

Agenda Summary
March 13, 2024

Agenda Item No. D-1
Other Business – Manager’s Report

ICMA Ethics Policy: In addition to Vermont Law, Stowe’s Town Charter, and various policies the Selectboard may adopt, the Town Manager is guided by the Code of Ethics for the International City/County Manager’s Association (ICMA). ICMA’s Code of Ethics was established in 1924, and defines the principles that serve as the foundation for the local government management profession. ICMA members pledge to uphold these principles in their conduct and decisions in order to merit the trust of the public, elected officials, and staff they serve. As a condition of membership, ICMA members agree to submit to a peer-to-peer review under established enforcement procedures should there be an allegation of unethical conduct. Members who are working for a local government in any capacity are required to follow all 12 Tenets of the Code. Town Manager Charles Safford is an ICMA Member; Assistant Town Manager was previously an ICMA employee (also subject to the Code of Ethics) and will be an ICMA member within the next few months.

April 24 Meeting: The Selectboard is scheduled to meet on April 24, which will primarily consist of interviews and appointments for Boards and Commissions. Selectboard Member Ethan Carlson has indicated he will not be able to attend that meeting and has requested to switch it to April 17. The Town Manager is also not able to make the April 24 meeting. The revised Selectboard meeting schedule would be March 27, April 10, April 17, May 8. Note that Historic Preservation typically meets on the alternate Wednesday as the Selectboard; if they have an application to review, their meeting would be switched from April 17 to April 24.

Act 250 Notice: Enclosed is a notice of Intent to Dismiss Application for a project at Lot 5B on Points North Road.

Act 250 Notice: Enclosed is a notice of an application filing, a later notice of an incomplete application, and a response to the notice of an incomplete application regarding a project on 89 Golden Eagle Drive.

Act 250 Notice: Enclosed is a notice of permit issuance for a lot subdivision on Westview Heights Drive. Also Enclosed is a Stream Buffer Plan as reviewed and approved by James Brady of ANR, and an Overview Plan revised with water source protection zones as requested by ANR.

Act 250 Notice: Enclosed is a memorandum regarding Big Spruce Brook at Spruce Peak. It says, “The Permittees shall undertake the 2003 walkover of Spruce Peak to address hydrologic issues, as discussed in Findings of Fact 5L1338-1. An action plan must then be filed with the Department of Environmental Conservation review. Implementation will be subject to District Commission approval-and revisions, if deemed necessary.”

Minutes: Enclosed are the following minutes:

- Planning Commission – March 4
- Development Review Board – February 20
- Historic Preservation Commission – March 6

- Electric Commission – February 21
- Energy Committee – February 22
- SSD – February 26
- Library Board of Trustees – January 11, February 8

Recommendation: No action is necessary. This time is set aside to ask questions of a general nature and for the public to be heard on any issue not on the regular agenda that does not require Selectboard action and is of a non-personnel nature.

ICMA CODE OF ETHICS

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

1. We believe professional management is essential to effective, efficient, equitable, and democratic local government.
2. Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.
3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.
4. Serve the best interests of all community members.
5. Submit policy proposals to elected officials; provide them with facts, and technical and professional advice about policy options; and collaborate with them in setting goals for the community and organization.
6. Recognize that elected representatives are accountable to their community for the decisions they make; members are responsible for implementing those decisions.
7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.
8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.
9. Keep the community informed on local government affairs. Encourage and facilitate active engagement and constructive communication between community members and all local government officials.
10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
11. Manage all personnel matters with fairness and impartiality.
12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

Adopted by the ICMA Executive Board in 1924, and most recently revised by the membership in April 2023.

ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in April 2023. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2023.

The mission of ICMA is to advance professional local government through leadership, management, innovation, and ethics. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. We believe professional management is essential to effective, efficient, equitable, and democratic local government.

Tenet 2. Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.

GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities in order to uphold local government professionalism.

Tenet 3. Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

Length of Service. For chief administrative/executive officers appointed by a governing body or elected official, a minimum of two years is considered necessary to render a professional service to the local government. In limited circumstances, it may be in the best interests of the local government and the member to separate before serving two years. Some examples include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or significant personal issues. It is the responsibility of an applicant for a position to understand conditions of employment, including expectations of service. Not understanding the terms of employment prior to accepting does not justify premature separation. For all members a short tenure should be the exception rather than a recurring experience, and members are expected to honor all conditions of employment with the organization.

Appointment Commitment. Members who accept an appointment to a position should report to that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time. However, once a member has accepted a formal offer of employment, that commitment is considered binding unless the employer makes fundamental changes in the negotiated terms of employment.

Credentials. A member's resume for employment or application for ICMA's Voluntary Credentialing Program shall completely and accurately reflect the member's education, work experience, and personal history. Omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a position should show professional respect for persons formerly holding the position, successors holding the position, or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report possible violations to ICMA. In reporting the possible violation, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members shall not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position that has an incumbent who has not announced his or her separation or been officially informed by the appointive entity that his or her services are to be terminated. Members should not initiate contact with representatives of the appointive entity. Members contacted by representatives of the appointive entity body regarding prospective interest in the position should decline to have a conversation until the incumbent's separation from employment is publicly known.

Relationships in the Workplace. Members should not engage in an intimate or romantic relationship with any elected official or board appointee, employee they report to, one they appoint and/or supervise, either directly or indirectly, within the organization.

This guideline does not restrict personal friendships, professional mentoring, or social interactions with employees, elected officials and Board appointees.

Influence. Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

Conflicting Roles. Members who serve multiple roles – either within the local government

organization or externally – should avoid participating in matters that create either a conflict of interest or the perception of one. They should disclose any potential conflict to the governing body so that it can be managed appropriately.

Conduct Unbecoming. Members should treat people fairly, with dignity and respect and should not engage in, or condone bullying behavior, harassment, sexual harassment or discrimination on the basis of race, religion, national origin, age, disability, gender, gender identity, or sexual orientation.

Tenet 4. Serve the best interests of all community members.

GUIDELINES

Effects of Decisions. Members should inform the appropriate elected or appointed official(s) of a decision's anticipated effects on community members.

Promote Equity. Members should ensure fairness and impartiality in accessing programs and services and in the enforcement of laws and regulations. Members should assess and propose solutions to strive to eliminate disparities.

Tenet 5. Submit policy proposals to elected officials; provide them with facts, and technical and professional advice about policy options; and collaborate with them in setting goals for the community and organization.

Tenet 6. Recognize that elected representatives are accountable to their community for the decisions they make; members are responsible for implementing those decisions.

Tenet 7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

Tenet 8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

Tenet 9. Keep the community informed on local government affairs. Encourage and facilitate active engagement and constructive communication between community members and all local government officials.

GUIDELINE

Engagement. Members should ensure community members can actively engage with their local government as well as eliminate barriers and support involvement of the community in the governance process.

Tenet 10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

Tenet 11. Manage all personnel matters with fairness and impartiality.

GUIDELINE

Diversity and Inclusion. It is the member's responsibility to recruit, hire, promote, retain, train, and support a diverse workforce at all levels of the organization.

Tenet 12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

GUIDELINES

Gifts. Members shall not directly or indirectly solicit, accept or receive any gift if it could reasonably be perceived or inferred that the gift was intended to influence them in the performance of their official duties; or if the gift was intended to serve as a reward for any official action on their part.

The term "Gift" includes but is not limited to services, travel, meals, gift cards, tickets, or other entertainment or hospitality. Gifts of money or loans from persons other than the local government jurisdiction pursuant to normal employment practices are not acceptable.

Members should not accept any gift that could undermine public confidence. De minimus gifts may be accepted in circumstances that support the execution of the member's official duties or serve a legitimate public purpose. In those cases, the member should determine a modest maximum dollar value based on guidance from the governing body or any applicable state or local law.

The guideline is not intended to apply to normal social practices, not associated with the member's official duties, where gifts are exchanged among friends, associates and relatives.

Investments in Conflict with Official Duties. Members should refrain from any investment activity which would compromise the impartial and objective performance of their duties. Members should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict of interest, in fact or appearance, with their official duties.

In the case of real estate, the use of confidential information and knowledge to further a member's personal interest is not permitted. Purchases and sales which might be

interpreted as speculation for quick profit should be avoided (see the guideline on “Confidential Information”). Because personal investments may appear to influence official actions and decisions, or create the appearance of impropriety, members should disclose or dispose of such investments prior to accepting a position in a local government. Should the conflict of interest arise during employment, the member should make full disclosure and/or recuse themselves prior to any official action by the governing body that may affect such investments.

This guideline is not intended to prohibit a member from having or acquiring an interest in or deriving a benefit from any investment when the interest or benefit is due to ownership by the member or the member’s family of a de minimus percentage of a corporation traded on a recognized stock exchange even though the corporation or its subsidiaries may do business with the local government.

Personal Relationships. In any instance where there is a conflict of interest, appearance of a conflict of interest, or personal financial gain of a member by virtue of a relationship with any individual, spouse/partner, group, agency, vendor or other entity, the member shall disclose the relationship to the organization. For example, if the member has a relative that works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members shall not disclose to others, or use to advance their personal interest, intellectual property, confidential information, or information that is not yet public knowledge, that has been acquired by them in the course of their official duties.

Information that may be in the public domain or accessible by means of an open records request, is not confidential.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, marketing materials, social media, or other documents, whether the

member is compensated or not for the member's support. Members may, however, provide verbal professional references as part of the due diligence phase of competitive process or in response to a direct inquiry.

Members may agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.



NOTICE

Intent to Dismiss Application 5L0282-4A

Act 250 Rule 18(D)

State of Vermont Natural Resources Board
District 5 Environmental Commission
10 Baldwin Street, Montpelier, VT 05633-3201
<https://nrb.vermont.gov/>

802-476-0185

Thomas Trueb
105 Pinnacle Road
Ellington, CT 06029
and
George McCain
McCain Consulting
93 South Main Street, Suite 1
Waterbury, VT 05676

Application Number 5L0282-4A
10 V.S.A. §§ 6001 – 6111 (Act 250)

I. HISTORY OF APPLICATION

On July 9, 2019 Thomas Trueb filed an administrative amendment application for the construction of a 5-bedroom single family residence on Lot 5B comprised of 5.40 acres located in the town of Stowe, Vermont. The records indicate that your file has been inactive for an extended period of time. As detailed in the District Coordinator's August 5, 2019 email, the application cannot be processed as an administrative amendment as there are potential impacts under Criterion 8(A). The Commission has been awaiting submittal of a full application.

<https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=5L0282-4A>

II. ORDER

The District Commission requires that you submit a written response to this office by no later than **March 29, 2024** if you intend to pursue the project. The response shall include a complete application under all ten criteria. If the Commission does not receive a response from you by this date, it will dismiss your application.

Your appearance at a public hearing is not necessary for the Commission to consider your response to this order. However, at your request, or at the request of a statutory party copied on this order, the Commission will entertain oral argument prior to considering dismissal. Any request for a public hearing on this matter must be submitted to this office within 30 days from the date of this order.

Should your application be dismissed, and you choose to pursue the project at a later date, you will be required to file a new application for an Act 250 permit prior to commencement of construction pursuant to 10 V.S.A. § 6081. Please contact District Coordinator Susan Baird at susan.baird@vermont.gov with any questions.

Dated this 27th day of February 2024.

By /s/ Norma Malone

Norma Malone, Chair

District 5 Environmental Commission

Commissioners participating in this decision:

Jeremy Reed, Vice Chair

Gary Nolan

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A).

Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings. The appellant must file with the Notice of Appeal the relevant entry fee required by 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal, including appeals from Administrative Amendments and interlocutory appeals. See 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5.

For additional information on filing appeals, see the Court's website at:

<http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

CERTIFICATE OF SERVICE

I hereby certify that I, Lori Grenier, Natural Resources Board Technician, District 5 Environmental Commission, sent a copy of the foregoing **Notice and Intent to Dismiss Act 250 Land Use Permit Application 5L0282-4A** by U.S. Mail, postage prepaid, on this February 27, 2024 to the following individuals without email addresses and by electronic mail, to the following individuals with email addresses:

Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes.

Thomas Trueb
105 Pinnacle Road
Ellington, CT 06029
ttrueb@dymotek.com

McCain Consulting
george@mccainconsulting.com

Stowe Selectboard
PO Box 730
Stowe, VT 05672
wfricke@stowevt.gov

Stowe Planning Commission
PO Box 730
Stowe, VT 05672
smcshane@stowevt.gov

Lamoille County Planning Commission
PO Box 1637
Morrisville, VT 05661
Seth@lpcvt.org
georgeana@lpcvt.org

Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901
anr.act250@vermont.gov

FOR INFORMATION ONLY

District 5 Environmental Commission
Norma Malone, Jeremy Reed, Gary Nolan
10 Baldwin Street
Montpelier, VT 05633-3201
NRB.Act250Barre@vermont.gov

/s/ Lori Grenier
Natural Resources Board Technician
802-476-0185
NRB.Act250Barre@vermont.gov



State of Vermont

Natural Resources Board

District 5 Environmental Commission

10 Baldwin Street

Montpelier, VT 05633-3201

<https://nrb.vermont.gov/>

[phone] 802-476-0185

March 7, 2024

Via Email

LC1 Owner Stowe VT, LLC

89 Front Street, Suite 305

Marblehead, MA 01945

mike@lark-capital.com

Chris Austin

Grenier Engineering, PC

P.O. Box 445

Waterbury, VT 05676

chris@grenierengineering.com

Subject: Act 250 Land Use Permit Application 5L0371-13, LC1 Owner Stowe VT, LLC,
Stowe: Incomplete Application, Additional Information Required.

Dear Recipients:

I reviewed the above-referenced application submitted on February 29, 2024. Pursuant to Act 250 Rule 10(D), the application will not be deemed complete until the following items are provided. Therefore, the time and notice requirements pursuant to 10 V.S.A. Chapter 151 (Act 250) will not be initiated.

1. **Clarify Peak Hour Trips:** The application indicates the project will generate 12 one-way trips (per day), one AM peak hour trip, and one PM peak hour trip. Exhibit 001 at 13. The Stowe Development Review Board ("DRB") decision indicates the project will generate 4.44 new trips per peak hour. Exhibit 017 at 5. Please reconcile these figures and clarify how many AM peak hour trips and how many PM peak hour trips are expected to result from the project. This is important, in part, because the project appears to be located within three miles of two Act 145 transportation improvement projects, and so payment of a transportation impact fee may be appropriate.

2. Height of Exterior Lights on Cabins: Please describe in writing or show on a cabin elevation the maximum height at which exterior lights on the front and rear of the cabins would be mounted.
3. Stabilized Construction Entrance: The only erosion prevention and sediment control (EPSC) measure shown on the EPSC Plan is sediment barriers. Exhibit 016. The Commission is accustomed to seeing stabilized construction entrances on EPSC plans. Please explain why a stabilized construction entrance is not necessary for this project or revise the EPSC Plan to include one.
4. Construction Hours and Days: You propose construction hours of 7 AM to 7 PM. Exhibit 001 at 7. The DRB decision limits construction hours to Monday through Friday from 7:00 AM to 5:00 PM and to Saturday morning from 9:00 AM to 1:00 PM, with no construction on Sunday or State or Federal holidays. Exhibit 017 at 10. The Commission prefers to align construction hour limits across permits. Please indicate if the Applicant consents to including the construction hour limits imposed by the DRB in any Act 250 permit it issues for the project.

Please complete your submission as follows:

- Attach the above-requested information to an email addressed to the Act 250 regional email in-box (NRB.Act250Barre@vermont.gov) and copy all persons listed on the Certificate of Service attached to this letter.
- If the required documents add up to greater than 3 MB in size, upload them to the NRB's FTP site (GlobalScape: <https://gs.anr.vermont.gov>) (see the Act 250 Application Guide for instructions: <http://nrb.vermont.gov/documents/application-guide-act-250>). After you have uploaded documents to the NRB's FTP site, email the Act 250 regional email in-box (NRB.Act250Barre@vermont.gov) and the District Coordinator to inform them that the files have been uploaded.

Please attach a certificate of service to each of your emails that identifies how, when, and to whom the supplemental materials were distributed as required by statute. Application review will continue after the application has been revised with the additional information requested.

Please contact me if you have any questions about this letter, or would like to discuss it via telephone or video conference.

Sincerely,

/s/ Kevin Anderson

Kevin Anderson

District Coordinator

Kevin.Anderson@vermont.gov

802-522-6074

This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(A). Any party may file within 30 days from the date of a decision of the District Coordinator a request for reconsideration with respect to the jurisdictional opinion, pursuant to Act 250 Rule 3(B). Any reply to a request for reconsideration shall be filed within 15 days of the service of the request, unless otherwise provided by the District Coordinator.

Any person aggrieved by an act or decision of a District Commission or District Coordinator, or any party by right, may appeal to the Environmental Division of Vermont Superior Court within 30 days of the act or decision pursuant to 10 V.S.A. § 8504. Such appeals are governed by Rule 5 of the Vermont Rules for Environmental Court Proceedings. The appellant must file a notice of appeal with the clerk of the court and pay any fee required under 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. The Natural Resources Board's copy may be sent to NRB.Legal@vermont.gov and/or 10 Baldwin Street, Montpelier, VT 05633-3201.

Please note that there are certain limitations on the right to appeal, including interlocutory appeals. See, e.g., 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5. For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

The foregoing statements regarding requests for reconsideration and appeals are intended for informational purposes only. They neither supplant any rights or obligations provided for by law nor do they constitute a complete statement of the rights or obligations of any person or party.

CERTIFICATE OF SERVICE

I hereby certify that I, Lori Grenier, Natural Resources Board Technician, District 5 Environmental Commission, sent a copy of the foregoing "Incomplete Application" letter regarding land use permit application 5L0371-13 by U.S. Mail, postage prepaid, on this March 7, 2024, to the following individuals without email addresses and by electronic mail to the following individuals with email addresses:

Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes.

LC1 Owner Stowe VT, LLC
89 Front Street, Suite 305
Marblehead, MA 01945
mike@lark-capital.com

Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901
anr.act250@vermont.gov

Grenier Engineering, PC
Attn: Chris Austin
PO Box 445
Waterbury, VT 05676
chris@grenierengineering.com

/s/ Lori Grenier
Natural Resources Board Technician
802-476-0185
NRB.Act250Barre@vermont.gov

Stowe Selectboard
PO Box 730
Stowe, VT 05672
wfricke@stowevt.gov

Stowe Planning Commission
PO Box 730
Stowe, VT 05672
smcshane@stowevt.gov

Stowe Town Clerk
Penny A. Davis
PO Box 730
Stowe, VT 05672
townclerk@stowevt.gov

Lamoille County Planning Commission
PO Box 1637
Morrisville, VT 05661
Seth@lpcvt.org
georgeana@lpcvt.org

From: [Chris Austin](#)
To: NRB.Act250Barre@vermont.gov; mike@lark-capital.com; [Will Fricke](#); [Sarah McShane](#); Seth@lcpvvt.org; georgeana@lcpvvt.org; [Town Clerk](#); anr.act250@vermont.gov; Kevin.Anderson@vermont.gov
Subject: [EXTERNAL] RE: 5L0371-13 Incomplete Letter (Submission number HPV-PD5V-HGXWB)
Date: Friday, March 8, 2024 12:01:50 PM
Attachments: [image001.png](#)
[009 Cabin elevation sheet A102- Revised.pdf](#)
[\(2024.03.08\) GOLDEN EAGLE EPSC.pdf](#)
[Certificate of Service- incomplete letter response.pdf](#)

Kevin and all,

Thank you for the opportunity to clarify aspects of the application and for your speedy review of the project. Please consider this email as response to questions listed in the incomplete letter. A revised EPSC plan is attached (and explained further below), a revised building elevation sheet is also attached (explained further below), along with a certificate of service. We hope this information can allow for the permit application to be considered complete and issuance of a draft permit can commence. Please let us know if there are any further inquiries.

Responses to Incomplete Letter:

1. **Clarify Peak Hour Trips-** The trips for the project are estimated at 4.4 trips in the pm peak hour, 1 trip in the am peak hour and 12 trips per day. This is consistent with the Town of Stowe DRB decision.
2. **Height of Exterior Lights on Cabins-** The proposed building mounted lighting will be adjacent to and just above the doors. A revised elevation is attached, with labeled fixture locations and height.
3. **Stabilized Construction Entrance-** The attached revised EPSC plan now depicts stabilized construction entrances at the transition points of gravel and paved driveway surfaces.
4. **Construction Hours and Days-** We can confirm that construction hours will be per the Town of Stowe DRB decision. 7 am to 5pm during the week and 9 am to 1pm on Saturdays, with no construction on Sundays or State/Federal holidays.

Thanks,

Chris Austin

Permit Coordinator
Class B Licensed Septic Designer, #622
Grenier Engineering, PC
Post Office Box 445
Waterbury, Vermont 05676
Office- 1-802-244-6413



From: NRB.Act250Barre@vermont.gov <NRB.Act250Barre@vermont.gov>

Sent: Thursday, March 7, 2024 3:23 PM

To: mike@lark-capital.com; Chris Austin <chris@grenierengineering.com>; wfricke@stowevt.gov; smcshane@stowevt.gov; Seth@lpcvt.org; georgeana@lpcvt.org; NRB.Act250Barre@vermont.gov; townclerk@stowevt.gov; anr.act250@vermont.gov; Kevin.Anderson@vermont.gov

Subject: 5L0371-13 Incomplete Letter (Submission number HPV-PD5V-HGXWB)

Please find the attached document for the referenced Act 250 Application submitted to the District 5 Environmental Commission for review and processing.

Let us know if you have any questions.

Thank you.

Act 250 District Office - Montpelier (Districts 5, 6 & 9 Environmental Commissions)

10 Baldwin Street

Montpelier, VT 05633-3201

Lori Grenier *NRB Technician*

Tel.802-476-0185 | NRB.Act250Barre@vermont.gov

<https://nrb.vermont.gov>

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NOTICE OF INITIAL ACT 250 APPLICATION FILING

SCHEDULE G

State of Vermont

Natural Resources Board

District 5 Environmental Commission

10 Baldwin Street

Montpelier, VT 05633-3201

<https://nrb.vermont.gov/>

[phone] 802-476-0185

Today's Date: February 29, 2024

Date Application Submitted: February 29, 2024

Date Application Received: February 29, 2024

Application Number: 5L0371-13

LC1 Owner Stowe VT, LLC

89 Front Street, Suite 305

Marblehead, MA 01945

The above Applicant(s) filed an application pursuant to 10 V.S.A. § 6001 et seq. ("Act 250") for the following project:

To construct 6 new lodging cabins on the existing resort property. The project includes removal of an existing roadway and parking area. The former parking area between the "alpine buildings" will become a landscaped courtyard. Relocated parking is as shown on the plan. The project involves an overall reduction in impervious surface and removal of parking lot and roadway within wetland buffers. The project also includes a new municipal water service and a subdivision of the Resort Lot to create Lot B with the existing residence located on it. No construction on Lot B. Existing municipal water/sewer and existing access. Please see Cover Letter.

The project is located at 89 Golden Eagle Drive in the town of Stowe.

In compliance with 10 V.S.A. § 6084 (<https://legislature.vermont.gov/statutes/section/10/151/06084>), this Schedule G has been sent to the municipality, the municipal and regional planning commissions in which the land is located, the Vermont Agency of Natural Resources Office of Planning, and any adjacent Vermont municipality, municipal or regional planning commission if the land is located on a municipal boundary. **This notice should be posted with other legal notices in the town office.**

This application (5L0371-13) can be viewed on the public Act 250 Database online (<https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=5L0371-13>).

In the event you wish to receive further notice concerning this application, please contact:

Act 250 District 5 Office

10 Baldwin Street

Montpelier, VT 05633-3201

Tel: 802-476-0185

NRB.Act250Barre@vermont.gov





LAND USE PERMIT AMENDMENT

State of Vermont
Natural Resources Board
District 5 Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201
<https://nrb.vermont.gov/>

[phone] 802-476-0185

CASE NO: 5L1260-1

LAW/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 – 6111 (Act 250)

Aaron and Carolyn Solo
896 Anderra Road
Lafayette Hill, PA 19444

The District 5 Environmental Commission hereby issues Land Use Permit Amendment 5L1260-1, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 1106, Page 160, of the land records of the Town of Stowe, Vermont as the subject of deeds to Aaron Solo and Carolyn Solo.

This permit specifically authorizes the Permittees to subdivide a +/- 67.9-acre parcel of land into 9 lots, to construct single-family homes and accessory improvements on lots 1 through 8, to construct a playground and trails on lot 9, and to construct roads, stormwater management facilities, a fire pond, and other utilities to serve the subdivision, as depicted in the approved plans. This permit also authorizes the conveyance, through boundary line adjustment, of Lots A and B on the project tract to adjoining landowners. The project is located off Westview Heights Drive in Stowe, Vermont.

Jurisdiction attaches because the project constitutes a material change to a permitted subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

The Permittees and their assigns and successors in interest are obligated by this permit to complete, operate, and maintain the project as approved by the District Commission (the "Commission") in accordance with the following conditions.

1. The project shall be completed, operated, and maintained in accordance with the conditions of this permit and the permit application, plans, and exhibits on file with the Commission and other material representations. In the event of any conflict, the terms and conditions of this permit shall supersede the approved plans and exhibits.

The approved plans are:

Sheet C-1 - "Overview Plan," dated 10/31/2022, last revised 2/6/2024 (Exhibit 017c);

Sheet C-2 - "Site Plan - Lots 1, 2, & 8," dated 10/31/2022, last revised 1/23/2024 (Exhibit 018b);

Sheet C-3 - "Site Plan Lots 3 & 4," dated 10/31/2022, last revised 1/23/2024(Exhibit 019b);

- Sheet C-4 - "Site Plan Lot 5," dated 10/31/2022, last revised 1/23/2024 (Exhibit 020b);
- Sheet C-5 - "Site Plan Lots 6 & 7," dated 10/31/2022, last revised 1/23/2024 (Exhibit 021b);
- Sheet C-6 - "Wastewater System Design Notes," dated 1/6/2022, last revised 4/7/2023 (Exhibit 022a);
- Sheet C-7 - "Wastewater System Details," dated 1/12/2022, last revised 4/7/2023 (Exhibit 023a);
- Sheet C-8 - "Leachfield Profiles," dated 1/12/2022, last revised 4/7/2023 (Exhibit 024a);
- Sheet R-1 - "Road & Driveway Plan," dated 10/31/2022, last revised 4/07/2023 (Exhibit 025a);
- Sheet R-2 - "Road Plan," dated 10/31/2022, last revised 1/17/2023 (Exhibit 026a);
- Sheet R-3 - "Driveway Profiles Plan," dated 10/31/2022, last revised 4/7/2023 (Exhibit 027a);
- Sheet CL-1 - "Clearing Plan," dated 10/31/2022, last revised 1/23/2024 (Exhibit 028b);
- Sheet S-1 - "Setback Plan," dated 11/30/2022, last revised 4/7/2023 (Exhibit 029a);
- Sheet SW-1 - "Stormwater Plan – Existing Conditions Plan," dated 10/31/2022, last revised 11/2/2023 (Exhibit 030b);
- Sheet SW-2 - "Stormwater– Proposed," dated 10/31/2022, last revised 11/2/2023 (Exhibit 031b);
- Sheet SW-3 - "Stormwater Plan – Lots 1, 2, 3 & 8," dated 1/17/2023, last revised 11/2/2023 (Exhibit 032b);
- Sheet SW-4 - "Stormwater Plan – Lots 4, 5, 6 & 7," dated 1/17/2023, last revised 11/2/2023 (Exhibit 033b);
- Sheet SW-5 - "Stormwater Details," dated 11/2/2023 (Exhibit 034b);
- Sheet SW-6 - "Soils Management Plan – Lots 1, 2, 3 & 8," dated 11/2/2023 (Exhibit 035b);
- Sheet SW-7 - "Soils Management Plan – Lots 4, 5, 6 & 7," dated 1/17/2023, last revised 11/2/2023 (Exhibit 036b);
- Sheet SW-8 - "Stormwater Maintenance/Inspection Plan," dated 10/31/2022, last revised 11/2/2023 (Exhibit 037b);
- Sheet EC-1 - "Pre-Construction Plan," dated 10/31/2022, last revised 1/23/2024 (Exhibit 038b);
- Sheet EC-2 - "Construction Plan," dated 1/17/2023, last revised 1/23/2024 (Exhibit 039b);
- Sheet EC-3 - "Stabilization Plan," dated 1/17/2023, last revised 1/23/2024 (Exhibit 040b);
- Sheet EC-4 - "Phasing Plan," dated 1/17/2023, last revised 1/23/2024 (Exhibit 041b);
- Sheet EC-5 - "Narrative & Details," dated 1/17/2023 (Exhibit 042a);
- Sheet W-1 - "Wetland Plan," dated 1/17/2023, last revised 1/23/2024 (Exhibit 043b); and
- Sheet SB-1 - "Stream Buffer Plan, dated 2/6/2024, last revised 2/23/2024 (Exhibit 070).
2. All conditions of Land Use Permit 5L1260 are in full force and effect except as further amended herein.
 3. The Permittees shall comply with all of the conditions of the following Agency of Natural Resources ("ANR") permits:

- a. Wastewater System and Potable Water Supply Permit WW-5-9190, issued on June 13, 2023, by the ANR Drinking Water and Groundwater Protection Division;
 - b. Authorization to Discharge Under General Permit 3-9020, Permit Number 9592-9020, issued on April 10, 2023, by the ANR Watershed Management Division;
 - c. Authorization to Discharge Under General Permit 3-9050, Permit Number 9592-9050, issued on January 12, 2024, by the ANR Watershed Management Division; and
 - d. Individual Wetland Permit and Determination 2023-0134, issued on December 26, 2023 by the ANR Watershed Management Division.
4. Any nonmaterial changes to the permits listed in the preceding condition shall be automatically incorporated herein upon issuance by ANR.
 5. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
 6. A copy of this permit and plans shall be on the site at all times throughout the construction process.
 7. No change shall be made to the design, operation, or use of this project without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit amendment is not required.
 8. No further subdivision, alteration, and/or development on the tract of land approved herein shall be permitted without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
 9. Pursuant to 10 V.S.A. § 8005(c), the Commission or the Natural Resources Board may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.
 10. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittees and their successors and assigns.
 11. Construction hours shall be limited to Monday through Saturday from 7:00AM to 7:00PM, with no construction on Sundays or Federal Holidays.
 12. The Permittees shall apply and maintain water and/or other agents approved by ANR's Watershed Management Division in the project's Erosion Prevention and Sediment Control Plan on all roadways or disturbed areas within the project during construction and until pavement and/or vegetation is fully established to control dust.
 13. Immediately upon initial roadway clearing, a stabilized construction entrance must be installed and maintained as shown on Sheet EC-1 (Exhibit 038b). At a minimum, this entrance must be constructed and maintained in accordance with the specifications as described in the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020). No further clearing or construction may occur until the stabilized construction entrance is complete.

14. The buildings approved herein are not approved for any manufacturing use or the on-site disposal of any process wastes. The Permittees shall apply and receive amended approval from the Commission for any change in the use of the buildings which involves the storage or handling of any regulated substances or the generation of hazardous wastes.
15. No floor drains shall be installed without first obtaining a permit or submitting other necessary documentation, as required by ANR.
16. If a spill or release of any hazardous material occurs within the source protection area (SPA) of the Mansfield View Water Corp, WSID VT0005385 public water system, the Permittee or its representative shall immediately report the event to the Vermont Department of Environmental Conservation Spills Program and the SPA's water system owner or operator. The report to the water system owner or operator shall be by telephone and/or voicemail. The Spills Program can be reached during regular office hours at 802-828-1138 or via the 24-hour hotline at 800-641-5005. Any person reporting a release shall speak directly with a Spills Program representative and cannot report by email, text, or other written form of communication. The person reporting a release shall provide the appropriate water system identification number Mansfield View Water Corp, WSID VT0005385 to the Spills Program. The Permittee shall provide instructions, with contact phone numbers, for reporting any hazardous material release to all staff and contractors for the Project and those instructions shall be visibly displayed on site.
17. The Permittees and all subsequent owners or lessees shall install and maintain only low-flow plumbing fixtures in any buildings. Any failed water conservation measures shall be promptly replaced with products of equal or better performance.
18. No later than ten (10) days prior to commencing construction on each lot within the subdivision, the Permittees (or their successors and assigns) shall submit to the Commission a lot-specific Construction Site Waste Reduction Plan approved by ANR. The Permittees (or their successors and assigns) shall ensure each such plan is implemented.
19. The Permittees shall implement the Vermont Department of Environmental Conservation's *Best Management Practices for Blasting Activities to Avoid Environmental Contamination* (2016).
20. The Permittees shall comply with Exhibits 038b, 039b, 040b, 041b, and 042b for erosion prevention and sediment control. The Permittees shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced, and maintained until vegetation is permanently established on all slopes and disturbed areas.
21. All mulch, siltation dams, water bars and other temporary devices shall be installed immediately upon grading and shall be maintained until all roads are permanently surfaced and all permanent vegetation is established on all slopes and disturbed areas. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.
22. All areas of disturbance must have temporary or permanent stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the end of each workday. The following exceptions apply: (a) stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours; (b) stabilization is not

required if the work is occurring in a self-contained excavation (i.e., no outlet) with a depth of 2 feet or greater (e.g., house foundation excavation, utility trenches).

23. All disturbed areas of the site shall be stabilized, seeded, and mulched immediately upon completion of final grading. All disturbed areas not involved in winter construction shall be mulched and seeded before October 15. Between the periods of October 15 to April 15, all earth disturbing work shall conform with the "Requirements for Winter Construction" standards and specifications of the Vermont Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (February 2020).
24. In addition to conformance with all erosion prevention and sediment control conditions, the Permittees shall not cause, permit, or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittees from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
25. Except for improvements identified in the approved plan, the Permittees shall maintain an undisturbed, naturally vegetated riparian zone along the unnamed streams identified in Exhibit 70. The riparian zones shall begin at the water's edge at base flow conditions and further extend 50 feet measured inland from, perpendicular to, and horizontally from the top of bank or upland edge of contiguous delineated Class II wetlands. The term "undisturbed" means that there shall be no activities that may cause or contribute to ground or vegetation disturbance or soil compaction, including but not limited to construction, earth-moving activities, storage of materials, tree trimming or canopy removal, tree, shrub, or groundcover removal, plowing or disposal of snow, grazing or mowing. Riparian zones shall be permanently marked with prominent large stones, placed every 25 feet along the outer edge of the riparian zone, or by fencing, posts, or tree blazing.
26. Prior to commencement of tree cutting or other development activities, the Permittee shall flag the riparian zones which are in the vicinity of the activities.
27. Except for activities identified in Exhibit 043b and authorized in Individual Wetland Permit and Determination 2023-0134, and for allowed uses under the Vermont Wetland Rules, the Permittees shall not conduct any activity in Class II wetlands or their associated buffer zones. Permanent markers in the form of boulders or sections of split rail fence shall be installed along Class II wetland buffer zone boundaries as depicted in Exhibit 043b.
28. The Permittees shall pay a proportional transportation impact fee toward the West Hill Road Traffic Signal Project pursuant to Act 145 – Transportation Impact Fees (2014). The transportation impact fee for the West Hill Road Traffic Signal Project is \$257 per PM peak hour trip. The transportation fee is calculated as follows: \$ 257/PM peak hour trip × 8 trips (Exhibit 053). The Permittees shall pay a total transportation impact fee of \$2,056 to the Vermont Agency of Transportation before commencement of construction (payment should be remitted to the Vermont Agency of Transportation Development Review and Permitting Services Section, Barre City Place, 219 North Main Street, Barre, VT 05641, Attn: Christopher Clow, P.E).

29. Any extracted stumps shall be disposed of on-site above the seasonal high-water table and not in any wetland, or at a state-certified stump and inert waste disposal facility, so as to prevent groundwater pollution.
30. All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated.
31. The Permittees shall not erect exterior signage without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs.
32. Pursuant to 30 V.S.A. Section 51(e), the Permittees and/or subsequent lot owners, at a minimum, shall construct the homes in accordance with Vermont's Residential Building Energy Standards Stretch Code effective at the time of construction.
33. The installation and/or use of electric resistance space heat is specifically prohibited unless: (a) it is approved in writing by the Commission and/or (b) it specifically qualifies as an exception to the prohibition of electric-resistance building heating, pursuant to Section R404.2 of the 2020 Vermont Residential Building Energy Standards.
34. The Permittees, upon completion of the construction of each residential building and prior to use or occupancy, shall submit to the Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 51(f).
35. The Homeowners' Association shall contract with a waste hauler with recycling capabilities.
36. The Permittees shall provide each prospective purchaser of any interest in this project a copy of the approved plot plan, Potable Water Supply and Wastewater System Permit, and this permit amendment before any written contract of sale is entered into.
37. The Permittees shall reference the requirements and conditions imposed by Land Use Permit 5L1260-1 in all deeds of conveyance and leases.
38. Pursuant to 10 V.S.A. § 6090(b)(1), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittees have not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).
39. All site work and construction of common infrastructure shall be completed in accordance with the approved plans by October 15, 2027, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without a public hearing.
40. The Permittees shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee

schedule in effect at the time of application. Upon request, the Permittees shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.

Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated this February 28, 2024.

By /s/ Norma Malone
Norma Malone, Chair
District 5 Commission

Members participating in this decision: Jeremy Reed; Nichole Loati.

Any party, or person denied party status, may file within 15 days from the date of a decision of the District Commission one and only one motion to alter with respect to the decision, pursuant to Act 250 Rule 31(A). Under Rule 31(A), no party, or person denied party status, may file a motion to alter a District Commission decision concerning or resulting from a motion to alter. Per Rule 31(A)(3), the running of the time for filing a notice of appeal is terminated as to all parties by a timely motion to alter.

Any person aggrieved by an act or decision of a District Commission or District Coordinator, or any party by right, may appeal to the Environmental Division of Vermont Superior Court within 30 days of the act or decision pursuant to 10 V.S.A. § 8504. Such appeals are governed by Rule 5 of the Vermont Rules for Environmental Court Proceedings. The appellant must file a notice of appeal with the clerk of the court and pay any fee required under 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. The Natural Resources Board's copy may be sent to NRB.Legal@vermont.gov and/or 10 Baldwin Street, Montpelier, VT 05633-3201.

Note, there are certain limitations on the right to appeal, including on interlocutory appeals. See, e.g., 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5. There shall be no appeal from a District Commission decision when the Commission has issued a permit and no hearing was requested or held, or no motion to alter was filed following the issuance of an administrative amendment. 10 V.S.A. § 8504(k)(1). If a District Commission issues a partial decision under 10 V.S.A. § 6086(b), any appeal of that decision must be taken with 30 days of the date of that decision. 10 V.S.A. § 8504(k)(3). For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

The foregoing statements regarding motions to alter and appeals are intended for informational purposes only. They neither supplant nor augment any rights or obligations provided for by law nor do they constitute a complete statement of the rights or obligations of any person or party.

CERTIFICATE OF SERVICE

I hereby certify that I, Lori Grenier, Natural Resources Board Technician, District 5 Environmental Commission, sent a copy of the foregoing **LAND USE PERMIT 5L1260-1** by U.S. Mail, postage prepaid, on February 28, 2024 to the following individuals without email addresses and by electronic mail, to the following with email addresses:

Aaron Solo
896 Anderra Road
Lafayette Hill, PA 19444
aaron.l.solo@gmail.com

McCain Consulting, Inc
Attn: Gunner McCain
93 South Main Street Suite 1
Waterbury, VT 05676
gunner@mccainconsulting.com

Rose Environmental, LLC
Attn: Kristen Rose
roseenvironmentalllc@gmail.com

Stowe Selectboard
PO Box 730
Stowe, VT 05672
wfricke@stowevt.gov

Stowe Planning Commission
PO Box 730
Stowe, VT 05672
smcshane@stowevt.gov

Vermont Agency of Transportation
Barre City Place
219 N. Main Street
Barre, VT 05641
Christopher.clow@vermont.gov
AOT.Act250@vermont.gov

Lamoille County Planning Commission
PO Box 1637
Morrisville, VT 05661
Seth@lcpcvt.org
georgeana@lcpcvt.org

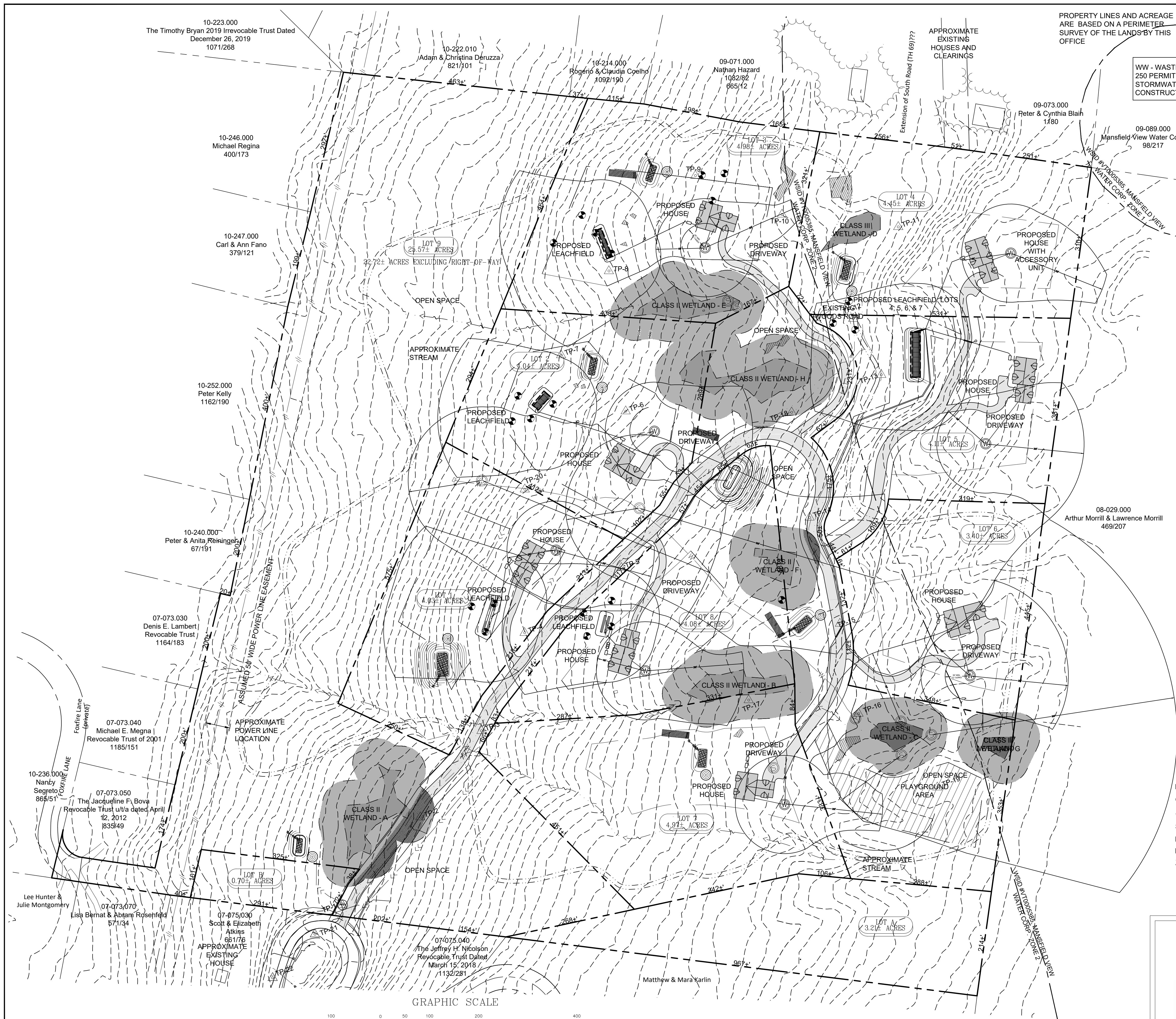
Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901
Jennifer.mojo@vermont.gov
anr.act250@vermont.gov

FOR INFORMATION ONLY

Attn: Norma Malone, Jeremy Reed, Nichole Loati
District 5 Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201
NRB.Act250Barre@vermont.gov
nrb.act250agenda@vermont.gov

Stowe Town Clerk
Penny A. Davis
PO Box 730
Stowe, VT 05672
townclerk@stowevt.gov

/s/ Lori Grenier
Natural Resources Board Technician
802-476-0185
NRB.Act250Barre@vermont.gov



PLAN SHEET	SHEET INDEX				
	TOWN	WW	A250	OSP	CGP
A-1 - COVER SHEET	X	X	X		
C-1 - OVERVIEW PLAN	X	X	X		
C-2 - SITE PLAN LOTS 1, 2, & 8	X	X	X		
C-3 - SITE PLAN LOTS 3, & 4	X	X	X		
C-4 - SITE PLAN LOT 5	X	X	X		
C-5 - SITE PLAN LOTS 6 & 7	X	X	X		
C-6 - WASTEWATER SYSTEM DESIGN NOTES	X	X	X		
C-7 - WASTEWATER SYSTEM DETAILS	X	X	X		
C-8 - WASTEWATER SYSTEM PROFILES	X	X	X		
DR-1 - ROAD & DRIVEWAY PLAN	X	X	X		
DR-2 - ROAD PROFILE PLAN	X	X	X		
DR-3 - DRIVEWAY PROFILES PLAN	X	X	X		
CL-1 - CLEARING PLAN	X	X	X		
S-1 - SETBACK PLAN	X	X	X		
SW-1 - STORMWATER PLAN - EXISTING CONDITIONS PLAN	X	X	X		
SW-2 - STORMWATER PLAN - PROPOSED	X	X	X		
SW-3 - STORMWATER PLAN - LOTS 1, 2, 3, & 8	X	X	X		
SW-4 - STORMWATER PLAN - LOTS 4, 5, 6, & 7	X	X	X		
SW-5 - STORMWATER DETAILS	X	X	X		
SW-6 SOILS MANAGEMENT PLAN - LOTS 1, 2, 3, & 8	X	X	X		
SW-7 - SOILS MANAGEMENT PLAN - LOTS 4, 5, 6, & 7	X	X	X		
SW-8 - ANNOTATED MAINTENANCE PLAN	X	X	X		
EC-1 - PRE-CONSTRUCTION PLAN	X	X	X	X	
EC-2 - CONSTRUCTION PLAN	X	X	X	X	
EC-3 - STABILIZATION PLAN	X	X	X	X	
EC-4 - PHASING PLAN	X	X	X	X	
EC-5 - NARRATIVE & DETAILS	X	X	X	X	
W-1 WETLAND PLAN	X	X	X		
STREAM BUFFER PLAN			X		

ZONING INFORMATION

ZONING DISTRICT: RR-2
 MIN. LOT SIZE: 2 ACRES
 MIN. LOT WIDTH: 200'
 MIN. FRONT SETBACK: 60' TO EDGE OF RIGHT-OF-WAY
 MIN. SIDE SETBACK: 50'
 MIN. REAR SETBACK: 50'

Setbacks:

The following are general setback distances that must be met unless otherwise authorized by the permitting authority and/or the consultant. This list does not necessarily include all required setback distances and the listed setback distances may not apply to all sites:

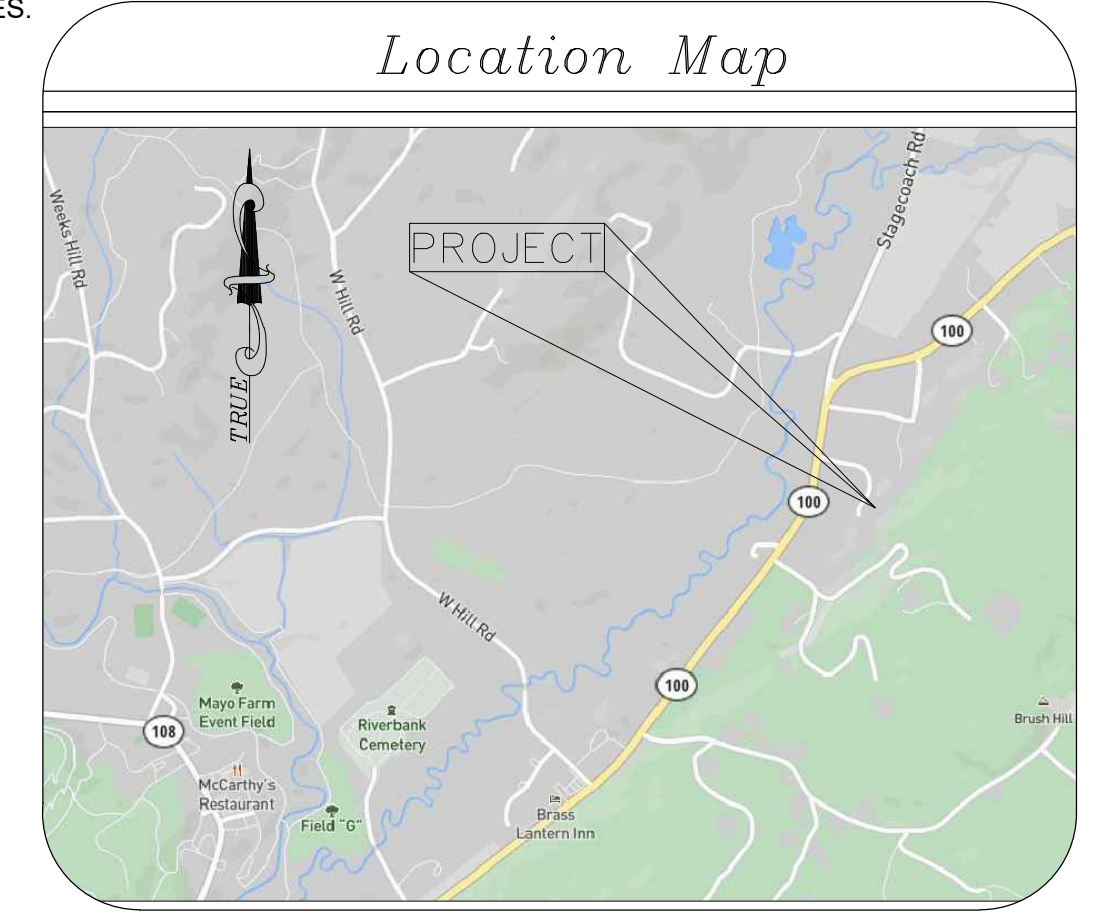
ITEM	LEACHFIELD	SEPTIC TANK	SEWER SPRING
DRILLED WELL	SEE PLAN	50	50
SPRING	SEE PLAN	75	75
LAKES, PONDS, IMPOUNDMENTS	50	25	25
RIVERS, STREAMS	50	25	10
PROPERTY LINE	25	10	10
ROADWAY, DRIVEWAY, PARKING LOTS	10	5	SEE PLAN
TREES	10	10	10
SERVICE WATER LINE	25	25	SEE PLAN

LEGEND

	Proposed well
	5' LIDAR contours
	Wetland boundary
	Wetland buffer
	Property line
	Right of way line
	Stream
	Edge of pond
	Overhead power lines
	Right of way line
	Exposed rock
	Path
	Open space
	BUILDING ZONE

"THE LANDS DESIGNATED AS OPEN SPACE ON THIS PLAT SHALL REMAIN IN OPEN SPACE. THE OPEN SPACE SHALL RUN WITH THE LAND AND SHALL APPLY TO FUTURE CONVEYANCES OF ALL OR PARTS OF THE HEREIN OPEN SPACE, UNLESS OTHERWISE SPECIFICALLY APPROVED BY THE DRB."

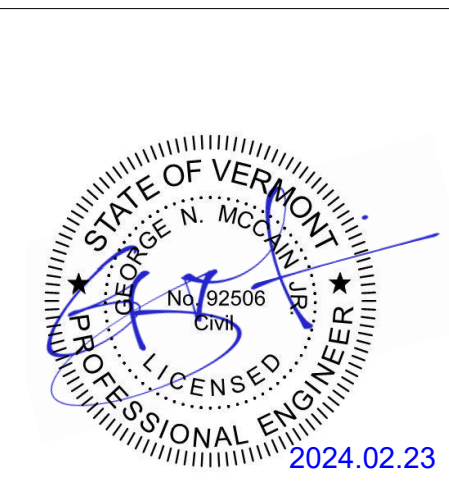
THE OPEN SPACE AREAS SHALL BE LEFT UNDEVELOPED, AND ARE FOR THE USE AND ENJOYMENT OF THE RESIDENTS AND THEIR INVITED NEIGHBORS AND GUESTS. THE PRIMARY USE OF THE TRAIL WITHIN THE OPEN SPACE WILL BE FOR HIKING AND CROSS COUNTRY SKIING, NO MOTORIZED VEHICLES WILL BE ALLOWED. THE TRAIL WILL BE 3' - 5' WIDE, WILL FOLLOW THE GENERAL LOCATION DEPICTED, AND WILL BE CONSTRUCTED WITH MINIMAL EARTHWORK AND WITHOUT CUTTING TREES. THE PLAYGROUND AREA WILL INCLUDE ONE POST AND BEAM STYLE OPEN-SIDED PAVILION OF APPROXIMATELY 200 SQUARE FEET AND MULTIPLE SMALL PLAY STRUCTURES.



Project No. 40072
 Owner of Record: Aaron L. Solo & Carolyn A. Solo
 Acreage: 63.48± Acres
 SPAN: 621-195-14355
 Parcel No.: 07-073.080
 Book/Page: 1106/160
 Zoning District: RR2

REVISIONS

02/06/2024	ADDED WSID #VT0005385 LINE, MISCELLANEOUS
01/23/2024	REVISED PER DEC REVIEW, MISCELLANEOUS
09/14/2023	STORMWATER REVISIONS PER PERMIT APPLICATION REVIEW, MISCELLANEOUS
04/07/2023	REVISED PROPERTY LINES, ACREAGES, DIMENSIONS, LOT 3 DRIVEWAY, MISCELLANEOUS
03/20/2023	ADDED STREAM BUFFER, REVISED LOT 4-7 PRESBY MOUND PER WW REVIEW COMMENTS
03/09/2023	MOVED LOTS 5 & 6 WELLS DOWNSLOPE 60±, MISCELLANEOUS
01/17/2023	ADDITIONAL PLAN DEVELOPMENT
12/22/2022	GENERAL PLAN DEVELOPMENT
11/30/2022	ADDED OPEN SPACE, MISCELLANEOUS

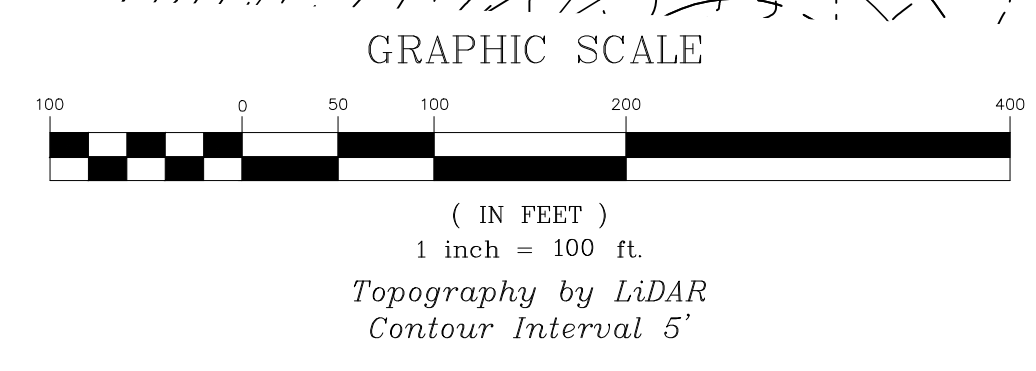


OVERVIEW PLAN
AARON L. SOLO & CAROLYN A. SOLO
 NINE LOT SUBDIVISION
 WESTVIEW HEIGHTS DRIVE STOWE, VT

SCALE: 1" = 100'
 DESIGNED BY: GNM PROJECT #40072
 DRAWN BY: WDB
 CHECKED BY: GMJr

McCain Consulting, Inc.
 93 SOUTH MAIN STREET
 WATERBURY, VERMONT 05676

DATE: OCTOBER 31, 2022 SHEET C-1



THE CONTRACTOR SHALL REVIEW ALL CONSTRUCTION ACTIVITIES, COMPONENT LOCATIONS, SPECIFICATIONS, AND DETAILS PRIOR TO COMMENCEMENT OF SITE WORK AND SHALL NOTIFY MCCAIN CONSULTING OF ANY ISSUES OR DISCREPANCIES THAT ARISE FROM THAT REVIEW.

THIS IS NOT A SURVEY. THIS PLAN DOES NOT MEET THE REQUIREMENTS OF 27 VSA SEC. 1403 FOR THE FILING OF SURVEY PLATS.

Y:\Cadd\40000's\40072\dwg\40072_20240223.dwg

NOTE:
ALL STREAM BUFFERS ARE TO BE MEASURED FROM THE TOP OF BANK/TOP OF SLOPE AS DEFINED BY VT ANR "GUIDANCE FOR AGENCY ACT 250 AND SECTION 248 COMMENTS REGARDING RIPARIAN BUFFERS" DATED DECEMBER 9, 2005

BUFFERS ARE TO BE FLAGGED ON-SITE PRIOR TO COMMENCEMENT OF TREE CUTTING OR OTHER DEVELOPMENT ACTIVITY IN THEIR VICINITY.

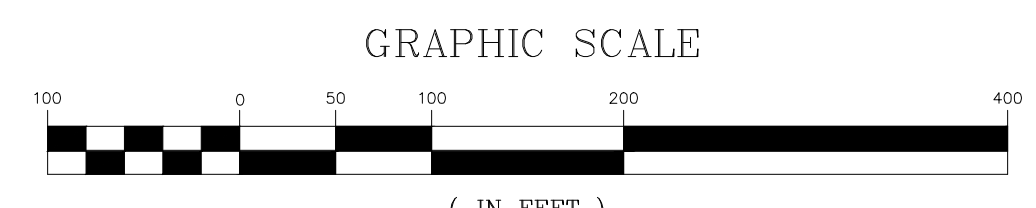


POLES ARE 4' APART
TOP OF SLOPE IS 12' WIDE



LEGEND

- 100- 5' LiDAR contours
- Wetland boundary
- Wetland buffer
- Property line
- Right of way line
- Stream
- Edge of pond
- Woods road
- Exposed rock
- Stream buffer impact area - 23,034 sq. ft.
- Phase I limits of disturbance
- Phase 4 limits of disturbance
- Stream buffer line
- Top of stream bank



Topography by LiDAR
Contour Interval 5'

THE CONTRACTOR SHALL REVIEW ALL CONSTRUCTION ACTIVITIES, COMPONENT LOCATIONS, SPECIFICATIONS, AND DETAILS PRIOR TO COMMENCEMENT OF SITE WORK AND SHALL NOTIFY MCCAIN CONSULTING OF ANY ISSUES OR DISCREPANCIES THAT ARISE FROM THAT REVIEW.

THIS IS NOT A SURVEY. THIS PLAN DOES NOT MEET THE REQUIREMENTS OF 27 VSA SEC. 1403 FOR THE FILING OF SURVEY PLATS.

REVISIONS
02/23/24 REVISED PER DEC REVIEW, MISCELLANEOUS



STREAM BUFFER PLAN
AARON L. SOLO & CAROLYN A. SOLO
NINE LOT SUBDIVISION
WESTVIEW HEIGHTS DRIVE STOWE, VT

SCALE: 1" = 100'
DESIGNED BY: GMJr PROJECT #40072
DRAWN BY: WDB
CHECKED BY: GMJr

MCCAIN CONSULTING, INC.
93 SOUTH MAIN STREET
WATERBURY, VERMONT 05676

DATE: FEBRUARY 6, 2024

SHEET SB-1



NOTE:
CONTRACTOR TO CONTACT DIG-SAFE AND VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

Exhibit List



Application #	5L1260-1
Applicant(s)	Aaron & Carolyn Solo
Landowner(s)	Same as above
Project Town(s):	Stowe

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
000	3/3/23	000 Exhibit List	Applicant
001	3/3/23	001 Act 250 Application for Land Use Permit	Applicant
001a	4/21/23	001a Act 250 Application Revised	Applicant
002	3/3/23	002 Act 250 Cover Letter	Applicant
003	3/3/23	003 Signature Page	Applicant
004	3/3/23	004 Location Map	Applicant
005	3/3/23	005 Land Use Permit 5L1260	Applicant
006	3/3/23	006 ANR Wetland & Wildlife Map	Applicant
007	3/3/23	007 Agency of Agriculture Review & Prime Agricultural Soils Map	Applicant
008	3/3/23	008 Natural Resource & Wildlife Habitat Assessment	Applicant
009	3/3/23	009 Project Narrative	Applicant
010	3/3/23	010 Municipal Impact Questionnaire	Applicant
011	3/3/23	011 School Impact Questionnaire	Applicant
012	3/3/23	012 HOA Covenants	Applicant
013	3/3/23	013 Town of Stowe Preliminary DRB Decision & Final Narrative	Applicant
014	3/3/23	014 2023 Forest Management Plan	Applicant
015	3/3/23	015 Stowe Electric Easement	Applicant
016	3/3/23	016 A-1 Cover Sheet dated 10/31/2022	Applicant
017	3/3/23	017 C-1 Overview Plan dated 10/31/22 rev. 1/17/23	Applicant
017a	4/26/23	017a C-1 Overview Plan dated 10-31-22 last revised 4/7/23	Applicant

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
	1/26/24	017b C-1 Overview Plan Rev 1/23/24	Applicant
	2/23/24	017c C-1 Overview Plan Rev 2/6/24	Applicant
018	3/3/23	018 C-2 Site Plan Lots 1,2 & 8 dated 10/31/22 rev. 1/17/23	Applicant
018a	4/26/23	018a C-2 Site Plan Lots 1,2 & 8 dated 10/31/22 last revied 4/7/23	Applicant
	1/26/24	018b C-2 Site Plan Lots 1,2 & 8 Rev 1/23/24	Applicant
019	3/3/23	019 C-3 Site Plan Lots 3 & 4 dated 10/31/22 rev. 1/17/23	Applicant
019a	4/26/23	019a C-3 Site Plan Lots 3 & 4 dated 10/31/22 last revised 4/7/23	Applicant
	1/26/24	019b C-3 Site Plan Lots 3 & 4 Rev 1/23/24	Applicant
020	3/3/23	020 C-4 Site Plan Lot 5 dated 10/31/22 rev. 1/17/23	Applicant
020a	4/26/23	020a C-4 Site Plan Lot 5 dated 10/31/22 last revised 4/7/23	Applicant
	1/26/24	020b C-4 Site Plan Lot 5 Rev 1/23/24	Applicant
021	3/3/23	021 C-5 Site Plan Lots 6 & 7 dated 10/31/22 rev. 1/17/23	Applicant
021a	4/26/23	021a C-5 Site Plan Lots 6 & 7 dated 10/31/22 last revied 4/7/23	Applicant
	1/26/24	021b C-5 Site Plan Lots 6 & 7 Rev 1/23/24	Applicant
022	3/3/23	022 C-6 Wastewater System Design Notes 1/6/22 rev. 1/17/23	Applicant
022a	4/26/23	022a C-6 Wastewater System Design Notes 1/6/22 last revised 4/7/23	Applicant
023	3/3/23	023 C-7 Wastewater System Details dated 1/12/22 rev. 1/17/23	Applicant
023a	4/26/23	023a C-7 Wastewater System Details dated 1/12/22 last revised 4/7/23	Applicant
024	3/3/23	024 C-8 Wastewater System Profiles dated 1/12/22 rev, 1/17/223	Applicant
024a	4/25/23	024a C-8 Wastewater System Profiles dated 1/12/22 last revised 4/7/23	Applicant
025	3/3/23	025 DR-1 Road & Driveway Plan dated 10/31/22 rev. 1/17/23	Applicant
025a	4/26/23	025a DR-1 Road & Driveway Plan dated 10/31/22 last revised 4/7/23	Applicant
026	3/3/23	026 DR-2 Road Profile Plan dated 10/31/22 rev. 1/17/23	Applicant
026a	4/26/23	026a DR-2 Road Profile Plan dated 10/31/22 last revised 1/17/23	Applicant
027	3/3/23	027 DR-3 Driveway Profiles Plan dated 10/31/22 rev. 1/17/23	Applicant
027a	4/26/23	027a DR-3 Driveway Profiles Plan dated 10/31/22 last revised 4/7/23	Applicant
028	3/3/23	028 CL-1 Clearing Plan dated 10/31/22 rev. 1/17/23	Applicant
028a	4/26/23	028a CL-1 Clearing Plan dated 10/31/22 last revised 4/7/23	Applicant
	1/26/23	028b CL-1 Clearing Plan Rev 1/23/24	Applicant

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
029	3/3/23	029 S-1 Setback Plan dated 11/30/22 rev. 1/17/23	Applicant
029a	4/26/23	029a S-1 Setback Plan dated 11/30/22 last revised 4/7/23	Applicant
030	3/3/23	030 SW-1 Stormwater Plan- Existing Conditions dated 10/31/22 rev. 1/17/23	Applicant
030a	4/26/23	030a SW-1 Stormwater Plan- Existing Conditions dated 10/31/22 last revised 4/7/23	Applicant
030b	1/2/24	030b SW-1 Stormwater Plan-Existing Conditions last revised 11-2-2023	Applicant
031	3/3/23	031 SW-2 Stormwater Plan- Proposed dated 10/31/22 rev. 1/17/23	Applicant
031a	4/26/23	031a SW-2 Stormwater Plan- Proposed dated 10/31/22 last revised 4/7/23	Applicant
031b	1/2/24	031b SW-2 Stormwater Plan- Proposed dated 10/31/22 last revised 11/2/23	Applicant
032	3/3/23	032 SW-3 Stormwater Plan- Lots 1,2,3 & 8 dated 1/17/23	Applicant
032a	4/26/23	032a SW-3 Stormwater Plan- Lots 1,2,3 & 8 dated 1/17/23 last revised 4/7/23	Applicant
032b	1/2/24	032b SW-3 Stormwater Plan- Lots 1,2,3 & 8 dated 1/17/23 last revised 11/2/23	Applicant
033	3/3/23	033 SW-4 Stormwater Plan- Lots 4,5,6 & 7 dated 1/17/23	Applicant
033a	4/26/23	033a SW-4 Stormwater Plan- Lots 4,5,6 & 7 dated 1/17/23 last revised 4/7/23	Applicant
033b	1/2/24	033b SW-4 Stormwater Plan- Lots 4,5,6 & 7 dated 1/17/23 last revised 11/2/23	Applicant
034	3/3/23	034 SW-5 Stormwater Details dated 1/17/23	Applicant
034a	4/26/23	034a SW-5 Stormwater Details dated 1/17/23 last revised 1/17/23	Applicant
034b	1/2/24	034b SW-5 Stormwater Details dated 1/17/23 last revised 11/2/23	Applicant
035	3/3/23	035 SW-6 Soils Management Plan- Lots 1,2,3 & 8 dated 1/17/23	Applicant
035a	4/26/23	035a SW-6 Soils Management Plan- Lots 1,2,3 & 8 dated 1/17/23 last revised 1/17/23	Applicant
035b	1/2/24	035b SW-6 Soils Management Plan- Lots 1,2,3 & 8 dated 1/17/23 last revised 11/2/23	Applicant
036	3/3/23	036 SW-7 Soils Management Plan- Lots 4,5,6 & 7 dated 1/17/23	Applicant
036a	4/26/23	036a SW-7 Soils Management Plan- Lots 4,5,6 & 7 dated 1/17/23 last revised 4/7/23	Applicant
036b	1/2/24	036b SW-7 Soils Management Plan- Lots 4,5,6 & 7 dated 1/17/23 last revised 11/2/23	Applicant
037	3/3/23	037 SW-8 Annotated Maintenance Plan dated 1/17/2023	Applicant
037a	4/26/23	037a SW-8 Annotated Maintenance Plan dated 1/17/2023 last revised 4/7/23	Applicant
037b	1/2/24	037b SW-8 Annotated Maintenance Plan dated 1/17/2023 last revised 11/2/23	Applicant
038	3/3/23	038 EC-1 Pre-Construction Plan dated 10/31/22 rev. 1/17/23	Applicant
038a	4/26/23	038a EC-1 Pre-Construction Plan dated 10/31/22 last revised 4/7/23	Applicant
	1/26/24	038b EC-1 Pre-Construction Plan Rev 1/23/24	Applicant

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
039	3/3/23	039 EC-2 Construction Plan dated 1/17/23	Applicant
039a	4/26/23	039a EC-2 Construction Plan dated 1/17/23 last revised 4/7/23	Applicant
	1/26/24	039b EC-2 Construction Plan Rev 1/23/24	Applicant
040	3/3/23	040 EC-3 Stabilization Plan dated 1/17/23	Applicant
040a	4/26/23	040a EC-3 Stabilization Plan dated 1/17/23 last revised 4/7/23	Applicant
	1/26/24	040b EC-3 Stabilization Plan Rev 1/23/24	Applicant
041	3/3/23	041 EC-4 Phasing Plan dated 1/17/23	Applicant
041a	4/26/23	041a EC-4 Phasing Plan dated 1/17/23 last revised 4/7/23	Applicant
	1/26/24	041b EC-4 Phasing Plan Rev 1/23/24	Applicant
042	3/3/23	042 EC-5 Narrative and Details dated 1/17/23	Applicant
042a	4/26/23	042a EC-5 Narrative and Details dated 1/17/23	Applicant
043	3/3/23	043 W-1 Wetland Plan dated 1/17/23 last revised	Applicant
043a	4/26/23	043a W-1 Wetland Plan dated 1/17/23 last revised last revised 4/7/23	Applicant
	1/26/23	043b W-1 Wetland Plan Rev 1/23/24	Applicant
044	3/3/23	044 F-1 Fire Pond Plan dated 12/22/22	Applicant
045	4/26/23	045 Response to Incomplete Application Letter dated 4/25/23	Applicant
046	4/26/23	046 1990 SD Plat of Westview Heights book 8 page 71	Applicant
047	4/26/23	047 1990 Westview Heights Covenants book 204 pages 113-126	Applicant
048	4/26/23	048 2006 WD Ciaraldi-Atkins book 661 pages 76-77	Applicant
049	4/26/23	049 2020 ED Matulionis-Friedman book 1106 pages 152-153	Applicant
050	4/26/23	050 2020 WD Friedman-Solo book 1106 pages 160-164	Applicant
051	4/26/23	051 2023 Atkins Conveyance Acceptance	Applicant
052	4/26/23	052 2023 Karlin Conveyance Acceptance	Applicant
053	4/26/23	053 Chris Clow email re Act 145 Fee dated 3/20/23	Applicant
054	4/28/23	054 DRAFT Dir Pond Easement Deed	Applicant
055	1/2/24	055 Cover Letter Response to Act 250 Supplemental Info Request 5-10-23	Applicant
056	1/2/24	056 9592-9050 DRAFT SW Permit	Applicant
057	1/2/24	057 Solo Revised Fire Pond - Close up	Applicant
058	1/2/24	058 Emal from Stowe Fire Chief 8/23/23 approving Fire Pond	Applicant

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
059	1/2/24	059 VTRans Correspondence 12/15/23 re Hydraulic Analysis	Applicant
060	1/17/24	060 Culvert Study	Applicant
061	1/26/24	061 Act 250 Cover Letter-Response to draft permit 1-26-24	Applicant
062	1/26/24	062 CGP Permit 9592-9020	Applicant
063	1/26/24	063 Sheet R-1 Road-Driveway Plan R 20240123	Applicant
064	1/26/24	064 Stormwater Permit 9592-9050	Applicant
065	1/26/24	065 Wetland Permit #2023-0134	Applicant
066	1/26/24	066 WW-5-9190 Permit	Applicant
067	2/6/24	067 Vtrans Comments	VTrans
068	2/8/24	068 ANR Comments and COS 2-8-24	ANR
069	2/23/24	069 ANR Supplemental Comments and COS 2-23-24	ANR
070	2/23/24	070 Sheet SB-1 Stream Buffer Plan R20240223	ANR
071		071	
072		072	
073		073	
074		074	
075		075	
076		076	
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087		087	



MEMORANDUM OF DECISION

State of Vermont Natural Resources Board
District 5 Environmental Commission
10 Baldwin Street, Montpelier, VT 05633-3201
<https://nrb.vermont.gov/>

802-476-0185

VR US Holdings II, LLC (Stowe Mountain Resort)
5781 Mountain Road
Stowe, VT 05672
and
Vermont Department of Forest, Parks, and Recreation
1 National Life Drive
Montpelier, VT 05604

Memorandum of Decision
10 V.S.A. §§ 6001-6111 (Act 250)
Act 250 Application 5L1338(Altered)
Condition 23

I. Summary

This memorandum constitutes the District Commission's decision regarding Land Use Permit 5L1338(Altered) (issued on September 17, 2003) Condition 23 which states:

The Permittees shall undertake the 2003 walkover of Spruce Peak to address hydrologic issues, as discussed in Findings of Fact 5L1338-1. An action plan must then be filed with the Department of Environmental Conservation review. Implementation will be subject to District Commission approval-and revisions, if deemed necessary.

Stowe Mountain Resort (SMR) developed an action plan and completed it in 2014, then subsequently requested that the Commission review of the plan and its implementation, seeking approval and a determination that Condition 23 has been satisfied. Therefore, at SMR's request, on June 3, 2015, the Commission conducted a site visit with Agency of Natural Resources (ANR) staff and representatives of SMR to assess completed actions, view any proposed-but uncompleted actions, and to ascertain whether other components of a comprehensive plan would be appropriate. Included were the following sites: the water quality sampling stations; the ANR 1272 order remediation sites; the water reservoir construction; and the re-located Big Spruce Brook tributary and its original channel were still existing.

The Commission issued a status update regarding its review of the compliance with Condition 23 on February 27, 2018. The Commission acknowledged SMR's implementation of 77 measures included in a 2005 report entitled: *Stowe Mountain Resort Existing Spruce Peak Ski Trail Conditions and Recommendations for Hydrologic Improvements*. The Commission also reviewed the following reports: the Department of Environmental Conservation (DEC) 2016 *List of Priority Surface Waters Part B. Impaired Surface Waters*; DEC 2016 303(d) *List of Impaired Waters Part A-Impaired Surface Waters in Need of TMDL*; and DEC State of Vermont 2016 *Stressed Waters List*. In

addition, the Commission reviewed the SMR Water Quality Management Plan, 2015 Monitoring Report and the 2016 Monitoring Report.

The Commission noted that in the referenced reports, ongoing issues with sediment loads in both Big Spruce Brook and the West Branch were identified., along with multiple iron seeps impacting macroinvertebrates in Big Spruce. As the 2015 Monitoring Report indicated that recommended actions such as *pollution controls have yet to be fully implemented and continued monitoring*, the Commission requested that ANR provide a perspective as to how the adaptive management plan has/would work to address the water quality impairments identified in the aforementioned monitoring reports.

Additionally, the Commission's memo requested an update to the master plan from SMR, noting that the planned buildout of the trail network had not occurred to the extent originally planned. If SMR considered the buildout to now be complete, post development monitoring and remediation would be next steps, such that the Commission would expect the submittal of a compliance schedule and strategy. As post-development monitoring was originally intended to be completed within one year following completion of development under the master plan, given the then sub-standard water quality conditions, the Commission assumed that post-development monitoring would be extended for more than one year.

The Commission takes administrative notice of SMR's response, filed on June 15, 2018. SMR stated that potential new ski trails on Big Spruce identified in the master plan may yet be built in the future.

The Commission also takes administrative notice of the ANR response, filed on June 13, 2018, which provided an updated memo for purposes of *discussing monitoring results, changes in the 303(d) listings, and how ANR will evaluate emerging water quality issues for both Big Spruce Brook and the West Branch of the Little River. Big Spruce Brook RM0.2 -0.3 was listed on the 2016 303(d) List of Impaired Waters Parts A and B due to iron and sediment. However, since the listing of RM0.2 – 0.3 on Part B, the Division further evaluated the stretch and identified iron as the primary stressor, with sediment not currently contributing to the impairment. The Division is proposing to list RM0.2-0.8 of Big Spruce Brook only on Part A of the 2018 303(d) List for iron as a result of this determination.*

With respect to the West Branch of the Little River, ANR wrote, *monitoring results showed inconsistent maintenance of the improved water quality and the reach has since been listed on Part B of the 2016 303(d) List of Impaired Waters. Monitoring results of this reach will continue to be reviewed by the Division to determine if additional remedial measures are required in the future.*

ANR's memo concluded by stating that an adaptive management approach will be utilized to address emerging water quality issues near SMR, based on the annual monitoring results produced by SMR and the Watershed Management Division. *It was determined the primary*

impairment in Big Spruce Brook is due to iron and the Division is proposing to list the entire reach (RM0.2-0.8) on only Part A in 2018. The West Branch of the Little River between RM 7.5 and RM8.0 was listed on Part B of the 2016 303(d) List of Impaired Waters as monitoring results showed improved water quality from pre-2012 levels, but overall levels were still below compliance with WQS. 2017 water quality monitoring results will be reviewed by the Division to determine compliance with the WQS and if additional actions are needed by SMR to improve water quality conditions.

ANR's memo confirmed the Commission's concerns about the Big Spruce Brook iron seeps and the sediment loads in the West Branch of the Little River. The ANR memo indicated that water quality monitoring of both streams would be continued, with results to be reviewed by ANR to determine compliance with water quality standards. The Commission determined that as annual monitoring was to be continued, it would be prudent to assess the results of future monitoring prior to finalizing a decision regarding compliance with Condition 23.

The Commission takes administrative notice of State of Vermont 303(d) List of Impaired Waters Part A and Part B monitoring reports from 2016 through 2022. (In 2016, the part B list included Big Spruce Brook, with the following analysis:

Additionally, in 2014, an upstream examination of the stream channel revealed numerous other iron seeps likely contributing to water quality impacts and biomonitoring results showed "poor conditions. The source of these seeps, however, is unknown. Due to the steep, forested terrain attempts to install BMPs would likely cause more harm to the stream channel than any perceived benefits. Therefore, the reach from RM0.3 to RM 0.8 will not be included in the WQRP and the segment will be listed in Part A. Stream assessment data for 2015 will need to be evaluated to determine if additional BMPs are warranted.

The Commission noted that Big Spruce Brook iron seeps were now listed solely in Part A in 2016. (Under Total Maximum Daily Load (TMDL) the "Priority" is listed as "Low"). Impairment of waters listed in Part A require remediation. However, the analysis also states that remediation steps may result in further impacts without corresponding benefit. The Commission notes that as of 2018, Big Spruce Brook is not listed in Part A, and has not been listed in Part A since. The Commission concludes that ANR has determined that it is no longer necessary to conduct annual water quality monitoring for iron seeps in Big Spruce Brook.

The West Branch of the Little River is included in 2018- and 2020-Part B lists, but in 2020, the monitoring report stated:

The most recent assessment data for this segment is from monitoring that occurred in 2018. According to those biomonitoring data at sites RM 7.4 and RM 8.0, both currently show compliance with the VTWQS. These are the two sites that are used for compliance monitoring for this reach. Note that site RM7.4 has replaced site RM7.5 since 2016. Site RM 7.4 has been in compliance with the VTWQS biocriteria from

2016 – to 2018, showing a consistent pattern of “Good” biological conditions. Site RM 8.0 met the biocriteria standards in 2018 for the first time since 2014 with a “Good” assessment rating. Annual monitoring will continue at these locations, and with continued and sustained improvement, the site may be considered for delisting and be assessed as in compliance with the VTWQS.

As the West Branch of the Little River is not listed as impaired in the 2022 Part B list, the Commission concludes that ANR has determined that improvements have continued and been sustained.

II. Decision

Based on the foregoing, the Commission concludes that Condition 23 in Land Use Permit 5L1338(Altered) is satisfied.

Dated this 29th day of February 2024.

By /s/ Norma Malone
Norma Malone, Chair
District 5 Environmental Commission

Commissioners participating in this decision:
Jeremy Reed, Vice Chair
Gary Nolan

Any party, or person denied party status, may file within 15 days from the date of a decision of the District Commission one and only one motion to alter with respect to the decision, pursuant to Act 250 Rule 31(A). Under Rule 31(A), no party, or person denied party status, may file a motion to alter a District Commission decision concerning or resulting from a motion to alter. Per Rule 31(A)(3), the running of the time for filing a notice of appeal is terminated as to all parties by a timely motion to alter.

Any person aggrieved by an act or decision of a District Commission or District Coordinator, or any party by right, may appeal to the Environmental Division of Vermont Superior Court within 30 days of the act or decision pursuant to 10 V.S.A. § 8504. Such appeals are governed by Rule 5 of the Vermont Rules for Environmental Court Proceedings. The appellant must file a notice of appeal with the clerk of the court and pay any fee required under 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. The Natural Resources Board’s copy may be sent to NRB.Legal@vermont.gov and/or 10 Baldwin Street, Montpelier, VT 05633-3201.

Note, there are certain limitations on the right to appeal, including interlocutory appeals. See, e.g., 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5. There shall be no appeal

from a District Commission decision when the Commission has issued a permit and no hearing was requested or held, or no motion to alter was filed following the issuance of an administrative amendment. 10 V.S.A. § 8504(k)(1). If a District Commission issues a partial decision under 10 V.S.A. § 6086(b), any appeal of that decision must be taken with 30 days of the date of that decision. 10 V.S.A. § 8504(k)(3). For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

The foregoing statements regarding motions to alter and appeals are intended for informational purposes only. They neither supplant nor augment any rights or obligations provided for by law nor do they constitute a complete statement of the rights or obligations of any person or party.

CERTIFICATE OF SERVICE

I hereby certify that I, Lori Grenier, Natural Resources Board Technician, District 5 Environmental Commission, sent a copy of the foregoing **MEMORANDUM OF DECISION** 5L1338(Altered) Condition 23 by U.S. Mail, postage prepaid, on this February 29, 2024 to the following individuals without email addresses and by electronic mail, to the following individuals with email addresses:

Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes.

VR US Holdings II, LLC (Stowe Mountain Resort)
5781 Mountain Road
Stowe, VT 05672
sbuhler@vailresorts.com

Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3901
anr.act250@vermont.gov

FOR INFORMATION ONLY

Vermont Department of Forest, Parks, and Recreation
1 National Life Drive
Montpelier, VT 05604
Danielle.fitzko@vermont.gov

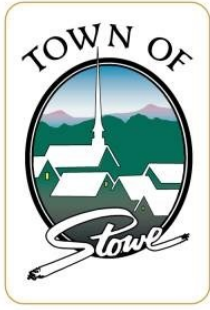
Attn: Norma Malone, Jeremy Reed, Gary Nolan
District 5 Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201
NRB.Act250Barre@vermont.gov
nrb.act250agenda@vermont.gov

Stowe Selectboard
PO Box 730
Stowe, VT 05672
wfricke@stowevt.gov

/s/ Lori Grenier
Natural Resources Board Technician
802-476-0185
NRB.Act250Barre@vermont.gov

Stowe Planning Commission
PO Box 730
Stowe, VT 05672
smcshane@stowevt.gov

Lamoille County Planning Commission
PO Box 1637
Morrisville, VT 05661
Seth@lpcvt.org
georgeana@lpcvt.org



**TOWN OF STOWE
PLANNING COMMISSION
Meeting Minutes
March 4, 2024**

The Town of Stowe Planning Commission held a meeting on **Monday March 4, 2024**, starting at 5:30 p.m. The meeting was held at the Stowe Town Office with remote participation via Zoom. The meeting began at 5:30 pm. Members present included Mila Lonetto, Bob Davison, Chuck Ebel, Heather Snyder, Jill Anne, and Neil Percy. Staff Sarah McShane was present.

The meeting was called to order by Chair M.Lonetto at approximately 5:30 pm.

Adjustments to the Agenda & Public Comments on Non-Agenda Items

None

Review Prior Meeting Minutes [02/13/2024]

C.Ebel motioned to approve the meeting minutes from February 13th. J.Anne seconded. The motion passed unanimously with N.Percy abstaining.

Chair M.Lonetto briefly explained the agenda items.

Open Meeting Law Discussion

Staff S.McShane provided a brief overview of Vermont Open Meeting Law. The Commission discussed the requirements of public bodies, the definition of a public meeting, quorums, and agenda and meeting minute requirements. Members discussed the requirements about communication outside of public meetings and what requirements might apply to the Commission's upcoming community engagement activities related to the Town Plan. Staff S.McShane will seek the counsel of the Town Attorney regarding specific questions related to open meeting law.

Anticipated Schedule for Updating the Stowe Town Plan

Staff S.McShane circulated a handout outlining a suggested ten step process for updating the Stowe Town Plan. Members reviewed each step of the suggested planning process. The steps are outlined as followed:

1. Review Existing Plan.
2. Identify Project Partners.
3. Host Project Partners Meeting- Assign and Delegate.
4. Meet with Selectboard to Identify Municipal Priorities.
5. Engage with Project Partners.
6. Listening & Learning- PC Plan Elements.
7. Project Partner Check-In's.
8. Project Partners to Present Findings and Recommended Updates.
9. 2025 Develop the Plan Together.
10. 2026 Finalize Plan, Public Hearings, and Adoption.

Staff suggested the Commission begin the process by evaluating the existing plan and discussing the plan elements that need to be factually updated, new information that should be included, groups or individuals that should be specifically targeted to participate and/or update certain elements, data needs, and broad community questions the Commission would like to consider during the update process.

The Commission and project partners will work with the Community Engagement Consultant to design specific engagement activities related to the different statutory town plan topics and maps. LCPC will also be available to assist with certain update elements. Members agreed to review existing Chapters 1, 2, and 3 for discussion at the next meeting. Members also requested that when reviewing the goals and policies section whether staff could prepare an implementation update to understand the status of projects and whether some had been completed.

Town Meeting Day – Community Engagement Posters

Members discussed the Commission’s planned community engagement poster project planned for Town Meeting Day. Members agreed to different time slots to stand near the poster and review the prompt questions with community members.

Updates/Correspondence/Other Business

None

Review Upcoming Meeting Schedule

Next PC Meeting Date- 3/18/2024

The meeting adjourned at approximately 6:45 pm.

Respectfully submitted,

Sarah McShane, Planning & Zoning Director

10 STEP PLANNING PROCESS



01. Review Existing Plan

Consider what information/aspects of the plan need to be updated? Does the plan contain information that is no longer needed? Are there new community issues that should be included? Are important events/information, etc. missing?

Who are the important people/groups that should be specifically targeted to participate in the update process?

02. Identify Project Partners



03. Host Project Partners Meeting-Assign and Delegate

PC should decide who will be responsible for preparing updates to different elements of the plan. In cases where there is an appropriate municipal body, the PC may decide to delegate some elements to be updated by others. For all other plan elements, the PC will lead the update process.

Once initial review of the existing plan is complete and Project Partners and associated tasks are identified, present the anticipated planning process to the Selectboard; discuss municipal priorities and areas of the plan the Selectboard would like the Commission to focus on.

04. Identify Municipal Priorities



05. Engage with Project Partners

- Staff to meet directly with municipal departments/ boards to gather information and prepare recommended updates for PC consideration.
- PC to invite specific identified groups/persons to PC meeting.
- Project partners to lead the update process of their respective elements.

PC to work on its elements throughout the spring, summer, and fall months. Invite specific departments/boards/groups to a PC meeting. Also consider non-traditional means of engaging the community and seeking public input.

06. PC Listening & Learning



07. Project Partner Check-In's.

Staff and PC to periodically check-in with Project Partners on delegated elements throughout the summer.

Municipal departments/staff to report back to PC in late summer/fall; Other project partners to report back to the PC in fall/early winter.

08. Findings and Recommended Updates



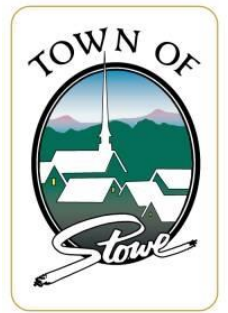
09. Develop the Plan Together [2025]

- Identify core community values.
- Develop shared goals.
- Prioritize action items.

Finalize Plan, Public Hearings, and Adoption.

10. Prepare Final Plan [2026]





**Town of Stowe
Development Review Board
Meeting Minutes – February 20th, 2024**

A regular meeting of the Development Review Board was held on Tuesday, February 20th, 2024, 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, Peter Roberts, David Kelly, Michael Diender (on Zoom)

Staff Present: Sarah McShane - Planning & Zoning Director, Ryan Morrison - Deputy Zoning Administrator, Piper Van Kerkhove - Planning & Zoning Assistant

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

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

Development Review Public Hearings

Project #: 7283 (Cont. from 1/16/24)

Owner: Jeffrey & Anne Mitchell Revok Trustees: Jeffrey & Anne Mitchell

Tax Parcel #: 11-029.010

Location: 0 Spring Trail Road

Project: Request approval for pre-development clearing and construction of a driveway

Zoning: RR5/RHOD

Chair Clymer stated that the applicants requested a continuation.

D. Kelly motioned for a continuance to 3/5.

The motion was seconded by M. Black. Chair Clymer, P. Roberts, M. Diender, voted in favor of continuing the hearing.

T. Hand recused himself.

Project #: 7309

Owner: Jon H Hanson

Tax Parcel #: 05-020.010

Location: 2481 Nebraska Valley Rd

Project: Request variance of front yard setback to construct single-family dwelling

Zoning: RR5

Project #: 7313

Chair Clymer opened the hearing and swore in Jon Hanson.

J. Hanson updated the board on changes made to the project. The flood zone on the property was updated by FEMA and the driveway was moved out of it. He clarified that the site plan showed the single-family dwelling and parking lot.

46 J. Hanson responded to comments from Public Works read by Chair Clymer, he stated that power
47 lines would be underground.

48
49 T. Hand asked if more trees were to be planted.

50
51 J. Hanson stated there may be more trees planted between the house and the road. T. Hand noted
52 they would have to be out of the right of way.

53
54 J. Hanson stated the house was moved closer to the road to be out of the flood plain.

55
56 Chair Clymer stated that the lot is pre-existing and is small.

57
58 T. Hand motioned in support of the proposed project with planting outside of the right of way.

59
60 The motion was seconded by M. Black and passed unanimously.

61
62
63 **Owner: AWH Stowe Resort Hotel LLC C/O AWH Partners LLC**

64 **Tax Parcel #: 11-138.000**

65 **Location: 199 Topnotch Dr**

66 **Project: Construct 3-story 31 Unit multi-family dwelling addition, assembly hall, parking,**
67 **and related site improvements; amend resort PUD to add 2.7-acre parcel.**

68 **Zoning: UMR/PUD**

69
70 Chair Clymer opened the hearing and swore in the interested parties – **Mark D'Angelo**, Keith
71 Wagner, Erica Wygonik, Julian Workley, Dave Marshall, Mike Koch, Eugene Bernat, Philip
72 Glouchevitch, Ross Flicker, Matthew Wheeler, Tim Osiecki.

73
74 M. D'Angelo stated that all the information on the AWH property was updated and reviewed the
75 comments from their last DRB meeting.

76
77 T. hand asked for the green belt to be described. D. Marshall described the green and open spaces
78 shown by a dashed line.

79
80 S. McShane stated that with the new density allowed with Act 47 the project is significantly under
81 the density threshold.

82
83 J. Workley stated that one story was taken off from the originally planned building. Photos from the
84 street show how trees would screen the building from view. She described the design, the cedar and
85 concrete sides, and windows to reduce mass, and how the building would blend well with the
86 natural environment around it.

87
88 T. Hand asked if mechanical systems had been considered and incorporated into the plan.

89
90 J. Workley stated that there will be some mechanicals on the roof, and they will be screened. The
91 entrance to the below ground parking will also be completely screened.

92
93 K. Wagner stated that plantings and trees will be used to screen the project from the South of
94 Mountain Road.

95

96 P. Glouchevitch stated that all the lights would be very bright at night and was wondering how this
97 would be remedied.
98

99 J. Workley stated that to address that, the windows will have a tint, the light coming from them will
100 be residential therefore softer, and the windows will be recessed.
101

102 M. D'Angelo stated that they will be complying with the comments they received from Fire and
103 Safety.
104

105 E. Wygonik stated that the change in the level of traffic at peak time will be trivial, with two
106 concurrent events at the resort the level of traffic would be a Service E.
107

108 T. Hand stated that there is a concern about the level of traffic if there is an event at the tent across
109 the street in the summer and at the resort.
110

111 E. Wygonik stated that peak levels of traffic are in the winter, not summer, so the impact of the tent
112 was not considered.
113

114 Chair Clymer asked what was being done for the sewers.
115

116 D. Marshall stated that they would be working with the Public Works Department to determine the
117 best design for the sewers.
118

119 D. Marshall stated that after the shell of the building was completed that they would prefer not to
120 limit the construction hours. The expected timeline for the project is 16-18 months.
121

122 D. Marshall stated that they are working with V-trans to have a crosswalk and to make pedestrian
123 traffic safe from the Mountain Road.
124

125 M. Koch went through the new and expanded parking plan. There would be 123 new parking
126 spaces, totaling 296 spaces. They would like to bring 3800 Mountain Road into the resort PUD as a
127 place for additional parking. Some of the additional parking is for the proposed units and staff.
128

129 Chair Clymer asked for an analysis of pedestrian circulation.
130

131 M. Koch stated that there were some proposed crosswalks and sidewalks, as well as the minor
132 relocation of the Catamount Trail.
133

134 T. Hand stated that the trail was predominantly a ski trail and that should be considered in the
135 relocation. He asked if there were to be stairs added to the steep part of the road for pedestrians.
136

137 D. Marshall stated that the banana lot is an alternative to stairs.
138

139 P. Glouchevitch asked how visible the parking lots would be.
140

141 K. Wagner stated the existing trees and red building would provide screening. D. Marshall added
142 that the steep slope also limits visibility.
143

144 Chair Clymer handed the meeting over to Vice-Chair Tom Hand.
145

146 M. Koch explained the water run-off and capture system. There will be basins to slow and move
147 water, as well as gravel wetlands, both help to clean the water.

148
149 K. Wagner stated that the lights are below the lumen limit and are all dark sky compliant.
150

151 J. Workley described the lighting on the balconies and the lights to highlight the building's cedar
152 siding.

153
154 P. Glouchevitch asked why the building would be lit and not left dark. M. Black pointed out that
155 landscaping is used to make buildings less visible, so it brings into question lighting the building up.
156

157 E. Bernat expressed that as an abutter he didn't want the ever-present glow that he already noticed.
158

159 M D'Angelo stated that the lights are dark sky compliant and therefore should be allowed.
160

161 M. Black motioned to close the hearing.
162

163 The motion was seconded by P. Roberts and passed unanimously.
164

165 **Other Business:**

166
167 None.

168
169 **Approval of Minutes:**

170
171 A motion to approve the meeting minutes from February 6th, 2024.
172

173 D. Kelly motioned to adjourn the meeting. The motion passed unanimously.
174

175 Respectfully Submitted,
176 Piper Van Kerkhove
177 Planning and Zoning Assistant

Recreation Commission Regular Meeting
February 7, 2024
DRAFT

The regular Recreation Commission meeting was held February 7 at the Stowe Community Room starting at 5:00 P.M.

Members present: Forrest Shinnars, Brett Loomis, Lynn Altadonna, Lyn Goldsmith, Ryan Thibault,. Absent: Jared Anello, Julian Roscioli-Barren, Dave Rogers, Matt Frazee Audience:

meeting called to order at 5:30 pm
motion to approve agenda (LG / RT)
motion to approve minutes (LA / LG)

Carolyn Lawrence, Stowe Trails Partnership: Caroyln couldn't attend, so we didn't discuss it. We will add this to the next meeting agenda.

Memorial Park:

Bret Recommended that a sports court be used to correct pickleball courts and then sports court surface can be reused again in the future saving money. he feels for less than \$175

LA / BL = motion to discuss with players to ensure they agree on the sports court service as a replacement for interim until Memorial Park pickleball courts are rebuilt In a new location.

The \$175K may be a risk of being used elsewhere by a select board for another project so it should be put to use. propose a project to store public works now get ton there agenda in march. RFP written by Harry's team?

6:08 pm Meeitng ajourend

Respectfully Submitted
Forrest Shinnars



Town of Stowe- Historic Preservation Commission

Meeting Minutes – March 6, 2024

A meeting of the Stowe Historic Preservation Commission (SHPC) was held on Wednesday March 6, 2024, at approximately 5:15 pm.

Participation was in person at the Akeley Memorial Building, online or telephone via Zoom.

Members Present: McKee MacDonald, George Bambara, Barbara Baraw, Tyson Bry, and Chris Carey (alternate)

Staff Present: Ryan Morrison

The meeting was called to order by McKee MacDonald (chair) at 5:15pm.

Project #:	7322
Owner:	Altama Holdings LLC
Tax Parcel #:	07-150.000
Location:	541 South Main St
Project:	Design addendum to Project #6845, add second floor, change railing
Zoning:	LVC/SHOD

Alan Guazzoni was in attendance and presented the application. The proposal amends Project #6895 by changing the deck railings from open balustrade to a solid 42” high guard rail for occupant privacy. Additionally, the storage shed roof on the north elevation will be raised to create additional second floor space for a mud room and storage. Lastly, some wall and rooftop vents are being added. G. Bambara motioned, seconded by B. Baraw, to recommend approval of the application as presented. The motion passed unanimously. The application is considered a minor.

Other Business:

None.

Review Meeting Minutes:

No changes or edits were made to the prior meeting minutes. The meeting adjourned.

Respectfully submitted,
Ryan Morrison, Deputy Zoning Administrator

DRAFT Minutes: Stowe Electric Board of Commissioners' Meeting

February 21, 2024, at 8:30 am at Town of Stowe Electric Department Conference Room with remote participation available via Zoom.

Present:

BOARD MEMBERS: Larry Lackey, Chair; Sara Teachout, Vice-Chair and Mark Gilkey, Commissioner

STAFF: Jackie Pratt, General Manager, Brent Lilley, Director of Operations; Sarah Juzek, Director of Finance; Michael Lazorchak, Manager of Regulatory Compliance; Amber Ives, Clerk of the Board

GUESTS: L. Ashworth, Small Hydro Consulting, LLC

Call to Order: L. Lackey called the meeting to order at 8:26 am.

Executive Session:

At 8:26 am, S. Teachout made a motion to enter Executive Session to discuss a legal matter. The motion was seconded by M. Gilkey, all were in favor and the motion carried.

At 10:00 am, S. Teachout made a motion to exit Executive Session. M. Gilkey seconded the motion; all were in favor and the motion carried.

After a brief recess, the Board of Commissioners' meeting resumed at 10:07 am.

Agenda Approval:

L. Lackey moved to modify the agenda to discuss 2nd Quarter Financials prior to discussion of both the Hydroelectric Project Funding and the Alchemist Fast Charger in order to accommodate staff availability. All were in favor and the modified agenda was approved.

Approval of January 24, 2024, Meeting Minutes:

On a motion made by M. Gilkey and seconded by S. Teachout, the minutes of January 24th were approved.

2nd Quarter Financials:

The Board of Commissioners and Staff discussed Mystic Generating Station, financial highlights, forecasting, power supply contracts and the importance of keeping power costs minimal in order to provide reliable power at a reasonable rate.

Hydroelectric Project Funding Discussion:

J. Pratt informed the Board of Commissioners that the Smith's Falls Dam, located on the Stowe Electric Department's (SED) parcel, is under a Vermont Public Utility Commission (PUC) corrective action order for stabilization/repair and that the options available to SED are A. Repair the Dam, B. Remove the Dam, or C. Repair the Dam and implement Hydroelectric Generation.

J. Pratt discussed the pros and cons of each option, the various pathways to the end result, funding, and cost/benefit analysis.

J. Pratt apprised the Board of Commissioners that SED's preferred option is to repair the dam and implement hydroelectric generation as it represents a long-term investment for SED and its ratepayers, supports the Vermont Renewable Energy Standard, and offers a unique opportunity to provide low-income customers with an on-bill credit for renewable generation through the Affordable Community Renewable Energy (ACRE) program.

The Board of Commissioners and Staff discussed equitable opportunity, a potential low-income rate design, qualification measures for low-income designation, the conditions of the ACRE program, and the timeline for construction on the dam.

S. Teachout moved to implement new hydroelectric generation as part of the Smith's Falls Dam stabilization project and to authorize the General Manager to proceed with any actions related to said implementation, including applications for additional grant funding, regulatory filings, request for proposal (RFP) issuance, vendor selection, and licensing.

L. Lackey clarified that the proposed motion pertained only to the stabilization of the Dam and implementation of hydroelectric at said Dam, and that the motion did not include other projects, such as the Second Office and the Seaver Sawmill. In addition, L. Lackey confirmed that beyond SED's current participation in the ACRE program, the

Board of Commissioners would be involved in the discussion and implementation of any programs related to the generation credits produced by the hydroelectric system.

As there was no further discussion, M. Gilkey seconded the motion made by S. Teachout. All were in favor and the motion carried.

Guest, L. Ashworth, exited the meeting at 10:56 am.

Alchemist Fast Charger Discussion:

J. Pratt informed the Board of Commissioners that a course of action needed to be determined for the inoperable fast charger located at the Alchemist. J. Pratt presented the Board of Commissioners with the option of decommissioning the machine or replacing it. L. Lackey suggested that a third option would be for the Alchemist to take over/purchase the inoperable charger.

L. Lackey suggested that the Board of Commissioners and Staff should engage in a broader discussion as to the level of SED's involvement with Electric Vehicle (EV) chargers in the Town of Stowe.

The Board of Commissioners and Staff discussed the number of chargers owned by SED, EV charging rates, Return on Investment, charger brands and software, and whether Stowe, as a large tourist destination, has the appropriate number of EV chargers available in the community in suitable locations.

J. Pratt suggested that SED and The Board of Commissioners may want to discuss implementing a policy for SED's chargers as they fail, become uninsured and need replacement.

The Board of Commissioners and Staff decided to initiate conversation with the Alchemist to see if they had interest in replacing the inoperable fast charger and decided that if there was no interest from the Alchemist that SED would decommission the charger.

General Manager Highlights:

J. Pratt apprised the Board of Commissioners that SED was working with the Federal Emergency Management Agency (FEMA) to secure significant mitigation funding for projects related to Winter Storm Elliott, and that this potential funding offered SED an incredible opportunity to improve resiliency and upgrade infrastructure to support long-term needs.

J. Pratt notified the Board of Commissioners that N. Houske had been hired as SED's new Tree Crew Foreman and that N. Houske had been working as Lucas Tree Experts' Training Foreman for the past three years. J. Pratt expressed that SED was glad to welcome N. Houske to the team and continue the excellent work being performed by the Tree Crew.

There being no further business, the meeting was adjourned at 11:36 am.

Respectfully Submitted,

Amber Ives
Clerk of the Board



**Stowe Energy Committee Meeting
Thursday, February 22, 2024**

Present via Zoom:

Energy Committee Members: Catherine Crawley, Elizabeth Soper, Marina Meerburg, Cap Chenoweth, Robi Artman-Hodge, Andrew Rianhard

Absent: Julia Biedermann

Attendees via Zoom:

Assistant Town Manager Will Fricke, Parks and Recreation Director Matt Frazee, Steven Wisbaum

Call to Order

Energy Committee Chair Catherine Crawley called the meeting to order at 5:48pm.

Approval of the Agenda

On a motion by Robi Artman-Hodge, seconded by Cap Chenoweth, the Energy Committee approved the agenda. All were in favor.

Review & Approve Minutes

Robi Artman-Hodge requested a correction to the January 25 minutes; the motion to approve the letter to the Stowe School Board was put forward by Julia Biedermann.

Marina Meerburg moved to approve the November 30, 2023 and the January 25, 2024 minutes with the proposed change. Cap Chenoweth seconded. All were in favor.

Electric Town Mowers and Other Tools

Catherine Crawley summarized where the Town and the Energy Committee are on electric mowers. The FY25 equipment fund to be approved at Town Meeting this year includes one electric mower. Three are projected in FY26. When the Electric Committee proposed the electric mowers, their cost-benefit analysis showed a pay-back in less than 7 years, based on a Mean Green EVO 74-inch zero turn. It was

agreed last year that the Town would try one out before committing to multiple electric mowers. The Energy Committee has shared information on models and specifications, as well as experiences from other Towns, with the Parks and Recreation department. Matt Frazee, Stowe Parks and Recreation direct, has joined the meeting today to discuss the different options, challenges, pros and cons of electric mowers.

Matt Frazee said the Town has tried out pretty much every electric mower available, including the EVO 74-inch. One of the biggest challenges is that the models that are scheduled to be replaced soon are 72-inch zero turns, and the 72-inch electric zero turns currently available tested the lowest in terms of performance, in particular the EVO 74-inch model, when the Town had a demo. The other concern is that, as far as he is aware, none of the zero turn mowers have bagger capabilities. All zero turns currently in use by the Town utilize bagging throughout the year.

There is also a 54-inch zero turn scheduled for replacement, and the Town is considering replacing that in FY25 with a 60-inch electric zero turn. Many of the vendors are still working on the technology for bagging and to open their lines up to 72-inch models. They are also looking into electric walk-behind mowers.

Catherine Crawley asked how the Town weighs aesthetic considerations against best practices of keeping the clippings on the field, and whether the Town fertilizes fields. Matt Frazee said that they primarily overseed and aerate, with some fertilization. They do not bag the clippings consistently, but there are times during the year when the grass is too wet to mow. When that happens, the grass grows too high to leave the clippings on the field for both aesthetic and functional reasons. When they can keep up with mowing on a regular basis, they leave the clippings. Bagging is also used for spring and fall debris and leaf cleanup. Crawley asked about mulching kits. Frazee said they do have some, but they are often not adequate for the amount of leaves to be cleaned up.

Andrew Rianhard said that Greenworks has a 72-inch electric model that is not yet on their website. In a few months he is going to an event that Greenworks will be at, and he might be able to see it in person or schedule a demo. He said they often have new equipment that is not yet available but can be seen in their marketing. He also asked if the Town ever utilizes double mowing as an alternative to bagging. Frazee said that they do double mow the larger fields twice a week; bagging is necessary for spring and fall cleanup, and for situations with excessive rain or wet conditions. They are aware of the new technology, but for this year they are more comfortable with replacing the 54 with a 60, rather than going with one of the limited options for 72-inch mowers. They are hopeful that maybe a year from now there will be more data and more options available for 72 inch mowers and new bagging options.

Cap Chenoweth said that Parks Supervisor David Danford said they had tested the EVO 74-inch model five years ago. He asked if the Town had tested an EVO mower recently, and why they thought the performance was not adequate. Frazee said that feedback from both the companies themselves and other organizations is that it performs fine in dry conditions but can struggle in wet conditions. Many Town-owned fields in Stowe have a high water table due to being wetlands or resulting from flooding from beaver dams. So the Town is often mowing in wet conditions. Another concern was that the suspension system in that model was one of the least responsive they had tested. He also said that they have also tested the most recent mode of the EVO 74-inch, as well as a model five years ago.

Elizabeth Soper said that we should do what we can where we have the technology, and where the Parks Department feels comfortable doing it, though the goal from this committee and the Town should be to move towards all e-mowing technology.

Robi Artman-Hodge asked if the Town is looking at other equipment such as trimmers and blowers for electric versions. Matt Frazee said that they are looking at every aspect of what they do, and their goal is to move away from fossil fuels in every functional capacity. He clarified for the committee that they originally had planning to replace the 54-inch mower with a gas model and the 72-inch mower with an electric model, but based on the information they had the available models it made more sense to swap that. The important thing is to get one in their fleet and get used to using it and maintaining it. They now use electric trimmers and are acquiring electric walk-behinds, and are testing electric chain saws.

Proposed HVAC Plan for Akeley

Chair Crawley said that the voters are going to be asked to approve almost \$500,000 to convert Akeley to propane, and that she feels that as the Energy Committee it is their responsibility to stand up and say whether or not it is a good thing. Cap attended the meeting between Stowe Public Works and the engineer planning the project. He said they are planning to use the existing duct work and install a 12.5 ton rooftop unit and two 3-ton units. This system will also act as the makeup system. He said an alternative option they could explore is installing six 3-ton mini splits with a rooftop heat pump, and the heat pump would be the reheat system for the makeup air. He also said the lighting in the theater, which is not owned by the Town, is a significant heat issue.

Robi Artman-Hodge asked Cap Chenoweth how he thinks the cost of installing the six 3-ton mini splits would compare to the current plan. Cap said the current plan is expensive; almost half of the budget goes to the steel structure over the elevator shaft, and Historic Preservation rules require anything to be hidden, which would also apply to the condensers for mini splits. You won't be able to install the condensers without screening. Considering the requirements they had – and the current boilers are going to go away at some time quickly – this was their solution. It's not a bad way to do it, the new A/C will be much more efficient, but mini splits would be more efficient, and propane will be used the makeup air. He explained further that a hot water boiler is required to utilize the current heating system in Akeley, which is baseboard radiators. This project has been made necessary by the 40-year-old boilers failing. Re-doing the building envelope would save more energy, but the cost is prohibitive.

Elizabeth Soper and Andrew Rianhard expressed concern about the scale of the project and whether there was a way to repair the current heating system or install a stopgap until a renewable solution could be implemented. Catherine Crawley said it's the best of a bad situation and that she feels they can give qualified support for the project.

Vermont Arts Council Cultural Facilities Grant to Replace Theater Lighting in Akeley

Chair Crawley said that the Vermont Arts Council Cultural Facilities grant can fund up to \$30,000 matched on a one-to-one basis and can cover replacing the Akeley theater lighting. She shared information on the grant with Assistant Public Works Director Chris Jolly, who then shared it with the Stowe Theatre Guild.

Vermont Diesel Emissions Reduction Financial Assistance

Chair Crawley said that the Vermont Diesel Emissions Reduction Financial Assistance is a program run by the Vermont Department of Environmental Conservation that offers technical assistance and incentive funding for projects that reduce emissions for Diesel powered vehicles and non road equipment. It can cover the replacement of that equipment. The deadline was in December but it will have another round

of funding in Fall 2024. Lee Martin, an environmental analyst with the program, will attend the Energy Committee Meeting on March 28 to talk about the program.

Collaborating with School Board on Grant Funding for Energy Efficient Upgrades

The Energy Committee sent a letter to the School Board expressing interest in helping with installing energy efficient upgrades to the high school. One School Board member responded positively and it was on the agenda for their last meeting. The superintendent was supportive. Catherine Crawley reported that School Board member Alan Oulette said that he would like to get a group together to include the Energy Committee, and then some students at still high school to work on this, and the superintendent wanted to also to loop in the director facilities as well. The primary program they recommended the School Board look at was the Renew America's Schools Grant Program under the Bipartisan Infrastructure Law.

Other Business

Chair Crawley said the Stowe Electric Department is looking to get a grant to purchase an e-bike.

Robbie Artman-Hodge attended the most recent Planning Commission meeting and said that the Town Plan renewal process will begin soon. Catherine Crawley said that the Energy Committee will have an opportunity to revise and present to the Planning Commission the Town Plan section on energy.

Chair Crawley said that the law that allows remote-only meetings is phasing out on July 1, but that the committee could have a hybrid meeting setup, where the Zoom is run from Town Hall Memorial Room.

Will Fricke said the Town Report is available, physical copies can be picked up at Town Hall, public safety building, Library, etc. It is also on the website. The equipment fund can be found on page 22 and it could help inform the Energy Committee discussions on energy efficient equipment upgrades. He also said that he will be emailing everyone on a town committee whose term is expiring this year on April 30 to see if they want to be reappointed. That includes everyone on the Energy Committee as the terms are for one year.

Chair Crawley said the next meeting is March 28 at 5:30.

Adjournment

There being no other business, Chair Crawley adjourned the meeting at 6:54pm

**STOWE SCHOOL DISTRICT
BOARD OF SCHOOL DIRECTORS
SPECIAL BOARD MEETING
February 26, 2024
MINUTES**

Recording

https://us02web.zoom.us/rec/share/MH3d64TEuYZno2KEfD3-ha-G3_z6KUiw_X_us0HD0xePTAWSwQVuAhYzb1vTtU0j.ze7AdlKWCzv_a_D5

Attendance

Board: Erica Loomis, Alan Ouellette, Ryan Bennett, Andrew Kohn, Tiffany Donza
Admin: Superintendent Ryan Heraty, Marlene Betit
Absent:
Public: Kate Tilgner, Kate Smith, Charles Pineles-Mark

Item I Call to Order

The meeting was called to order at 12:02 p.m. by Tiffany Donza

Item II Review and Adjust Agenda

Item III Old Business

Item IV Public Comment

Kate Smith and Charles Pineles-Mark posed questions regarding the public informational meeting process and the FY25 budget.

Item V New Business

Informational Meeting Preparation

The Public Informational Meeting to discuss the proposed FY25 budget will be held on Tuesday, March 5, beginning at 8:00 a.m. in the Auditorium at Stowe High School. The administration and board discussed options for presenting the information to the electorate.

The administration will create a handout to be shared with the community and open discussion. Leighton Detora will act as moderator.

Item VI Any Other Business to Come Before the Meeting

Item VII Communication

Item VIII Executive Session

Item IX Adjournment

With no further business to come before the meeting, the meeting was adjourned at 12:40 p.m.

**Stowe Free Library
Board of Trustees Minutes
February 8th, 2024**

Present: K.Spear, S.Gaines, S.Calvo, K.Kaufman, B.Mullin (zoom), L.Polk (Director)

Absent: C. Maison Kastner, A. Colvato,

Call to Order: 8:02 am

Treasurer's Report: Copley Fund: \$30,245.59. Operating Account: \$33,375.61. Endowment: \$1,215,694.04. Discussion about putting some funds in ETF's. Mutual funds have high cost and taxable transactions during the year. ETFs will save money.

Director's Report: Staff retreat, based on 2 basic ideas: Company culture discussion, adding tangible aspects for all employees. Creating conscious culture—start with tangible physical aspects to create atmosphere. Cultivate, clarify the culture we're seeing. What works and what should be changed? For example, the staff room and shared office space. A new library configuration, summary of staff culture, goals and alignment with strategic plan will be ready by the Board Meeting in April/ May. The meeting room is now a "Collaborative Workspace." More people asking about utilizing the space. The new sign for the porch is in final stages. ARPA has issued grant money in the sum of 13 million dollars to be distributed to libraries in VT. The grant is funded through HUD so we would need to do environmental impact study in order to apply. There may be restrictions on whether municipal libraries can get funding. The Stowe Free Library has received a grant that will be announce by ALA. It is a collaboration with the Holocaust Museum and the ALA.

Friends' Report: There was a very good turnout for Charlie Nardozzi. There was discussion about purchasing a better microphone set up and possibly a new projector. We are hoping the Friends will help us replace our old systems.

Facilities Report: See above.

Old Business: Two Board Members will be leaving in April. There is a need to start looking sooner than later as April is two months away.

New Business: None.

Rules of Conduct: Tabled.

Child Safety Policy: No changes.

Town Meeting Day Discussion: First Tuesday in March. (3/6/24)

Executive Session: 8:43am to 9:01am

Miscellaneous: The librarians are consider doing joint events at Copley in the large space at the facility. Speed-dating is still in the works.

Board Retreat: Mid to late May.

Next meeting: March 7th

Adjournment: Motion was made to adjourn. Motion passed. Adjourned at 9:15am

Respectfully Submitted,

Kim Kaufman

**Stowe Free Library
Board of Trustees Minutes of Meeting
January 11th, 2024**

Present: K.Spear, A.Colvato, S.Gaines, S.Calvo, C.Maison Kastner, K.Kaufman, L.Polk (Director)

Absent: B.Mullin

Call to order: 8:05 am

Minutes: Approved as read

Safe Deposit Box: Motion made to add Director, L.Polk, onto safe deposit box list of access. K. Spear has access as well. Motion passed.

Friends' Report: Chocolates with Charlie Nardozzi is making a return on February 6th. Stowe Reporter asked if we can keep them better informed of events to promote them. Approval for funds for signage on porch advertising the library as per The Current. New volunteers are bringing new energy and ideas to the Friends. They would like an online donation button on the library website. Loren is working on adding a link.

Treasurer's Report: Operating account contains, \$33,371.37, the Copley Fund is at \$26,654.67 and the Endowment Fund contains \$1,207,077.28.

Director's Report: Discussion of Mango, a language program app and the expense to the library. They will do a promotion to see if use will increase. Statistics are showing positive use of library and its resources. Loren met with Director of the Current. They will inform us of upcoming events and art being delivered, etc. Coming exhibit, *In the Garden*, they asked if the library would do some related events. Loren will hold a "mini-staff retreat" with librarians to talk about staff goals, like sustainability and the community. How to incorporate into public interests. Loren wants to meet with school librarian to understand programs they use re: school discipline and how we can help. Beneficial for both entities to work toward a common goal of better behavior in elementary age children. Discussion of adding information in the Stowe Guide for better access to visitors.

Facilities Report: Nothing new to report.

Annual Report Brainstorm: The head of the Board completed and submitted the annual report to the town administrator.

Volunteer Policy: Stands as read.

Photograph Policy and Photo Release Form: Stands as read.

Meeting Room Policy: The Board voted to accept changes as recommended by the Library Director to the policy.

New Board Members: Kim and Charlotte's terms are up in April. The Board and Town need to advertise for new candidates sooner than later.

January/February Events: Light up the library 31st at 6 pm will include a poetry walk, lights in the library, and hot chocolate. There will be a speed-dating event in February.

Board Retreat: The date of the retreat is still under discussion.

Next Meeting: February 8th

Adjournment: 9:32 am.

Respectfully Submitted,

Kim Kaufman