

**Agenda Summary**  
**March 27, 2024**

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

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**Solar Eclipse Memo from Chief Hull:** Enclosed is a memo from Police Chief Don Hull detailing preparation for the solar eclipse. He says there will be many people coming to Vermont, including Stowe, to view the Solar Eclipse. While it is unknown what the number will be, we are planning on it to be comparable to a holiday weekend, similar to Indigenous Peoples Day holiday weekend. The primary areas of concern are going to be parking, traffic and public safety emergency response. Police officers will be positioned around town at locations that will probably have the most, impact as far as parking and traffic.

**July 5 Town Hall Hours:** July 4 falls on a Thursday this year. It was brought to our attention that all staff from one Town of Stowe Department at Akeley are taking vacation on Friday, July 5. We polled staff at Akeley and found that nearly all staff are planning on taking that day off. Unless otherwise instructed by the Selectboard, we will plan to close Akeley to the public on Friday, July 5. Staff not taking the day off will still be free to come in to work.

**Act 250 Notices:** The following Act 250 notices were issued:

An approved permit that authorizes the construction of the final building of the previously approved Stowe Mountain Resort Master Plan buildout. The redesigned, 156,231 square feet, 4 story, 56-unit residential building (with a small retail component) is to be constructed on Parcel C, adjacent to the Mountain Lodge and the Spa in the Spruce Peak Village development area, located at 7320 Mountain Road in Stowe, Vermont. The project will be constructed on an existing paved parking area. Parking for the building will be underground, with 8 additional exterior parking spaces. The project will be served by municipal water and septic systems.

A response to a permit application that involves an expansion of the existing parking at the "A Lots" adjacent to the Midway Base Lodge and Gondola at Stowe Mountain Resort.

A proposed permit related to 89 Golden Eagle Drive for 6 new lodging cabins served by municipal water and sewer, a landscaped courtyard, a relocated parking area, new municipal water service lines to three existing buildings, and related site improvements. The proposed permit also authorizes the subdivision of a lot.

A permit application related to 0 Poppi Bear Lane to subdivide previously approved Lot 4 of 33 +/- acres into Lot 4 of 27 +/- acres and Lot 4A of 5.2 +/- acres. No construction is proposed at this time.

**Minutes:** Enclosed are the following minutes:

- Development Review Board – March 5
- Planning Commission – March 18
- Conservation Commission – March 11

- Recreation Commission – March 6 (Also provided on March 13)
- Historic Preservation Commission – March 20
- Electric Commission – February 21
- Arts and Culture Council – March 13

**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.



DONALD B. HULL  
Chief of Police

TEL. (802) 253-7126  
FAX (802) 253-2584

350 SOUTH MAIN STREET  
STOWE, VERMONT 05672

**To:** Charles Safford, Town Manager

**From:** Chief Donald Hull

**Date:** March 20, 2024

Solar Eclipse – Operation Plan Summary

The Solar Eclipse will be taking place on Monday, April 8, 2024.

For Vermont the times of the Solar Eclipse are:

Start of Partial:	2:13pm
Start of Totality:	3:25pm
End of Totality:	3:31pm
End of Partial:	4:38pm

The reports so far indicate there will be many people coming to Vermont, including Stowe, to view the Solar Eclipse. While it is unknown what the number will be, we are planning on it to be comparable to a holiday weekend, similar to Indigenous Peoples Day holiday weekend.

The primary areas of concern are going to be parking, traffic and public safety emergency response.

Police officers will be positioned around town at locations that will probably have the most impact as far as parking and traffic.

- Upper Mountain Road
- Barrows Road and Luce Hill Road
- Village Area
- Upper Hollow Road/Pinnacle Trail Area
- Other areas

Areas that will be impacted by heavy traffic will have signage indicating **No Parking On Roadways**.

Depending on the weather and being mud season, any roads that may need to be closed will be coordinated with the Highway Department.

The Pinnacle Trails will be closed, along with the parking areas. The Vermont Forest, Parks and recreation advised the trails at Pinnacle will be closed as usual and they will post some signage. The parking areas for the Pinnacle Trails will be closed and we will be putting up the appropriate barricades. Additionally, signage will be put out indicating **No Parking On Roadways** in this area of roads. **Road Closed** signs also will be put out on Upper Pinnacle Road to prevent people from parking in the upper parking lot.

The parking areas that we will be alerting people to utilize will be:

Stowe High School (after 12:30pm)

Stowe Elementary School (after 12:30pm)

Town Recreation Path Parking Areas -Thompson Park, Chase Park, Village Behind Church Village Area – Public Parking

Stowe Mountain Resort will be open and there will be paid parking in the Mansfield Parking Lot. Free parking will be available at the Toll Road Parking Lot and the Cross-Country Ski Center Parking Lot.

The Town Recreation Path Parking lots will have staff (Parks Department?) to oversee and manage the parking.

The other Stowe Public Safety Departments (Fire, EMS, Mountain Rescue) will be staging at the station and will deploy as needed.

As the date gets closer, I will update and make any changes with the various Stowe Departments (Highway, Parks, Emergency services, etc.).

All alerts or advisories will be posted on the Stowe Public Safety Facebook page. (Copy of the narrative will be distributed to other Town Departments and can be posted as anyone wishes).

All police and other staffing will start at approximately 10:00am.

If an emergency alert needs to be sent, we will utilize VT Alert.

### **Viewing The Solar Eclipse Safely:**

During a partial or total solar eclipse looking directly at the Sun is unsafe *except* during the brief total phase ("totality"), when the Moon entirely blocks the Sun's bright face, which happens *only* within the narrow path of totality. At all other times, it is safe to look directly at the Sun *only* through special-purpose solar filters (glasses)



# 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/>

802-476-0185

CASE NO: 5L1338(Altered)-40  
Spruce Peak Realty, LLC  
7320 Mountain Road  
Stowe, VT 05672

LAW/REGULATIONS INVOLVED  
10 V.S.A. §§ 6001 – 6111 (Act 250)

The District 5 Environmental Commission hereby issues Land Use Permit Amendment 5L1338(Altered)-40, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 518, Page 257 of the land records of Stowe, Vermont as the subject of a deed to Spruce Peak Realty, LLC.

This permit specifically authorizes the construction of the final building of the previously approved Stowe Mountain Resort Master Plan buildout. The redesigned, 156,231 square feet, 4 story, 56-unit residential building (with a small retail component) is to be constructed on Parcel C, adjacent to the Mountain Lodge and the Spa in the Spruce Peak Village development area, located at 7320 Mountain Road in Stowe, Vermont. The project will be constructed on an existing paved parking area. Parking for the building will be underground, with 8 additional exterior parking spaces. The project will be served by municipal water and septic systems.

Jurisdiction attaches because the project constitutes a material change pursuant to Act 250 Rule 2(C)(6) and thus requires a permit amendment pursuant to Act 250 Rule 34.

1. The Permittee and its 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.
2. 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. In the event of any conflict, the terms and conditions of this permit shall supersede the approved plans and exhibits. The approved plans are:

"Spruce Peak Village, dated October 2023 (Exhibit 10)

"Building Elevations", dated October 2023 (Exhibits 11-13)

"Retail, Food and Beverage Elevations/Floor Plan, dated October 2023 (Exhibit 14)

"Materials", dated October 2023 (Exhibit 15)

"Context", dated October 2023 (Exhibit 16)

“Parking and Area Summary”, dated October 2023 (Exhibit 17)

“Lighting”, dated October 2023 (Exhibits 18-23)

Sheet LT000 - “General Lighting Notes”, dated 10/7/23 (Exhibit 24)

Sheet LT001A - “Site Lighting Fixture Schedule”, dated 10/7/23 (Exhibit 25)

Sheets LT102 and LT103 - “Enlarged Site Lighting”, dated 10/7/23 (Exhibits 28 and 29)

Sheet LT104 - “Site Lighting Calculations”, dated 10/7/23 (Exhibit 30)

Sheet L0.00 - “General Notes”, dated 10/27/23 (Exhibit 31)

Sheet L1.00 - “Overall Grading Plan” (Exhibit 32)

Sheets L1.01-L1.03 - “Grading Plan Enlargement” (Exhibits 33-35)

Sheet L2.00 - “Overall Layout Plan” (Exhibit 36)

Sheets L2.01-L2.03 - “Layout Plan Enlargement” (Exhibits 37-39)

Sheets L3.00-L3.30 - “Landscape Details” (Exhibits 40-43)

Sheet L4.00 - “Overall Lighting Plan” (Exhibit 44)

Sheets L4.01-L4.03 - “Lighting Plan Enlargement” (Exhibits 45-47)

Sheet L4.04 - “Lighting Details” (Exhibit 48)

Sheet L4.05 - “Lighting Specifications” (Exhibit 49)

Sheet L5.00 - “Overall Planting Plan”, dated 9/29/23 (Exhibit 50)

Sheets L5.01-L5.03 - “Planting Plan Enlargement”, dated 9/29/23 (Exhibits 51-53)

Sheet L5.04 - “Planting Details”, date 9/29/23 (Exhibit 54)

Sheet C1.00 - “Site Location Plan”, dated 10/27/23 (Exhibit 55)

Sheets C1.10 and C1.20 - Existing Conditions/Demolition Plan, dated 10/27/23 (Exhibits 56 and 57)

Sheet C1.30 - “Existing Parcel Plan”, dated 10/27/23 (Exhibit 58)

Sheet C1.31 - “Proposed Parcel Plan”, dated 10/27/23 (Exhibit 59)

Sheets C2.00 and C2.10 - “Proposed Conditions Plan”, dated 10/27/23 (Exhibits 60 and 61)

Sheets C2.20 and C2.30 - “Proposed Grading/Drainage Plan”, dated 10/27/23 (Exhibits 62 and 63)

Sheets C2.40 and C2.50 - “Proposed Utility Plan”, dated 10/27/23 (Exhibits 64 and 65)

Sheets C3.00 and C3.10 - “EPSC Details and Specifications”, dated 10/27/23 (Exhibits 66 and 67)

Sheet C3.20 - “EPSC Details”, dated 10/27/23 (Exhibit 68)

Sheet C4.00 - “Site Details”, dated 10/27/23 (Exhibit 69)

Sheet C4.20 - “Sewer and Site Utility Details”, dated 10/27/23 (Exhibit 70)

Sheet C4.10 – “Storm Details”, dated 10/27/23 (Exhibit 71)

Sheet C4.30 – “Water Details”, dated 10/23/23 (Exhibit 72)

Sheet C4.40 – “Box Beam Railing Details”, dated 10/27/23 (Exhibit 73)

Sheets C5.00 and C5.50 – “Specifications”, dated 10/27/23 (Exhibits 74-79)

“Comparison to 2002 Master Plan Building A2”, filed 11/7/23 (Exhibit 86)

3. All conditions of Land Use Permit 5L1338 and amendments are in full force and effect except as further amended herein.
4. The Permittee shall comply with the conditions Wastewater System and Potable Water Supply Permit WW-5-2019-1 issued on February 5, 2024, by the ANR Drinking Water and Groundwater Protection Division.
5. The Permittee shall comply with the conditions of Authorization of Notice of Intent (NOI number) under Construction General Permit 3929-9020.9 issued on March 15, 2024, by the ANR Watershed Management Division
6. 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.
7. A copy of this permit and plans shall be on the site at all times throughout the construction process.
8. 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.
9. 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.
10. 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.
11. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and its successors and assigns.
12. Construction hours shall be limited to Monday through Friday 7:00 AM to 7:00 PM, with no construction on Saturday, Sunday and state and federal holidays.
13. To control dust, the Permittee shall apply and maintain water and/or other agents approved by the Watershed Management Division in the project’s Erosion Prevention and Control Plan on all roadways or disturbed areas during construction until pavement and/or vegetation is fully established.



14. The Permittee 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.
15. The Permittee shall be obligated to implement the Construction Site Waste Reduction Plan approved by the Agency of Natural Resources Solid Waste Management Program (Exhibit 82) and included as Exhibit 81.
16. The Permittee shall comply with the Exhibits for erosion prevention and sediment control. The Permittee 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.
17. All mulch, siltation dams, water bars and other temporary devices shall be installed immediately upon grading and shall be maintained until all exterior parking areas 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.
18. 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: i) 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. ii) 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).
19. 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).
20. In addition to conformance with all erosion prevention and sediment control conditions, the Permittee 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 Permittee from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
21. The Permittee shall maintain an undisturbed, naturally vegetated riparian zone on the project tract along Little Spruce Stream, which shall begin at the water's edge at base flow conditions and shall further extend to the tree line directly east of the road as depicted on Exhibit 84. 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.

22. The Permittee and all assigns and successors in interest shall continually maintain the landscaping as approved in Exhibits 40-43 and 50-54 by replacing any dead or diseased plantings as soon as seasonably possible.
23. The installation of exterior light fixtures is limited to those approved in Exhibits 18-30 and 44-49. 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.
24. Pursuant to 30 V.S.A. § 53, the energy design and construction shall comply with Vermont's Commercial Building Energy Standards (CBES) in accordance with the NRB Criterion 9(F) Procedure effective at the time of construction. (More information on this subject can be found at [http://publicservice.vermont.gov/energy\\_efficiency/cbes](http://publicservice.vermont.gov/energy_efficiency/cbes) and [https://nrb.vermont.gov/documents/9f-procedure\\_2020-09-01](https://nrb.vermont.gov/documents/9f-procedure_2020-09-01).)
25. The installation and/or use of electric resistance space heat is specifically prohibited unless (i) it is approved in writing by the District Commission and/or (ii) it specifically qualifies as an exception to the prohibition of electric resistance building heating, pursuant to Section R404.2 of Section C403.2.3 of the 2020 Vermont Commercial Building Energy Standards.
26. The Permittee, upon completion of the construction of each commercial building and prior to use or occupancy, shall submit to the District Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 53(d).
27. The Permittee shall provide each prospective purchaser of any interest in this project with a copy of the Land Use Permit amendment before entering into any written contract of sale.
28. 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 has not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).
29. All site work and construction 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.
30. The Permittee 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 Permittee 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.

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

Dated this 18th day of March 2024.

By /s/ Gary Nolan  
Gary Nolan, Acting, Chair  
District 5 Environmental Commission

Commissioners participating in this decision:  
Donald Marsh

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](mailto: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, 2<sup>nd</sup> 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 5L1338(Altered)-40** by U.S. Mail, postage prepaid, on this March 18, 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.**

Spruce Peak Realty, LLC  
7320 Mt Road  
Stowe, VT 05672  
sgaines@sprucepeak.com

Apple Permitting and Planning, LLC  
Attn: Robert Apple  
15 Winter Street  
Montpelier, VT 05602  
rapple6@comcast.net

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

VT Agency of Transportation  
Christopher.clow@vermont.gov

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: Donald Marsh, Gary Nolan  
District 5 Environmental Commission  
10 Baldwin Street  
Montpelier, VT 05633-3201  
NRB.Act250Barre@vermont.gov  
[nrb.act250agenda@vermont.gov](mailto: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

# Exhibit List



**Natural Resources  
Board**

<b>Application #</b>	5L1338(Altered)-40
<b>Applicant(s)</b>	Spruce Peak Realty, LLC
<b>Landowner(s)</b>	Spruce Peak Realty, LLC
<b>Project Town(s)</b>	Construct SPR "Building C", a 56 unit residential building with retail & food and beverage space, previously identified as "Building A-2" in the SMR Phase One Land Use Permit 5L1338(Alt)-1

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
000	11/6/23	000 Exhibit List	Applicant
001	11/6/23	001 Act 250 Application; and cover letter (if provided)	Applicant
001a	11/6/23	001a Cover Letter	Applicant
002	11/6/23	002 Authorization/Signature form	Applicant
003	11/6/23	003 Cover	Applicant
004	11/6/23	004 Table of Contents	Applicant
005	11/6/23	005 Parcel C at Spruce Peak	Applicant
006	11/6/23	006 Resort Map: Parcel C	Applicant
007	11/6/23	007 Arrival	Applicant
008	11/6/23	008 Site Design	Applicant
009	11/6/23	009 Inspiration	Applicant
010	11/6/23	010 Spruce Peak Village	Applicant
011	11/6/23	011 Building Elevations	Applicant
012	11/6/23	012 Building Elevations	Applicant
013	11/6/23	013 3D View	Applicant
014	11/6/23	014 Retail, Food and Beverage	Applicant
015	11/6/23	015 Materials	Applicant
016	11/6/23	016 Context	Applicant
017	11/6/23	017 Parking & Area Summary	Applicant
018	11/6/23	018 Lighting	Applicant
019	11/6/23	019 Lighting	Applicant
020	11/6/23	020 Lighting	Applicant
021	11/6/23	021 Lighting	Applicant
022	11/6/23	022 Lighting	Applicant
023	11/6/23	023 Exterior Site Lighting	Applicant
024	11/6/23	024 LT000 General Notes 10-07-2023	Applicant
025	11/6/23	025 LT001A Site Lighting Fixture Schedule 10-07-2023	Applicant
026	11/6/23	026 LT100 Overall Site Lighting 10-07-2023	Applicant
027	11/6/23	027 LT101 Enlarged Site Lighting 10-07-2023	Applicant
028	11/6/23	028 LT102 Enlarged Site Lighting 10-07-2023	Applicant
029	11/6/23	029 LT103 Enlarged Site Lighting 10-07-2023	Applicant
030	11/6/23	030 LT104 Site Lighting Calculations 10-07-2023	Applicant
031	11/6/23	031 L0.00 General Notes 10-27-2023	Applicant
032	11/6/23	032 L1.00 Overall Grading Plan 10-27-2023	Applicant
033	11/6/23	033 L1.01 Grading Plan Enlargement 10-27-2023	Applicant
034	11/6/23	034 L1.02 Grading Plan Enlargement 10-27-2023	Applicant
035	11/6/23	035 L1.03 Grading Plan Enlargement 10-27-2023	Applicant
036	11/6/23	036 L2.00 Overall Layout Plan 10-27-2023	Applicant
037	11/6/23	037 L2.01 Layout Plan Enlargement 10-27-2023	Applicant
038	11/6/23	038 L2.02 Layout Plan Enlargement 10-27-2023	Applicant
039	11/6/23	039 L2.03 Layout Plan Enlargement 10-27-2023	Applicant
040	11/6/23	040 L3.00 Landscape Details 10-27-2023	Applicant
041	11/6/23	041 L3.01 Landscape Details 10-27-2023	Applicant
042	11/6/23	042 L3.02 Landscape Details 10-27-2023	Applicant

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
013	11/6/23	043 L3.03 Landscape Details 10-27-2023	Applicant
044	11/6/23	044 L4.00 Overall Lighting Plan 10-27-2023	Applicant
045	11/6/23	045 L4.01 Lighting Plan Enlargement 10-27-2023	Applicant
046	11/6/23	046 L4.02 Lighting Plan Enlargement 10-27-2023	Applicant
047	11/6/23	047 L4.03 Lighting Plan Enlargement 10-27-2023	Applicant
048	11/6/23	048 L4.04 Lighting Details 10-27-2023	Applicant
049	11/6/23	049 L4.05 Lighting Specifications 10-27-2023	Applicant
050	11/6/23	050 L5.00 Overall Planting Plan 10-27-2023	Applicant
051	11/6/23	051 L5.01 Planting Plan Enlargement 10-27-2023	Applicant
052	11/6/23	052 L5.02 Planting Plan Enlargement 10-27-2023	Applicant
053	11/6/23	053 L5.03 Planting Plan Enlargement 10-27-2023	Applicant
054	11/6/23	054 L5.04 Planting Details 10-27-2023	Applicant
055	11/6/23	055 C1.00 Site Location Plan 10-27-2023	Applicant
056	11/6/23	056 C1.10 Existing Conditions and Demolition Plan 10-27-2023	Applicant
057	11/6/23	057 C1.20 Existing Condition and Demolition Plan 10-27-2023	Applicant
058	11/6/23	058 C1.30 Existing Parcel Plan 10-27-2023	Applicant
059	11/6/23	059 C1.31 Proposed Parcel Plan 10-27-2023	Applicant
060	11/6/23	060 C2.00 Proposed Conditions Plan 10-27-2023	Applicant
061	11/6/23	061 C2.10 Proposed Conditions Plan 10-27-2023	Applicant
062	11/6/23	062 C2.20 Proposed Grading and Drainage Plan 10-27-2023	Applicant
063	11/6/23	063 C2.30 Proposed Grading and Drainage Plan 10-27-2023	Applicant
064	11/6/23	064 C2.40 Proposed Utility Plan 10-27-2023	Applicant
065	11/6/23	065 C2.50 Proposed Utility Plan 10-27-2023	Applicant
066	11/6/23	066 C3.00 Proposed EPSC Plan 10-27-2023	Applicant
067	11/6/23	067 C3.10 EPSC Details and Specifications 10-27-2023	Applicant
068	11/6/23	068 C3.20 EPSC Details 10-27-2023	Applicant
069	11/6/23	069 C4.00 Site Details 10-27-2023	Applicant
070	11/6/23	070 C4.20 Sewer and Site Utility Details 10-27-2023	Applicant
071	11/6/23	071 C4.10 Storm Details 10-27-2023	Applicant
072	11/6/23	072 C4.30 Water Details 10-27-2023	Applicant
073	11/6/23	073 C4.40 Box Beam Railing Details 10-27-2023	Applicant
074	11/6/23	074 C5.00 Specifications 10-27-2023	Applicant
075	11/6/23	075 C5.10 Specifications 10-27-2023	Applicant
076	11/6/23	076 C5.20 Specifications 10-27-2023	Applicant
077	11/6/23	077 C5.30 Specifications 10-27-2023	Applicant
078	11/6/23	078 C5.40 Specifications 10-27-2023	Applicant
079	11/6/23	079 C5.50 Specifications 10-27-2023	Applicant
080	11/6/23	080 Building C Traffic Impact Analysis	Applicant
081	11/6/23	081 Building C Waste Management Plan	Applicant
082	11/6/23	082 Building C Waste Management Plan Approval	Applicant
083	11/6/23	083 Prime Ag Soils Signoff	Applicant
084	11/6/23	084 C-20 Edited Proposed Grading and Drainage Plan-Riparian Corridor Mark Up	Applicant
085	11/6/23	085 Building C Spruce Peak Economic Impact Assumptions	Applicant
086	11/7/23	086 Comparison to 2002 Master Plan Building A2	Applicant
087	2/13/24	087 WW-5-2019-1 Permit	Applicant
088	2/16/24	088 Vtrans EOA and COS	Vtrans
089	2/16/24	089 ANR Comments and COS	ANR
090	2/23/24	090 DRB Decision	Applicant
091	3/15/24	091 Stormwater Permit 3929-9020.9	Applicant
092		092	
093		093	
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State of Vermont Natural Resources Board  
District 5 Environmental Commission  
10 Baldwin Street, Montpelier, VT 05633-3201  
<https://nrb.vermont.gov/>

802-476-0185

March 11, 2024

VR US Holdings II, LLC

Attn: Shannon Buhler

5781 Mountain Road

Stowe, VT 05672

and

VT Department of Forests, Parks, and Recreation

Attn: Danielle Fitzko

1 National Life Drive, Davis 2

Montpelier, VT 05620-3801

and

VHB

Attn: Dan Heil

40 IDX Drive Bldg. 100, Suite 200

South Burlington, VT 05403

Subject: Application 5L1338(Altered)-41, VR US Holdings II, LLC, and VT FP&R  
Incomplete Application. Additional Information Required.  
[https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=5L1338\(Altered\)-41](https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=5L1338(Altered)-41)

Dear Recipients:

I have reviewed the above-referenced application submitted on February 20, 2024, and deemed it incomplete pursuant to Act 250 Rule 10(D) for the reasons that follow. Therefore, the time and notice requirements pursuant to 10 V.S.A. Chapter 151 (Act 250) will not be initiated.

Criteria 5 and 9(K): Compliance with Criteria 5 and 9(K) respectively requires that a project *will not cause unreasonable congestion or unsafe conditions with respect to use of the highways; and that the development of lands adjacent to governmental and public utility facilities, services, and lands, including highways....will not unnecessarily or unreasonably endanger the public or quasi-public investment in the facility, service, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of, or the public's use or enjoyment of or access to the facility, service, or lands.*

During the pre-application meeting we discussed the concerns this office has received from the public regarding the traffic congestion on Route 108/Mountain Road, particularly during ski season, and that the submittals for the expansion of the A Lots would need to address the issue.

The VHB traffic memorandum (Exhibit 2 in the link above) does not provide sufficient scope. A more comprehensive traffic study, filed by VHB traffic on February 25, 2022, in compliance with condition 23 in LUP 5L1338(Altered)-34, is the most recent study of traffic on Route 108 and includes comparisons of study results from 2017 to 2022. To provide the Commission with a broader context regarding traffic conditions on Route 108, please rework the February 22, 2022 traffic study to include an analysis of the current project's trip ends.

Additionally, there is no information about how resort visitors' use of the Mountain Road Shuttle may affect the number of vehicles on Route 108. Please provide any available statistics the Applicant may have compiled regarding the average daily ridership numbers to and from the resort and how the use of the shuttle may determine the number of single vehicle trip ends to the resort.

Please complete your submission as follows:

- Attach the required documents described above to an email addressed to the Act 250 regional email in-box ([NRB.Act250Barre@vermont.gov](mailto:NRB.Act250Barre@vermont.gov)) and copy all persons listed on the Certificate of Service (COS) 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](mailto:NRB.Act250Barre@vermont.gov)) and the District 5 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 feel free to contact me via email with any questions.

Sincerely,

/s/ Susan Baird

Susan Baird, District 5 Coordinator  
District 5 Environmental Commission  
[susan.baird@vermont.gov](mailto:susan.baird@vermont.gov)

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](mailto: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, 2<sup>nd</sup> 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, District 5 Environmental Commission Technician, sent a copy of the foregoing "Incomplete Application" letter regarding land use permit application 5L1338(Altered)-41 by email on to the following individuals:

**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  
Attn: Shannon Buhler  
5781 Mountain Road  
Stowe, VT 05672  
[sbuhler@vailresorts.com](mailto:sbuhler@vailresorts.com)

Agency of Natural Resources  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3901  
[anr.act250@vermont.gov](mailto:anr.act250@vermont.gov)

Vt Department of Forests, Parks, and  
Recreation, Attn: Danielle Fitzko  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3801  
[danielle.fitzko@vermont.gov](mailto:danielle.fitzko@vermont.gov)

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

VHB, Attn: Dan Heil  
40 IDX Drive Bldg. 100, Suite 200  
South Burlington, VT 05403  
[dheil@vhb.com](mailto:dheil@vhb.com)

Stowe Selectboard  
PO Box 730  
Stowe, VT 05672  
[wfricke@stowevt.gov](mailto:wfricke@stowevt.gov)

Stowe Planning Commission  
PO Box 730  
Stowe, VT 05672  
[smcshane@stowevt.gov](mailto:smcshane@stowevt.gov)

Lamoille County Planning Commission  
PO Box 1637  
Morrisville, VT 05661  
[Seth@lpcvt.org](mailto:Seth@lpcvt.org)  
[georgeana@lpcvt.org](mailto:georgeana@lpcvt.org)



# 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

This is a **PROPOSED** permit. Please submit any written comments to Kevin Anderson at [kevin.anderson@vermont.gov](mailto:kevin.anderson@vermont.gov) and to [NRB.Act250Barre@vermont.gov](mailto:NRB.Act250Barre@vermont.gov), or by hardcopy to the District 5 Environmental Commission at 10 Baldwin Street, Montpelier, VT 05633-3201, on or before April 10, 2024.

A permit will **NOT** be issued until the District Commission receives and reviews the following information:

1. Wastewater System & Potable Water Supply Permit issued by the ANR Drinking Water and Groundwater Protection Division.
2. Operational Stormwater Discharge Permit (authorization under general permit or an individual permit) issued by the ANR Watershed Management Division.
3. Vermont Wetland Permit issued by the ANR Watershed Management Division.
4. Review letter from the Vermont Agency of Transportation regarding the applicability of Act 145 (Subchapter 5 of 10 V.S.A. Chapter 151) to the project.

**CASE NO:** 5L0371-13

**LAW/REGULATIONS INVOLVED**

10 V.S.A. §§ 6001 – 6111 (Act 250)

LC1 Owner Stowe VT, LLC  
89 Front Street, Suite 305  
Marblehead, MA 01945

The District 5 Environmental Commission hereby issues Land Use Permit Amendment 5L0371-13, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 1178, Pages 295 through 298, of the land records of the Town of Stowe, Vermont as the subject of a deed to LC1 Owner Stowe VT, LLC.

**This permit amendment specifically authorizes the construction of 6 new lodging cabins served by municipal water and sewer, a landscaped courtyard, a relocated parking area, new municipal water service lines to three existing buildings, and related site improvements as depicted in the approved plans. This permit amendment also authorizes subdivision of Lot B, to be occupied by an existing single-family residence and garage. The project is located at 89 Golden Eagle Drive in Stowe, Vermont.**

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

The Permittee and its 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: (a) the conditions of this permit and (b) 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 - "Proposed Site Plan for New Cabins," last revised 2/23/2024 (Exhibit 015);

Sheet EC-1 - "EPSC Plan & Details for New Cabins," last revised 3/8/2024 (Exhibit 019);

Sheet L1 - "Master Plan - Hardscape," last revised 2/8/2024 (Exhibit 011);

Sheet L2 - "Master Plan - Plantings," last revised 2/8/2024 (Exhibit 012);

Sheet A101 - "Elevations," dated 2/4/2022 (Exhibit 008); and

Sheet A102 - "Elevations," dated 2/4/2022 (Exhibit 009a).

2. All conditions of Land Use Permit 5L0371 and amendments are in full force and effect except as further amended herein.
3. The Permittee 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-\_\_\_\_\_, issued on \_\_\_\_\_, 2024 by the Drinking Water and Groundwater Protection Division of ANR;
  - b. Authorization to Discharge Under General Permit 3-9020 (Permit Number 9719-9020), issued on January 16, 2024 by the Watershed Management Division of ANR;
  - c. Authorization to Discharge Under General Permit 3-9050 (Permit Number \_\_\_\_\_-9050), issued on \_\_\_\_\_, 2024 by the Watershed Management Division of ANR.
  - d. Individual Wetland Permit, File Number \_\_\_\_\_, issued on \_\_\_\_\_, 2024 by the Watershed Management Division of ANR.
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 Permittee and its successors and assigns.
11. Construction hours shall be limited to Monday through Friday from 7:00 AM to 5:00 PM and Saturday from 9:00 AM to 1:00 PM, with no construction on Sundays or state or federal holidays.
12. The Permittee shall apply and maintain water and/or generally accepted chemical treatments, such as calcium chloride unless otherwise restricted, on all roadways or disturbed areas within the project as necessary during construction and until pavement and/or vegetation is fully established to effectively limit visible dust emissions.
13. Stabilized construction entrances must be installed and maintained as shown on Exhibit 019 immediately upon grading or excavation in the area each stabilized construction entrance is intended to serve. At a minimum, these entrances 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).
14. The building approved herein is not approved for any manufacturing use or the on-site disposal of any process wastes. The Permittee 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 the Vermont Department of Environmental Conservation.
16. The Permittee 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.

17. The Permittee shall comply with Exhibit 019 for erosion prevention and sediment control. The Permittee 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.
18. The limits of disturbance, as shown in Exhibit 019, shall be delineated in the field with four-inch orange barrier/warning tape prior to construction.
19. 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.
20. 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: (i) 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, and (ii) stabilization is not required if the work is occurring in a self-contained excavation (i.e., no outlet) with a depth of two feet or greater (e.g., house foundation excavation, utility trenches).
21. 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. During the period between October 15 and 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).
22. In addition to conformance with all erosion prevention and sediment control conditions, the Permittee 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 Permittee from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
23. Except for activities authorized in the Individual Wetland Permit for the project and for allowed uses under the Vermont Wetland Rules, the Permittee shall not conduct any activity in Class II wetlands or their associated buffer zones. Permanent markers shall be installed along Class II wetland buffer zone boundaries as prescribed in the Individual Wetland Permit.
24. The Permittee shall pay a proportional transportation impact fee toward the \_\_\_\_\_ Transportation Improvement Project pursuant to Act 145 – Transportation Impact Fees (2014). The transportation impact fee for the \_\_\_\_\_ Transportation Improvement

Project is \$\_\_\_ per PM peak hour trip. The transportation fee is calculated as follows: \$\_\_\_/PM peak hour trip × \_\_\_ trips × \_\_\_%. The Permittee shall pay a total transportation impact fee of \$\_\_\_ 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). (Exhibit \_\_\_.)

25. 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.
26. The Permittee and all assigns and successors in interest shall continually maintain the landscaping as approved in Exhibit 012 by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
27. The installation of new exterior light fixtures is limited to those described in the application and depicted in Exhibits 009a, 13, 14, and 15. 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.
28. 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.
29. Pursuant to 30 V.S.A. § 53, the energy design and construction shall comply with Vermont's Commercial Building Energy Standards in accordance with the NRB Criterion 9(F) Procedure effective at the time of construction. (More information on this subject can be found at [http://publicservice.vermont.gov/energy\\_efficiency/cbes](http://publicservice.vermont.gov/energy_efficiency/cbes) and [https://nrb.vermont.gov/documents/9f-procedure\\_2020-09-01](https://nrb.vermont.gov/documents/9f-procedure_2020-09-01).)
30. 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 C403.2.3 of the 2020 Vermont Commercial Building Energy Standards.
31. The Permittee, upon completion of the construction of each commercial 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. § 53(d).
32. The Permittee shall provide each prospective purchaser of any interest in this project a copy of this permit before any written contract of sale is entered into.
33. The Permittee shall reference the requirements and conditions imposed by Land Use Permit Amendment 5L0371-13 in all deeds of conveyance and leases.

34. 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 Permittee has not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).
35. All site work and construction shall be completed in accordance with the approved plans by October 15, 2026, 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.
36. The Permittee 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 Permittee 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 April  2024.

By \_\_\_\_\_  
Jeremy Reed, Acting Chair  
District 5 Commission

Members participating in this decision: Gary Nolan, Patrick Ripley

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](mailto: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, 2<sup>nd</sup> 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.

PROPOSED

**ACT 250 NOTICE**  
**MINOR APPLICATION 5L0371-13**  
**10 V.S.A. §§ 6001 - 6111**

Application 5L0371-13 from LC1 Owner Stowe VT, LLC, 89 Front Street, Suite 305, Marblehead, MA 01945 was received on February 29, 2024 and deemed complete on March 13, 2024. The project is generally described as construction of 6 new lodging cabins served by municipal water and sewer, a landscaped courtyard, a relocated parking area, new municipal water service lines to three existing buildings, and related site improvements. The project also includes subdivision of a 1.19-acre lot for an existing single-family residence and garage. The project is located at 89 Golden Eagle Drive in Stowe, Vermont.

The District 5 Environmental Commission is reviewing this application under Act 250 Rule 51 - Minor Application Procedures. This application can be viewed online by visiting the Act 250 Database (<https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=5L0371-13>).

No hearing will be held and a permit may be issued unless, on or before April 10, 2024, a person notifies the Commission of an issue or issues requiring the presentation of evidence at a hearing or the Commission sets the matter for a hearing on its own motion. Any person as defined in 10 V.S.A. § 6085(c)(1) may request a hearing. Any hearing request must be in writing, must state the criteria or sub-criteria at issue, why a hearing is required and what additional evidence will be presented at the hearing. Any hearing request by an adjoining property owner or other person eligible for party status under 10 V.S.A. § 6085(c)(1)(E) must include a petition for party status under the Act 250 Rules. To request party status and a hearing, fill out the Party Status Petition Form on the Board's website: <https://nrb.vermont.gov/documents/party-status-petition-form>, and email it to the District 5 Office at: [NRB.Act250Barre@vermont.gov](mailto:NRB.Act250Barre@vermont.gov). Prior to submitting a request for a hearing, please contact the District Coordinator at the telephone number listed below for more information. Prior to convening a hearing, the Commission must determine that substantive issues requiring a hearing have been raised. Findings of Fact and Conclusions of Law may not be prepared unless the Commission holds a public hearing.

If you feel that any of the District Commission members listed on the attached Certificate of Service under "For Information Only" may have a conflict of interest, or if there is any other reason that a member should be disqualified from sitting on this case, please contact the District Coordinator as soon as possible, no later than prior to the response date listed above.

Should a hearing be held on this project and you have a disability for which you need accommodation in order to participate in this process (including participating in a public hearing, if one is held), please notify us as soon as possible, in order to allow us as much time as possible to accommodate your needs.

Parties entitled to participate are the municipality, the municipal planning commission, the regional planning commission, affected state agencies, and adjoining property owners and other persons to the extent they have a particularized interest that may be affected by the proposed project under the 10 Act 250 Criteria. Non-party participants may also be allowed under 10 V.S.A. Section 6085(c)(5).

Dated this March 19<sup>th</sup>, 2024.

By: /s/ Kevin Anderson

Kevin Anderson

District Coordinator

10 Baldwin Street

Montpelier, VT 05633-3201

802-522-6074

[Kevin.Anderson@vermont.gov](mailto:Kevin.Anderson@vermont.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that I, Lori Grenier, Natural Resources Board Technician, District 5 Environmental Commission, sent a copy of the foregoing **ACT 250 NOTICE FOR MINOR APPLICATION 5L0371-13** by U.S. Mail, postage prepaid, on March 19, 2024 to the following individuals without email addresses and by electronic mail, to the following 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

LC1 Owner Stowe VT, LLC.  
89 Front Street, Suite 305  
Marblehead, MA 01945

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

Attn: Jeremy Reed, Gary Nolan,  
Patrick Ripley  
District 5 Environmental  
Commission  
10 Baldwin Street  
Montpelier, VT 05633-3201  
NRB.Act250Barre@vermont.gov  
[nrb.act250agenda@vermont.gov](mailto:nrb.act250agenda@vermont.gov)

Stowe Reporter  
bryan@newsandcitizen.com  
(The newspaper receives an  
abbreviated notice for  
publishing.)

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

State of Vermont  
Dept. of Public Service  
barry.murphy@vermont.gov  
PSD.VTDPS@vermont.gov

Vermont Agency of  
Transportation  
AOT.Act250@vermont.gov

Vermont Agency of Agriculture,  
Food and Markets  
AGR.Act250@vermont.gov

Vermont Division for Historic  
Preservation  
ACCD.ProjectReview@vermont.gov  
ov

Vermont Fish & Wildlife Dept.  
Wildlife Biologist  
Noel.dodge@vermont.gov

Lamoille County Forester  
Rick.dyer@vermont.gov

Fisheries Biologist  
Vermont Fish & Wildlife Dept.  
Bret.ladago@vermont.gov

**ADJOINING LANDOWNERS**

Harry Dileo  
83 Phillips St  
Boston, MA 02114

Carol & John Van Dyke  
Revocable Trusts  
PO Box 1164  
Stowe, VT 05672

The Farm Home LLC  
PO Box 215  
Stowe, VT 05672

Claire & David Berger  
1155 Rene Levesque Boul West  
c/o Alvin Fagan Suite 2010  
Montreal, QC H3B 2JB

HES Properties, LLC.  
PO Box 908  
Stowe, VT 05672

West Branch of Stowe, LLC.  
276 Mountain Road  
Stowe, VT 05672

Moriarty Complex Unit Owners  
Assoc.  
c/o Nathan Freund PO Box 1026  
Stowe, VT 05672

433 Mountain Rd Holdings LLC  
29 Main St  
Amesbury, MA 01913

TJVT, LLC  
PO Box 1507  
Stowe, VT 05672

Tusk, LLC.  
PO Box 667  
Stowe, VT 05672

Tibetts House Associates RE  
c/o Robert Mckee PO Box 35  
East Burke, VT 05832

Butternut Common LLC  
PO Box 427  
Stowe, VT 05672

Stowe Swimmers Foundation  
LTD c/o The Swimming Hole  
75 Weeks Hill Rd  
Stowe, VT 05672

John Macutchan  
PO Box 64  
Stowe, VT 05672

Kevin & Danielle McCarthy  
256 Main St  
Cold Spring, NY 10516

Blessed Sacrement Parish  
Charitable Trust  
PO Box 27  
Stowe, VT 05672

Nicholas & Kimberly Donahue  
926 Pitt St LLC, 928 Pitt St LLC,  
Jameson Partners LLC  
734 Pitt Street  
Mount Pleasant, SC 29464

CMR Enterprises, LLC  
299 Mountain Rd  
Stowe, VT 05672

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



# 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: March 18, 2024

Date Application Submitted: March 18, 2024

Date Application Received: March 18, 2024

Application Number: 5L0775-11

John and Tina Springer-Miller

PO Box 1262

Stowe, VT 05672

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

**To subdivide previously approved Lot 4 of 33 +/- acres into Lot 4 of 27+/- acres and Lot 4A of 5.2+/- acres. Lot 4A consists of a previously approved building zone, that is proposed for a slight increase in size at the previously approved location. Lot 4 is depicted with a building zone bordered by applicable undisturbed stream buffers. Access to Lot 4A remains consistent with previous approvals as it will be via Brook Rd and through the approved Wildewood development. Lot 4 will have access via "Poppi Bear Lane", a previously approved private access road to adjacent Lot 3. The access will be extended to neighboring new Lot 4 via R.O.W. along previously approved existing municipal water line route.**

**Please note that no construction is proposed at this time. The purpose of the application is to subdivide the land, identify building zones for each lot, and prove out future septic capacity on new Lot 4 for possible future residential development.**

The project is located at 0 Poppi Bear Lane 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 (5L0775-11) can be viewed on the public Act 250 Database online (<https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=5L0775-11>).

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

Act 250 District 5 Office

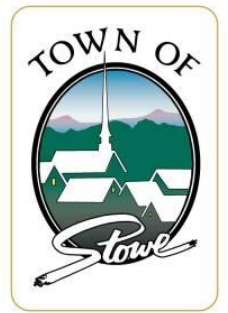
10 Baldwin Street

Montpelier, VT 05633-3201

Tel: 802-476-0185

NRB.Act250Barre@vermont.gov





**Town of Stowe  
Development Review Board  
Meeting Minutes – March 5<sup>th</sup>, 2024**

A regular meeting of the Development Review Board was held on Tuesday, March 5<sup>th</sup>, 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, Patricia Gabel, 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 5:01pm.

**Development Review Public Hearings**

**Project #: 7283 (Cont. from 1/16/24 & 2/20/24)**

**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**

S. McShane stated that the applicants requested a continuance.

D. Kelly motioned to continue the hearing to April 16<sup>th</sup>.

The motion was seconded by P. Gabel, passed unanimously.

**Project #: 7117 (cont. from 1/16/24)**

**Owner: Andrew Mcneill & Todd Bludworth**

**Tax Parcel #: 07-083.000**

**Location: 416 Nine Hearths Dr**

**Project: Final subdivision review of a 7-lot subdivision**

**Zoning: RR2**

Chair Clymer swore in participants John Pitrowski, Tom Wawrzeniak, and Andrew McNeill.

J. Pitrowski introduced the subdivision that would create 6 lots to build on and a 7<sup>th</sup> open space lot. The road is already in place as are the utilities. Turn-offs and turn-arounds were formally added to the plan. An extensive landscaping plan was added, all wetlands are completely avoided, and some of the houses are visible from the public domain but will have tall trees grown to screen that.

A. McNeill stated that the size of the house footprint was limited to 3,000 sq/ft, the garage is limited to 3-car, and rooves must be non-reflective.

46 T. Hand asked if there had been any major changes made to the plan.  
47  
48 T. Wawrzaniak stated that the clearing limits got a little larger to accommodate a front yard or  
49 backyard and retainment walls.  
50  
51 J. Pitrowski added that the walking trail was moved a little too. The building lots were also more  
52 defined to be restrictive to avoid wetlands and keep a lot of trees.  
53  
54 P. Gabel asked if there was anything stopping owners from cutting down the trees that they planted.  
55  
56 J. Pitrowski answered that there was not.  
57  
58 Chair Clymer stated that trees could be a condition for the permit.  
59  
60 T. Wawrzaniak described the profiles that were made with pictures of the area from West Hill Road.  
61 Some of the lots are more visible, such as Lot 2, which was previously cleared. He showed where  
62 some trees would break up the view of houses.  
63  
64 Chair Clymer pointed out that there are some very steep contours on some of the lots.  
65  
66 J. Pitrowski described how the houses would manage the grading on the lots.  
67  
68 Chair Clymer stated that Lot 3 was very visible.  
69  
70 J. Pitrowski stated that there would be a lot of trees grown to block the lot.  
71  
72 A. McNeill stated that they could add an addendum to the HOA to require a landscaping plan.  
73  
74 T. Wawrzaniak stated that lots 4,5,6 have firetruck turn arounds.  
75  
76 J. Pitrowski stated that the fire hydrant is a municipal hydrant and will stay flooded.  
77  
78 J. Pitrowski stated that there will be mechanisms in the covenants to reign in bad behavior. A.  
79 McNeill added that by signing onto the HOA the homeowners are agreeing to the terms.  
80  
81 Chair Clymer asked what would happen when the HOA is governed by the homeowners.  
82  
83 D. Kelly asked if there were any statements prohibiting the removal of trees.  
84  
85 P. Gabel pointed out a typo in section 10 where the wordage should be "shall not" not "shall".  
86  
87 J. Pitrowski agreed that there was a typo.  
88  
89 Chair Clymer stated that the homeowners will eventually be able to change what is required in the  
90 HOA, and that he would like to see certain elements deemed not amendable.  
91  
92 J. Pitrowski stated that there is a 2.3 acre lot designated as open space, the specified building  
93 envelopes create open space by restricting where there can be development.

94  
95 T. Hand asked S. McShane if open space must be its own parcel.  
96  
97 S. McShane answered that it does not, but open space must be defined.  
98  
99 Chair Clymer asked if the road would be private.  
100  
101 J. Pitrowski replied yes.  
102  
103 Chair Clymer asked if it would be a class 3 road.  
104  
105 J. Pitrowski replied yes.  
106  
107 J. Pitrowski described their stormwater management plan, including that there is a stormwater  
108 management pond, and that Lot 7 would act as a store for runoff in peak storm conditions.  
109  
110 T. Hand stated that the storm water detention pond could be more clearly stated and labeled.  
111  
112 Chair Clymer asked the board if they had enough information and asked the applicant if they felt  
113 comfortable moving forward with a five-person board.  
114  
115 J. Pitrowski stated he was ok moving forward, as did A. McNeill.  
116  
117 T. Hand motioned to close the hearing and deliberate.  
118  
119 P. Gabel seconded the motion and it passed unanimously.  
120  
121 **Project #: 7311**  
122 **Owner: Kurt Hudson & Kristin Hudson**  
123 **Tax Parcel #: 15-042.690**  
124 **Location: 0 Thomas Pasture Ln**  
125 **Project: Construct a single-family dwelling in RHOD**  
126 **Zoning: RR5/RHOD**  
127  
128 Chair Clymer swore in participants John Grenier, Kurt Hudson, Kristin Hudson, Marisa Perkins, and  
129 Tim Baker.  
130  
131 J. Grenier introduced Project #7311 stating, they received a state wastewater permit for the septic  
132 leach field, that the clearing for the property had been defined, that the home can only be seen from  
133 Robinson Spring Road and will be screened by trees around the property.  
134  
135 T. Hand asked if they had gone through local association review yet.  
136  
137 J. Grenier stated that they were in the review process at that time.  
138  
139 Chair Clymer stated that the property would follow RR-3 setbacks.  
140



141 J. Pitrowski stated that the house will comply with setbacks and is 20 feet in height. The house is  
142 located on a shelf in the land, so it cannot be seen from the public right of way.

143  
144 Chair Clymer asked for a walk through of the clearing on the property.

145  
146 J. Pitrowski stated that there would be clearing for the house on a knoll, South West on the property  
147 for a pool and patio, clearing for the leach field, a diversion swale, and then the minimum clearing  
148 for other features on the property. There is a landscaping plan, and trees would be used to screen  
149 the building from neighbors.

150  
151 T. Hand pointed out that the swale doesn't pick up the runoff from the full house.

152  
153 J. Pitrowski stated that there would also be gutters on the house to collect water. There is a small  
154 stream that he said was given a 50-foot buffer.

155  
156 M. Perkins stated that her biggest concern is the potential of runoff as she lives downhill of the  
157 house.

158  
159 T. Hand asked if the driveway would leave some of the existing trees in the middle.

160  
161 J. Pitrowski stated they hope that some of the existing trees will remain, and that some new  
162 vegetation will be planted.

163  
164 T. Hand motioned in favor of the project under the condition that all the lights are shown to be  
165 dark-sky compliant, and that there would be a silt retaining fence.

166  
167 M. Diender seconded the motion and it passed unanimously.

168  
169 **Project #: 7314**  
170 **Owner: Stowe Country Homes**  
171 **Tax Parcel #: 07-150.000**  
172 **Location: 541 South Main St**  
173 **Project: Construct a second floor above the laundry room addition**  
174 **Zoning: LVC**

175  
176 Chair Clymer swore in Alan Guazzoni and Alison Karosis to begin the hearing.

177  
178 Alan Guazzoni stated that this project is an addendum to Project #7182. It is an addition that will be  
179 a laundry room, and they would like to add a second floor that would be mechanical storage with a  
180 gabled roof. This would require no additional parking or water use.

181  
182 Chair Clymer asked if the deck that was shown on their plans will be part of their permit.

183  
184 After some discussion, A. Karosis stated that the deck is part of their project.

185  
186 T. Hand asked if they knew how many lumens the site was at with the new light on the addition.

187  
188 A. Guazzoni stated they did not calculate the total lumens.

189  
190 T. Hand motioned to close the hearing and asked the applicant to add total lumens to their plan.

191  
192 P. Gabel seconded the motion and it passed unanimously.  
193

194  
195 **Other Business:**

196  
197 None.

198  
199 **Approval of Minutes:**

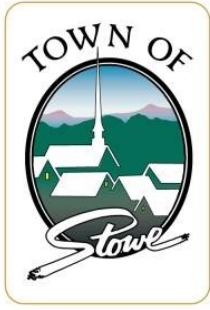
200  
201 D. Kelly motioned to approve the meeting minutes from February 20<sup>th</sup>, 2024.  
202

203 T. Hand seconded the motion, and it passed unanimously.  
204

205 T. Hand motioned to adjourn the meeting at 7:13pm.  
206

207 M. Diender seconded the motion.  
208

209 Respectfully Submitted,  
210 Piper Van Kerkhove  
211 Planning and Zoning Assistant



**TOWN OF STOWE  
PLANNING COMMISSION  
Meeting Minutes  
March 18, 2024**

The Town of Stowe Planning Commission held a meeting on **Monday March 18, 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, John Muldoon, Brian Hamor, 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 [03/04/2024]**

C.Ebel motioned to approve the meeting minutes from March 4<sup>th</sup>. J.Muldoon seconded. The motion passed unanimously.

**Stowe Town Plan Update**

Members briefly discussed the engagement poster from Town Meeting Day and the public comments received. Chair M.Lonetto asked the Commission how they'd prefer to begin reviewing the plan and suggested for the Commission members each to provide comments on the elements/chapters of the plan. Staff provided a brief presentation on the preliminary steps of updating the plan. Members discussed possibly reformatting the plan to relocate the detailed statistical and historical information as appendixes and include a brief executive summary at the beginning of the plan. Members discussed group decision-making and how the Commission will make decisions together throughout the update process. Members discussed how to make the plan accountable and ensure decisions are made in accordance with the vision and goals of the plan. Staff encouraged the Commission to consider what the final plan product should look like and feel like and whether the vision statement should be updated, renewed, or drafted anew. Members discussed the statistics within the plan and whether data is missing that will be informative in the updated plan. Members discussed the different potential community partners, places where people gather, and opportunities to engage the community.

Members discussed the structure/format of the existing plan. N.Percy shared that he likes the current structure; he suggested it should concisely describe where we were as a community, where we are, and where we want to be. He wondered how Stowe's voter participation compared to other Vermont communities. M.Lonetto suggested that maybe the early chapters could be condensed in a timeline or executive summary and have the in-depth history as an appendix. Members discussed how to make the implementation of the plan more accountable. B.Davison suggested that the Commission will need to focus on evaluating Act 47, increased density, and possible rezoning districts to comply. H.Snyder suggested preparing a summary of Act 47 to better understand areas where the state wants municipalities to grow – re-imagining what it means to be an area served by water and sewer. J.Muldoon suggested preparing a 1-page call to action requesting community input. Members brainstormed identified community partners.

Stowe Mountain Resort/Vail  
Trapp Family Lodge  
Stowe Area Association  
Stowe Land Trust  
Stowe Electric Department

Energy Committee  
Stowe Trails Partnership  
Lamoille Housing Partnership  
Stowe Vibrancy  
Stowe Theatre Guild

Realtors  
Rotary Club  
Stowe School Board  
Local employers  
Restaurant owners  
AIG/Spruce Peak  
Municipal Departments  
Recreation groups  
Event/Festival groups (car show, farmers market,  
tango festival etc.)  
Contractors/Developers  
VT Short-term Rental Alliance  
Protect our Wildlife

Farmers & Percy Family  
Stowe Art Center  
Library  
Stowe Music Center  
Childcare Centers  
Parks & Recreation  
LCPC  
ACCD/Planning Designation Programs  
Broadband Internet  
Lamoille County Mental Health  
Mountain Road Merchants  
Beer/Cannabis Industry  
Student Leadership Teams

Members discussed additional data that might be helpful to include. N.Percy suggested including data from short-term rentals, the percentage of second homes over the years, etc. Members discussed data that displays trends, the number of dwellings constructed, population growth, etc., percentage of affordable housing units, percentage of poverty and homelessness, food insecurity, workforce/labor shortage information on the number of jobs, number of unemployed, aging populations, etc. Staff and LCPC can research the data needs discussed and follow-up with the Commission at a later meeting.

Staff explained that consultant Rebecca Stone is planning on zooming in to the next meeting on April 1<sup>st</sup>. It is anticipated that she will have a proposed project name(s)/themes for the Commission to consider, a logo, and describe different engagement tools and ideas for the Commission to consider. C.Ebel reported that he will not be able to attend the next meeting.

#### **Updates/Correspondence/Other Business**

None

#### **Review Upcoming Meeting Schedule**

Next PC Meeting Date- 4/1/2024

The meeting adjourned at approximately 7:10 pm.

Respectfully submitted,

Sarah McShane, Planning & Zoning Director



## Town of Stowe Conservation Commission Meeting Minutes March 11, 2024

A regular meeting of the Conservation Commission was held on Monday March 11, 2024, at 5:30 pm in the Memorial Room of the Stowe Town Office.

Members in Attendance: Jacquie Mauer, Kay Barrett, Catherine Gott, Seb Sweatman, Phillip Branton, Colleen McGovern, and Zach Lewis.

Staff in Attendance: Sarah McShane

Others in Attendance: Mark Leach, Kate Tilgner, Grady Vigneau (STP), Carolyn Lawrence (STP), Dean Percy (Stowe Snowmobile Club), Rick Dwyer (FPR), Mark Tetreault (VAST)

**Call to Order** – The meeting was called to order by Vice Chair C.Gott at approximately 5:30 PM.

**Public Comments & Adjustments to the Agenda** – No public comments.

**Review of Meeting Minutes** - On a motion by P.Branton, seconded by S.Sweatman, the meeting minutes were approved as submitted.

### **Sterling Forest Management Plan**

Commission members met with various stakeholders including Stowe Snowmobile Club, VAST, STP, and FPR. C.Lawrence and G.Vigneau of STP began by providing an overview of mountain bike use in Sterling. She explained that future trail network improvements/expansions may consider connections between Lauren's Loop and Peak-A-View and possibly connect Lauren's Loop with the Eight Bridges Trail. She added that their vision for Sterling is to keep it quiet and remote. She agreed to provide a conceptual drawing illustrating possible future trail connections. Dean Percy representing the Stowe Snow Mobile Club discussed some of the maintenance issues he has observed. He explained there is one spot on Papa's Trail where the stream has entirely relocated and is no longer running below the bridge. He is currently assessing needed maintenance items and working with VAST. Members discussed several areas along Maple Run with culverts beginning to fail. D.Percy added that he has not observed parking issues and many snow mobile users park elsewhere and snowmobile into Sterling.

Members then reviewed and discussed the draft survey questions intended to obtain stakeholder feedback. Members offered various revisions. K.Barrett will revise the questions based on Commission discussion. S.McShane will check with the Energy Committee regarding which survey platform they used. At the next meeting the Commission will finalize the survey questions and decide how to distribute the survey.

### **Request for Letter of Support - Bouchard Farm Lot 5**

S.McShane explained that Stowe Land Trust is requesting a letter of support from the Commission to acquire a conservation easement on Lot 5 owned by Paul Percy off Brook Road. Members were provided information. P.Branton motioned to support the request, seconded by C.McGovern. The motion passed. C.Gott signed the letter on behalf of the Commission.

### **Quiet Path Bridge Relocation**

S.McShane provided an update regarding the Quiet Path bridge. She explained the Selectboard recently agreed to temporarily relocate portions of the Quiet Path and install a temporary bridge further upstream. The bridge received damage during the December storm and is no longer safe in its current condition. The location of the temporary bridge minimizes the length of path relocation and impacts to the abutting agricultural use. S.McShane reported the relocation is currently temporary but could become permanent if approved by the Selectboard.

**Project Updates**

Members briefly discussed the Bear Aware Initiative and Green Up Day. The April 8<sup>th</sup> regular meeting will be canceled so members can enjoy eclipse gatherings.

**Next Meeting**

The next meeting will be held on March 25th.

The meeting adjourned at approximately 7:20 PM

Submitted by,

Sarah McShane

Recreation Commission Regular Meeting

March 6, 2024

DRAFT

2 The regular Recreation Commission meeting was held March 6 at the Stowe Community Room starting at 5:00 P.M.

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

4 **5:00pm called to order. Agenda Approved**

5 **RT motioned to approve the minutes JA second**

6 Carylyn Lawrence from Stowe Trails Partnership attended to introduce herself and talk about what STP does. She emphasized the interests in mountain biking and said STP typically has 1200-1400 members annually. She said mountain biking grew 47% from 2018-20. She indicated STP would be interested in collaboration opportunities with Stowe Parks and Recreation and Matt offered to meet and discuss further.

7

8 **Tennis/Pickleball Courts**

9 The group discussed that since the Memorial Park project was not moved forward at this time, how to keep the courts functioning in the near term. Asphalt overlay is an option but due to the subsurface conditions, there would be little guarantee as to how long the repairs would last. SportCourt surfacing is a module tile system and offers lower risk of injuries and can be repurposed for other uses if/when new courts are eventually developed. Discussed pursuing new construction behind Parks building but noted uncertainty of funding and permitting.

10 Brett motioned to make recommendation to the Selectboard to use the \$175,000 capital funds for tennis court replacement previously approved in 2017, to prep surface, install SportCourt surfacing, and replace fence. All in favor.

11 Forrest requested agenda item for April meeting to recommend that the courts be set up as 6 dedicated pickleball courts and no tennis courts.

12 **Quiet Path Bridge and Path Relocation**

13 Matt shared that the Quiet Path Bridge has been closed and is in the process of being removed due to no longer being structurally sound. The Quiet Path will also be re-routed to avoid river bank erosion and extended to a new bridge between Field E and D which is being constructed.

14

15 **Other business**

16 Matt shared a letter to the Selectboard from British Invasion requesting a 20% discount for fees for Large Event field rentals. The group expressed that they were asked by the Selectboard to evaluate the fees in 2020 and felt that the fees are appropriate. Fees were compared to Farr's field, Topnotch, Essex Tree

Farm, which were all more. It was expressed that the Recreation Commission was not in support of the 20% fee decrease.

- 17 Lyn expressed concern regarding people not picking up dog droppings on Mayo fields and the Quiet Path. She suggested more signage and fines. Matt said the Town has discussed an ambassador program for the Rec Path and that may be an avenue to pursue in addition to signage and that we can further explore signage and fines at the next meeting.
- 18 Ryan said there is someone interested in more figure skating times being offered at the arena. Matt said their figure skating programs have been growing and that ice time availability is limited. Matt encouraged Ryan to encourage the person to contact him to further discuss.
- 19 Matt will be out of work March 26-April 8 for surgery/recovery. Next RC meeting will be April 10<sup>th</sup>.

**6:53 p Meeting adjourned.**

Respectfully Submitted

Matt Frazee





**Town of Stowe- Historic Preservation Commission**

**Meeting Minutes – March 20, 2024**

A meeting of the Stowe Historic Preservation Commission (SHPC) was held on Wednesday March 20, 2024, at approximately 5:15 pm.

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

**Members Present:** McKee MacDonald, Sam Scofield, Shap Smith, George Bambara, Barbara Baraw, Cindy McKechnie (alternate), and Chris Carey (alternate)

**Staff Present:** Ryan Morrison

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

Project #:	7335
Owner:	Barbara L Bright
Tax Parcel #:	7A-013.011.
Location:	38 Palisades St
Project:	Remove current deck and trellis and replace with a new one-story enclosed space, new roof, in historic district
Zoning:	VC10/SHOD

Rick Morris was in attendance and presented the application. The proposal is to remove an existing deck and replace it with an addition to the home. The deck and proposed addition lies within a waterline easement, so the Applicant proposes to not construct a foundation for the addition. The addition will be cantilevered in a way, and skirting will be installed to prevent animals from getting underneath. The plans include transom windows on three sides. The HPC recommended the use of double-hung windows on all facades of the addition instead of transom windows, to match the size and appearance of those existing on the second floor. The HPC recommended to the Applicant that he return with revised plans and cut sheets for the installation of double-hung windows.

Project #:	Informal Review
Owner:	Nicholas and Kim Donahue, Jameson Partners LLC, 926 Pitt Street LLC, 928 Pitt Street LLC
Tax Parcel #:	07-034.000
Location:	728 Mountain Road
Project:	Construct a new 48-unit retirement housing building
Zoning:	HT

Aaron Stewart and Greg Rabideau were in attendance and presented the proposal. The proposal was already reviewed by the HPC at the January 17, 2024 meeting, as an informal review, where the Commission provided a positive stance on the proposed project, which is to construct a new 38-unit, two-story (with ground level parking) retirement housing building. The Applicants now propose to make the structure a three-story structure, with up to 48-units. The design, materials and appearance will remain the same as originally proposed at the January 17<sup>th</sup> meeting. To get an additional floor on the project, a height waiver will be required since the HT zoning district has a height limit of twenty-eight (28') feet. The structure will have a height of 29'3". The Applicants explained how the proposal meets the requirements for such a height waiver, and acknowledged that they will return with a formal application to obtain a recommendation from the HPC prior to future review with the Development Review Board. The HPC responded favorably toward the proposal, including the height waiver.

**Other Business:**

Stowehof Inn Demolition – Act 250 processing and SHPC recommendation.

Scott Newman was in attendance to present the plans to demolish the existing Stowehof Inn. The demolition project is currently under review with the State Act 250 office, and as part of that review, they require that the Applicant obtain a recommendation from the local historic preservation board. The structure is not on the State historic register but was constructed in 1949 and underwent several modifications over time – so many modifications that the original structure has essentially been ‘swallowed’ by additions. Mr. Newman explained the deficiencies of the structure, and why demolition is warranted instead of repairs or reconstruction. The Applicant forwarded the Act 250 submittal, which includes photographs and narratives addressing the state of the building, potential remedial action, and more importantly, reasons why demolition is preferred over rehabilitation. Excessive mold exists in the basement, overall, the structure is failing and a safety concern, ADA accessibility is almost nonexistent, just to name a few issues.

M. MacDonald stated that even though the structure is not on a historic register, and thus not eligible for future HPC review, he would like there to be a way for any future redevelopment of the site to be subject to the Design Standards as reviewed by the Commission. The plan is to demolish the structure, as well as a few outbuildings, and restore the property to a natural state of grass and trees. However, there’s no telling if, in the future, a new plan will come forward to develop the property. If that were to happen, under current regulations, the HPC would not be eligible to review redevelopment plans because the Stowehof Inn is not registered as historic with the State, nor is the property within the Stowe Historic Overlay District. Mr. Newman stated that any future development would be subject to Act 250 review, which includes reaching out to the Town of Stowe for comment. S. Smith commented that based on the presentation and the state of the building, the HPC would most likely recommend support in demolishing the building because it is not salvageable.

**Review Meeting Minutes:**

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

Respectfully submitted,  
Ryan Morrison, Deputy Zoning Administrator

## **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 2<sup>nd</sup> 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 24<sup>th</sup> were approved.

## **2<sup>nd</sup> 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*

Amber Ives

Clerk of the Board