Amend existing zoning permit to allow seasonal outdoor music**
98 **Zoning: VC10**
99

100 Chair Clymer swore in Lauren and Mike Soelch.

101
102 The applicants provided an overview of the outdoor music proposal. Five locations on the site have
103 been identified to hold musical performances – with only one operating at a time. The various
104 locations are proposed to offer flexibility if the weather is poor, or if there is a specific function in a
105 particular area. The Inn currently has music indoors until 9:00 PM, which is then cut-off in
106 consideration of their guests. The same hours will apply to the outdoor music, Wednesdays-
107 Saturdays.

108
109 M. Diender asked how the Town deals with noise complaints from neighboring properties. S.
110 McShane explained that since zoning staff is not working in the evenings, complainants should be
111 encouraged to contact the police.

112
113 M. Diender made the motion to close the hearing and have staff draft findings of fact and
114 conclusions of law in support of Project #7130 for the DRB's consideration. The motion was
115 seconded by A. Volansky and unanimously approved.

116
117 **Project #: 7136**
118 **Owner: Rob Downey**
119 **Tax Parcel #: 07-004.010**
120 **Location: 1190 Mountain Rd**
121 **Project: Amend existing zoning permit to allow seasonal outdoor music**
122 **Zoning: HT**

123
124 At the request of the applicant, this hearing was continued to the July 18, 2023 DRB meeting date.

125
126 **Project #: 7138**
127 **Owner: 433 Mountain Road Holdings LLC**
128 **Tax Parcel #: 7A-108.000**
129 **Location: 433 Mountain Rd**
130 **Project: Permit outdoor music on the deck/patio**
131 **Zoning: VC30**

132
133 Chair Clymer swore in Brian Leven.

134
135 Brian Leven provided a summary of the proposal. The outdoor music will be held on the existing
136 deck and face back toward the Field Guide Lodge/restaurant, Fridays thru Sundays, until 10:00 PM.
137 The business is sensitive to the needs of their guests and they do not anticipate noise to be a
138 nuisance. Additionally, the same owners own the adjacent property to the northwest.

139
140 Given similarities between this application and Project #7130 heard earlier, little additional
141 discussion was had.

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143 M. Diender made the motion to close the hearing and have staff draft findings of fact and
144 conclusions of law in support of Project #7138 for the DRB's consideration. The motion was
145 seconded by D. Kelly and unanimously approved.

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Project #: 7127
Owner: Nicholas Donahue/Jameson Partners
Tax Parcel #: 07-034.000
Location: 782 Mountain Rd
Project: Change of use from office to daycare, exterior alterations, install fencing and playground equipment
Zoning: HT

Chair Clymer swore in Sarah Tousignant and Josh Crandall.

S. Tousignant provided an overview of the application. The proposal is to change the use of the bottom floor of the rear building addition from the existing office use to a daycare facility. The project also includes some exterior alterations (new/replacement doors and windows, light fixtures), picket fencing around outdoor play areas and playground equipment. No additional water or sewer lines are needed, but they will have to add capacity for more bathrooms.

Chair Clymer went through the standards.

Chair Clymer asked if the daycare would operate on Sundays. S. Tousignant responded that it would only operate on weekdays.

A. Volansky asked about the undevelopable areas at the rear of the property. S. Tousignant responded that those may be used for additional outdoor play areas. There won't be any excavations, or any sort of runoff toward the stream.

M. Diender asked if they anticipate any conflicts with other uses of the property, as well as the recently approved multi-family development. S. Tousignant responded that all of that has been taken into consideration with the property owners and parking for the daycare use will be reserved while also having adequate parking onsite for the other uses.

W. Ardolino asked the applicant about the exterior lighting. J. Crandall responded that the only lights to be used are downcast light fixtures to be located at the two entrances.

A. Volansky made the motion to close the hearing and have staff draft findings of fact and conclusions of law in support of Project #7127 for the DRB's consideration. The motion was seconded by D. Kelly and unanimously approved.

Other Business:

None.

Approval of Minutes:

A motion to approve meeting minutes from May 16, 2023, was made by M. Diender and seconded by W. Ardolino. Motion passed 5-0-1 (A. Volansky recused).

At 7:18pm the meeting was adjourned.

Respectfully Submitted,

196 Ryan Morrison
197 Deputy Zoning Administrator