

Agenda Summary May 22, 2024

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

Local Option Sales Tax: See the enclosed email from the Finance Director. We received our third payment for the Local Option Sales & Use tax for the Town of Stowe, which is for the 3rd quarter FY 2024, January through March, at \$458,764. Using the historical quarterly percent of collections data, this could result in an annual rate of \$1,230,428 for Local Sales & Use Tax collections, versus our projected budget of \$700,000. These funds are deposited to the General Fund directly, anything above \$700,000 in FY2024 will go to Unallocated Surplus.

Local Option Tax Rooms, Meals & Alcohol: See the enclosed email from the Finance Director. The Local Option Tax Rooms, Meals & Alcohol for the 3rd quarter FY 2024 came in at \$525,011, up 6% from the level for last year, the highest quarter receipt ever. If we project out the next two quarters as down 4%, the full year will still achieve \$1,500,000.

Vermont Legislative Session: Below is a summary of relevant bills passed in the final week of the Vermont legislative session that affect municipalities, provided by VLCT.

“S.55 – An act relating to authorizing public bodies to meet electronically under Vermont’s Open Meeting Law

This bill was passed on the last day of the session and still must be sent to the governor before it becomes law. The governor is expected to sign it. Regardless of when he signs, the effective date will not be until July 1, 2024, and new training requirements don’t go into effect until July 1, 2025. After July 1, 2024, municipal advisory bodies will retain the ability to meet virtually or in person or hybrid (a big victory for inclusive democracy). After July 1, 2024, municipal non-advisory bodies (legislative, budgetary, and quasi-judicial bodies) will no longer be able to meet virtually unless there are special circumstances (so-called “local incidents” or for emergency meetings). In addition, all municipal non-advisory bodies will need to record their meetings and post the recordings to a website for 30 days if they maintain one. There are “undue hardship” exemptions for many of the provisions that could relieve pressure on resource-challenged municipalities, though, candidly, VLCT is not sure how to interpret those just yet. VLCT has relied on a summary of the bill provided by Senator Ruth Hardy (Addison County), which may be of some assistance in interpreting the complex legal language. We know members have specific questions and concerns, and we will provide more information in the Legislative Session Wrap-Up in the coming weeks.

H.875 – An act relating to the State Ethics Commission, State and Municipal Ethics

This bill was passed on the last day of the session and must be sent to the governor before it becomes law. Governor Scott has not signaled his position on the bill, which passed largely on party lines in both the House and Senate. Should this bill become law, the new requirements placed on municipalities don’t go into effect until January 1, 2025, and the

new training requirements don't go into effect until September 30, 2025. The bill creates a new uniform municipal code of ethics that most municipal officers will need to follow; requires municipal legislative body members and quasi-judicial body members to take training; requires municipalities to take, investigate and enforce ethics complaints; and implements new record keeping and reporting requirements. Until next year, VLCT recommends that municipal officials continue operating under existing conflict of interest and ethics law. In addition to the information we include in the upcoming Legislative Session Wrap-Up, keep an eye on the State Ethics Commission website – as the bill largely charges them with training and opinion services.”

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

Stowe Mountain Resort proposes to increase parking capacity in the resort's A Lots (A1, A2, and A3) between the gondola base terminal and Midway from 337 to 414 total spaces. This represents an additional 77 spaces in this area. These lots are currently paid parking on weekends and holidays and would remain so after expansion. Provided is a memo that reviews trip generation and traffic impacts of the proposed expansion on the adjacent roadway network.

A permit amendment was granted that 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.

An initial application regarding a stormwater improvement project at Stowe High School to meet Vermont's 3-Acre Rule which includes the installation of two gravel wetlands, a 3,600 square foot bioretention area, and new catch basins, yard drains, and manholes for stormwater management.

The District 5 Environmental Commission granted an extension to the comment period for and requested additional information about the subdivision of a lot off Luce Hill Road at 0 Poppi Bear Lane.

A request for additional information on the riparian zone, signage, and school impact regarding the proposed 3-story, 31-unit residential condominium building at Topnotch.

Minutes: Enclosed are the following minutes:

- Development Review Board – May 7
- Planning Commission – May 6

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.

Will Fricke

Subject: RE: Local Option Tax - Rooms, Meals & Alcohol - 3Q24 Payment

From: Cindy Fuller <cfuller@stowevt.gov>
Sent: Monday, May 6, 2024 9:09 AM
To: Charles Safford <csafford@stowevt.gov>; Harry Shepard <hshepard@stowevt.gov>
Cc: Sandy Sabin <ssabin@stowevt.gov>; Bob McCarthy <bmccarthy@stowevt.gov>
Subject: Local Option Tax - Rooms, Meals & Alcohol - 3Q24 Payment

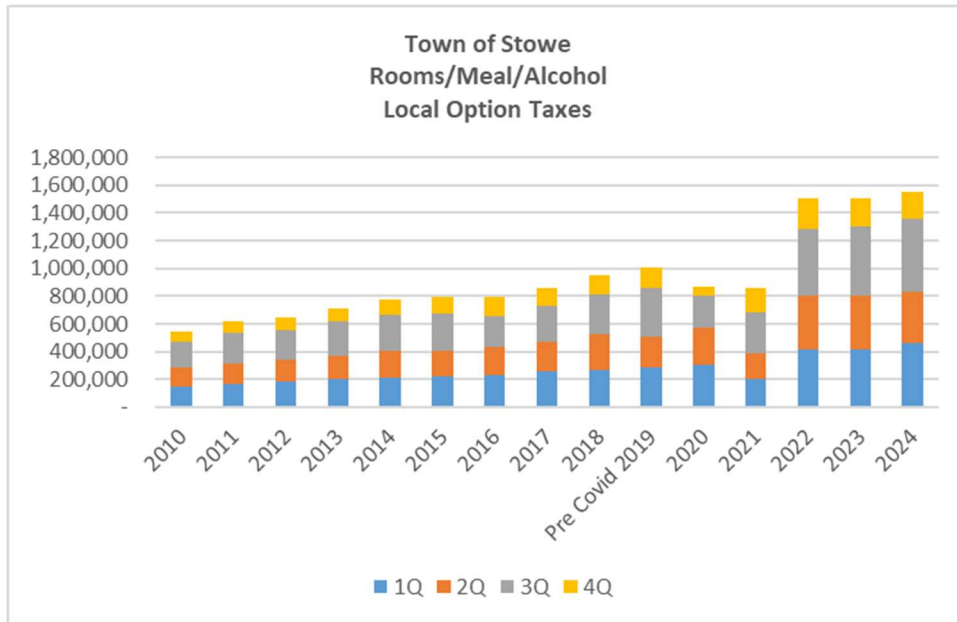
Hi Charles and Harry,

The Local Option Tax Rooms, Meals & Alcohol for the 3rd quarter FY 2024 came in at \$525,011, up 6% from the level for last year, the highest quarter receipt ever. This quarter is January through March.

Looking at the number of returns filed, the number of returns is up 7%.

The average amount of dollars per return is continuing to be strong at \$1,050/return versus history average of \$735/return, a continuing high for this quarter.

If we project out the next two quarters as down 4%, the full year will still achieve \$1,500,000.



Year	Town of Stowe LOT	Town of Stowe LOT	Town of Stowe LOT	Town of Stowe LOT	Town of Stowe Fiscal Year Actual	Town of Stowe Fiscal Year Forecast	Variance to Forecast
	Receipts	Receipts	Receipts	Receipts	Total		
2010	150,597	133,950	187,885	71,111	543,543	545,218	(1,675)
2011	165,159	147,863	220,585	85,324	618,931	539,000	79,931
2012	182,395	155,816	218,329	85,459	641,998	539,000	102,998
2013	202,884	162,956	254,156	93,717	713,712	539,000	174,712
2014	210,898	191,082	265,033	107,603	774,616	618,000	156,616
2015	217,190	183,483	275,679	121,893	798,245	750,000	48,245
2016	233,821	194,917	227,269	133,512	789,519	795,250	(5,731)
2017	253,862	217,424	254,960	133,660	859,906	899,600	(39,694)
2018	270,716	254,771	289,785	135,978	951,249	900,000	51,249
Pre Covid 2019	286,227	224,951	351,722	142,309	1,005,209	900,000	105,209
2020	307,005	266,155	226,405	67,325	866,890	1,000,000	(133,110)
2021	203,964	183,960	294,432	175,836	858,192	500,000	358,192
2022	417,480	386,438	483,886	220,606	1,508,410	1,000,000	508,410
2023	417,588	386,967	493,775	207,903	1,506,233	1,500,000	6,233
2024	457,894	370,977	525,011	200,000	1,553,883	1,500,000	
Growth YOY 24-23	10%	-4%	6%	-4%	3%	Actual	Estimate
Growth YOY 23-19	60%	65%	49%	41%	55%		

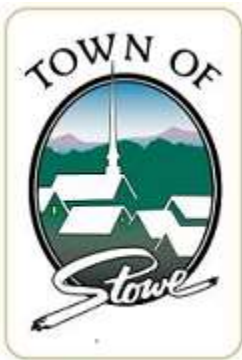
	Summer	Fall	Winter	Spring	
2010	28%	25%	35%	13%	38%
2011	27%	24%	36%	14%	39%
2012	28%	24%	34%	13%	39%
2013	28%	23%	36%	13%	37%
2014	27%	25%	34%	14%	41%
2015	27%	23%	35%	15%	44%
2016	30%	25%	29%	17%	59%
2017	30%	25%	29%	17%	59%
2018	28%	27%	30%	14%	47%
2019	28%	22%	35%	14%	40%
2020	35%	31%	26%	8%	30%
2021	24%	21%	34%	20%	60%
2022	28%	26%	32%	15%	46%
2023	28%	26%	33%	14%	42%
2024	31%	24%	34%	13%	

Year	LOT# of Returns	LOT# of Returns	LOT# of Returns	LOT# of Returns	LOT# of Returns
	1Q	2Q	3Q	4Q	Year
2015	449	394	395	400	1,638
2016	455	413	365	396	1,629
2017	489	433	424	384	1,730
2018	488	460	478	443	1,869
2019	553	535	529	431	2,048
2020	575	475	388	237	1,675
2021	387	371	413	329	1,500
2022	445	411	454	371	1,681
2023	479	418	466	419	1,782
2024	579	384	500		1,463
Growth YOY 24-23	21%	-8%	7%		

	Average Tax collected per return	Average Tax collected per return	Average Tax collected per return	Average Tax collected per return
	1Q	2Q	3Q	4Q
2015	\$ 484	\$ 466	\$ 698	\$ 305
2016	\$ 514	\$ 472	\$ 623	\$ 337
2017	\$ 519	\$ 502	\$ 601	\$ 348
2018	\$ 555	\$ 554	\$ 606	\$ 307
2019	\$ 518	\$ 420	\$ 665	\$ 330
2020	\$ 534	\$ 560	\$ 584	\$ 284
2021	\$ 527	\$ 496	\$ 713	\$ 534
2022	\$ 938	\$ 940	\$ 1,066	\$ 595
2023	\$ 872	\$ 926	\$ 1,060	\$ 496
2024	\$ 791	\$ 966	\$ 1,050	

Let me know if you have any questions.

Cindy



Cindy Fuller
 Finance Director
 Town of Stowe
 67 Main Street
 P.O. Box 730
 Stowe, VT 05672
 802-253-6140
 cfuller@stowevt.gov

Will Fricke

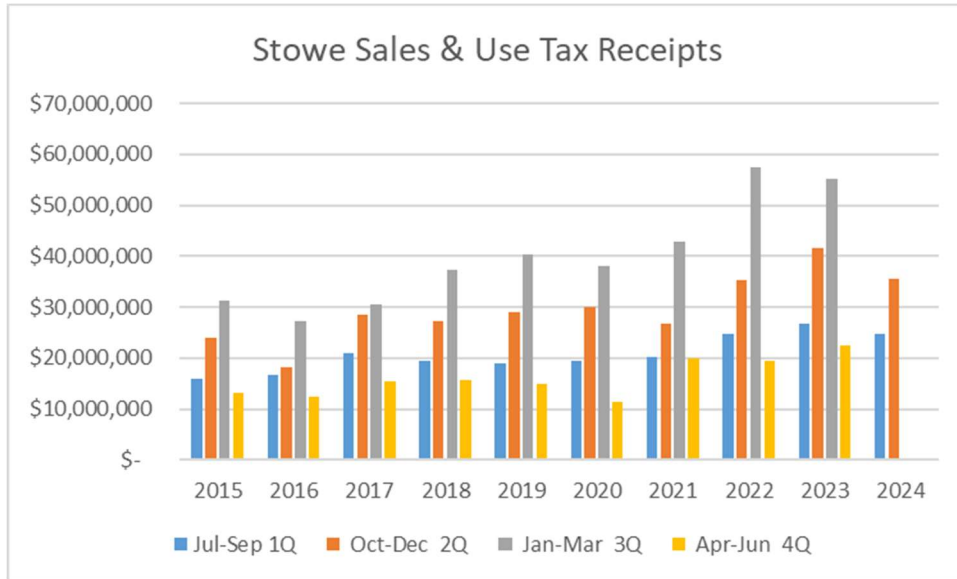
Subject: RE: Town of Stowe - Local Option Sales & Use Tax - 3rd Quarter FY 2024

From: Cindy Fuller <cfuller@stowevt.gov>
Sent: Monday, May 6, 2024 9:02 AM
To: Charles Safford <csafford@stowevt.gov>; Harry Shepard <hshepard@stowevt.gov>
Cc: Sandy Sabin <ssabin@stowevt.gov>; Bob McCarthy <bmccarthy@stowevt.gov>
Subject: Town of Stowe - Local Option Sales & Use Tax - 3rd Quarter FY 2024

Hello Charles & Harry,

Below is the Sales & Use Tax Receipt history for the Town of Stowe, these are total dollars taxed for sale of goods in the Town of Stowe.

The table below that is the percent of total year by quarter/season. The last posted receipts by the State of Vermont are through December 2023.



Sales & Use Tax % of Year based on Receipts					
	Summer	Fall	Winter	Spring	
2015	19%	28%	37%	16%	
2016	22%	24%	37%	17%	
2017	22%	30%	32%	16%	
2018	19%	27%	37%	16%	
2019	18%	28%	39%	14%	
2020	20%	30%	38%	11%	
2021	18%	24%	39%	18%	
2022	18%	26%	42%	14%	
2023	18%	29%	38%	15%	
2024					
Average %	20%	27%	38%	15%	100%

We received our third payment for the Local Option Sales & Use tax for the Town of Stowe, which is for the 3rd quarter FY 2024, January through March, at **\$458,764**.

Using the historical quarterly percent of collections data above, this could result in an annual rate of \$1,230,428 for Local Sales & Use Tax collections, versus our projected budget of \$700,000.

Year	Town of Stowe	Town of Stowe	Town of Stowe	Town of Stowe	Town of Stowe
	LOT Receipts	LOT Receipts	LOT Receipts	Stowe LOT Receipts	Stowe Fiscal Year Actual
	1Q	2Q	3Q	4Q	Total
2024	275,531	303,184	458,764	-	1,037,478
Budget	136,591	192,152	263,914	107,343	700,000
Potential Annual	275,531	303,184	458,764	192,950	1,230,428

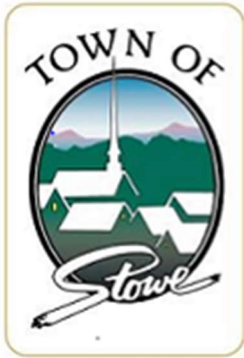
Year	LOT # of Returns	LOT # of Returns	LOT # of Returns	LOT # of Returns	LOT # of Returns
	1Q	2Q	3Q	4Q	Year
2024	6,507	4,272	5,263		16,042
	Average Tax collected per return	Average Tax collected per return	Average Tax collected per return	Average Tax collected per return	
	1Q	2Q	3Q	4Q	Year
2024	\$ 42	\$ 71	\$ 87		

As you can see there is great variability on the returns submitted, this can be due to the frequency that specific businesses are required to submit their returns. Large collectors must do it monthly, smaller collectors quarterly, and really small collectors are annually, seasonal businesses will also influence these collections.

These funds are deposited to the General Fund directly, anything above \$700,000 in FY 2024 will go to Unallocated Surplus.

Let me know if you have any questions.

Cindy



Cindy Fuller

Finance Director.

Phone: 802-253-6140

Or: 802-253-7350 ext 2227

Email :

cfuller@stowevt.gov

P.O. Box 730

67 Main Street

Stowe VT, 05672-0730

May 14 Advocacy Update: Op-Ed; Municipal Tax Sales, Open Meeting Law, Ethics

Find out what happened in the 11th hour and be sure not to miss Ted Brady's op-ed on the 2024 legislative session: [Municipal Officials Weather a Tough and Busy Legislative Session](#).

The flurry leading up to last week's legislative adjournment included the 11th-hour passage of several bills that affect municipalities. We will provide a comprehensive Legislative Session Wrap-Up once we have a chance to review all the municipally relevant bills and those which face a veto by Governor Scott. In the meantime, we know you have questions on some immediate impacts, and here we provide you with these important updates regarding Municipal Tax Sale, Open Meeting Law, and Ethics.

[H.629 – An act relating to changes to property tax abatement and tax sales](#)

This bill was sent to the governor on May 7, 2024, and Governor Scott is expected to sign it any day now. This bill takes effect upon passage (date of the governor's signature) with certain exceptions for properties already noticed for tax sale or in a redemption period prior to the effective date. Properties in the redemption period with more than 90 days remaining must meet new notices requirements. [Please see H.629 as passed page 64 for more information](#), submit an inquiry to [VLCT Municipal Assistance Center](#), and consult your tax sale attorney for specific guidance.

[S.55 – An act relating to authorizing public bodies to meet electronically under Vermont's Open Meeting Law](#)

This bill was passed on the last day of the session and still must be sent to the governor before it becomes law. The governor is expected to sign it. Regardless of when he signs, the effective date **will not be until July 1, 2024, and new training requirements don't go into effect until July 1, 2025**. After July 1, 2024, municipal advisory bodies will retain the ability to

meet virtually **or** in person **or** hybrid (a big victory for inclusive democracy). After July 1, 2024, municipal non-advisory bodies (legislative, budgetary, and quasi-judicial bodies) will no longer be able to meet virtually unless there are special circumstances (so-called “local incidents” or for emergency meetings). In addition, all municipal non-advisory bodies **will need to record their meetings** and post the recordings to a website for 30 days if they maintain one. There are “undue hardship” exemptions for many of the provisions that could relieve pressure on resource-challenged municipalities, though, candidly, VLCT is not sure how to interpret those just yet. VLCT has relied on a [summary of the bill](#) provided by Senator Ruth Hardy (Addison County), which may be of some assistance in interpreting the complex legal language. We know members have specific questions and concerns, and we will provide more information in the Legislative Session Wrap-Up in the coming weeks.

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This bill was passed on the last day of the session and must be sent to the governor before it becomes law. Governor Scott has not signaled his position on the bill, which passed largely on party lines in both the House and Senate. Should this bill become law, the new requirements placed on municipalities **don’t go into effect until January 1, 2025**, and the new training requirements **don’t go into effect until September 30, 2025**. The bill creates a new uniform municipal code of ethics that most municipal officers will need to follow; requires municipal legislative body members and quasi-judicial body members to take training; requires municipalities to take, investigate and enforce ethics complaints; and implements new record keeping and reporting requirements. Until next year, VLCT recommends that municipal officials continue operating under [existing conflict of interest and ethics law](#). In addition to the information we include in the upcoming Legislative Session Wrap-Up, keep an eye on the [State Ethics Commission website](#) – as the bill largely charges them with training and opinion services.

S.55 Open Meeting Law Update
Senator Ruth Hardy - March 19, 2024

Opening Meeting Law – generally applies to all public bodies, except the PUC, and during deliberations in connection with quasi-judicial proceedings. The Judicial and Legislative branches have their own rules for opening meetings, which are similar to the Open Meeting Law.

Public Body – any state, municipal, school district, or regional government board, council, or commission, including committees and subcommittees of these entities.

Non-Advisory Body – any public body that **does** have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters.

Advisory Body – any public body that **does not** have supervision, control, or jurisdiction over legislative, quasi-judicial, tax, or budgetary matters.

Meeting Modes by Type of Public Body

Type of Public Body	Examples	Mode of Meeting
State Level		
Non-Advisory Body	Board of Education, Green Mountain Care Board, Natural Resources Board, Cannabis Control Board, etc	Must meet in hybrid mode; Record & post for 30 days
Advisory Body	Opioid Settlement Advisory Committee, Clean Water Board, Livestock Care Standards Advisory Council, etc.	in-person, remote, or hybrid
Local/Regional Level		
Non-Advisory Body	Selectboard, City Council, School Board, CUD Board, Development Review Board, etc.	In-person or hybrid (remote with physical location); <u>If feasible</u> , must record & post for 30 days
Advisory Body	Committees of non-advisory boards, regional emergency management committees, town parks & rec or energy committees, etc.	in-person, remote, or hybrid

Request for Access to Meetings – all meetings of public bodies must be open to the public, except during executive session. If an advisory body is meeting fully remotely or fully in-person, or a local non-advisory body is meeting fully in person, a resident member of the public, member of the public body, or member of the press may request in-person or basic electronic or telephonic access to the meeting. Exceptions for emergency & special meetings and field visits.

State of Emergency or Local Incident – all public bodies may meet fully in-person or fully remotely during a declared state of emergency or local incident, such as a power or internet outage, public safety threat, weather event or natural disaster, etc.

Annual or Town Meetings – these are not meetings of public bodies and often include voting, so many of the open meeting law provisions do not directly apply. S.55 extends the periods during which public hearings prior to annual meetings may be held and requires that such hearings & informational meetings be recorded and posted for public viewing.

Working Group on Participation & Accessibility of Municipal Public Meetings & Elections – chaired by Secretary of State, with multiple stakeholders. Report in November 2025 on best practices, technical assistance & training, accessibility & participation issues, remote voting at annual meeting, etc.



To: Matthew Lillis
Stowe Mountain Resort
5871 Mountain Road
Stowe, VT 05672

Date: May 10, 2024

Memorandum

Project #: 58971.00

From: Jenn Conley, PE, PTOE
Evan Haugh, EIT

Re: Stowe Mountain Resort – Lot A Parking Expansion

Stowe Mountain Resort proposes to increase parking capacity in the resort's A Lots (A1, A2, and A3) between the gondola base terminal and Midway from 337 to 414 total spaces. This represents an additional 77 spaces in this area. These lots are currently paid parking on weekends and holidays and would remain so after expansion. This memo reviews trip generation and traffic impacts of the proposed expansion on the adjacent roadway network.

Existing Conditions

The Resort currently operates a two-tier parking system. The A Lots operate as pay parking, Friday through Sunday, (waived for carpools of 4+) and will continue to do so after expansion. The Resort actively manages parking using flaggers, digital message signs, and social media to direct guests to available lots. In addition to these measures to minimize unnecessary circulation, the Resort has monitored traffic at Mountain Road and the Mansfield Base exit for seven seasons, providing a record of peak hour traffic patterns on key holiday weekends.

On the busiest days, there is more pressure on parking capacity at the Mansfield area than remote lots. As areas fill, guests are first directed towards lots with remaining capacity (typically the Toll House and XC Center). When parking is fully exhausted, guests are turned back, which results in additional traffic along Mountain Road as they search for parking or return to drop off/pick up their group instead.

To address the issue of overcrowding, the Resort implemented the paid parking and carpool incentives beginning in the 22-23 season. While making progress, there are still days when demand exceeds availability of parking and patrons must be turned back. As a result, the Resort seeks to expand parking in the highest demand area.

Shuttle Usage

Green Mountain Transit operates the 108 Mountain Road Shuttle on a seasonal basis between the Stowe Village and Mansfield Base. While not all bus trips have an end at the resort, it is the major destination of the shuttle and overall ridership is a reasonable indicator of transit usage by skiers. The route is fare-free and promoted in visitor information from the Resort and Town.

Ridership has increased significantly with the implementation of the paid parking program, from 62,985 riders in the 2021/22 season to 92,042 in 2022/23. In the most recent season, ridership increased another 18% to 108,420 bus trips. In the 23/24 season, average Saturday boardings were 1,160 and average Sunday boardings were 1,021. Average daily two-way traffic on Mountain Road at VTrans' permanent counter north of the Toll Road was 7,484 on Saturdays and 6,759 on Sundays. This indicates a transit mode share of just over 13% for weekends last season. Despite improved ridership, vehicle trips to the resort on peak days have continued to rise at a similar rate. Much of this is carpool activity – over 40% of vehicles in paid lots this season were 4+ person carpools.

Traffic Volume Data

The resort has monitored traffic for the past seven seasons along Mountain Road on three holiday weekends per year. In the most recent season (23-24), traffic was counted on the Saturdays of Thanksgiving, New Years, and MLK weekends. Of these, New Years weekend was the busiest and is most representative of a peak day.

Turning movement counts were conducted at three intersections along Mountain Road, including at the base area parking exit, on Saturday December 30, 2023. The morning and afternoon peak hours were treated as the no-build baseline for a peak day. The morning peak hour at the intersection of Mountain Road with the Mansfield Base exit and Spruce Peak Road occurred from 8:00 to 9:00 AM with a total entering volume of 1,051 and the evening peak hour occurred from 3:30 to 4:30 PM with an entering volume of 1,236.

DHV Adjustment

As is standard engineering practice, VHB researched traffic volume data from the closest VTrans continuous traffic counter location within the area (L057). The data shows that during the ski season, the Saturday peak hours are typically higher than the 30th highest hour of the year, or the Design Hourly Volumes (DHV), which in 2023 was 943. The maximum hourly traffic at that location was 1,050 on December 30, 2023, therefore, the traffic volumes that were collected represent a conservatively high estimate of traffic volumes in the study area.

Proposed Expansion

The Resort's proposal creates 77 net additional parking spaces in the A Lots. These will be available to guests on the same terms (fee or carpool waiver) as the existing lots. This does not include any expansion of resort capacity (ski or overnight) and will not modify external accesses or the current circulation pattern.

Trip Impact

A trip generation analysis was conducted to estimate the increased number of vehicles that would enter and exit the A Lots under this proposed expansion. Monitoring data from last season was used to estimate arrival and departure rates during peak periods at the base area lots, which include the A lots. On park-out days when lots reach capacity and traffic would otherwise be turned back, the trip impact may in fact be negative because vehicles arriving to the base area will not have to circulate back down to lower lots. However, to be conservative, we have treated trips to the proposed spaces as new trips.

Trip Rates

During the morning peak hour of 12/30/23, 494 vehicles were counted entering the base area parking and 89 vehicles were recorded exiting. The public portion of these lots accounts for 1614 spaces, assuming no loss due to snowbanks, over-sized vehicles or poor parking patterns. Therefore, the resulting Saturday AM peak hour trip rates are 0.31 entering trips per parking space and 0.06 exiting trips per parking space.

During the afternoon peak hour, a total of 130 vehicles were counted entering the base area parking and 407 vehicles exited. Therefore, the resulting Saturday PM peak hour trip rates per space are 0.08 entering trips per parking space and 0.25 exiting trips per parking space.

New Lot A Trips

The proposed expansion would add 77 parking spaces to the existing A Lots. Applying the rates determined above to the additional parking capacity results in the following trip ends:

Table 1 Trip Generation

	Entering	Exiting
Saturday AM Peak Hour	24	5
Saturday PM Peak Hour	7	20

Intersection Capacity Analysis

Because the proposed expansion generates fewer than 75 trips, VTrans standards would indicate that no off site intersections would need to be studied. The impact elsewhere on the Mountain Road corridor will be minimal, with new trips equaling only 3% of the design hour volume at the continuous counter between the Toll House and Spruce Peak. However, the impact at the Mountain Road intersection with Luce Hill Road, about five miles south of the resort, was also evaluated.

Level of service (LOS) is an index of congestion and delay for a movement. LOS is an indication of driver discomfort, frustration, fuel consumption, and lost time. LOS is reported as a letter grade from A (free flow) to F (congested). Each LOS corresponds to a range of delay. These ranges, taken from the Highway Capacity Manual, are given in Table 2.

Table 2 Unsignalized Level of Service Key

Level of Service	Average Delay (sec)
A	≤ 10
B	> 10 and ≤ 15
C	> 15 and ≤ 25
D	> 25 and ≤ 35
E	> 35 and ≤ 50
F	> 50

The Spruce Peak/Mansfield Base exit and Luce Hill Road intersections with Mountain Road were evaluated under No Build (based on New Year’s Eve weekend of 2024) and Build conditions, with the additional parking spaces. The analysis was completed using Synchro 11 and the Highway Capacity Manual, 6th Edition for two-way stop-controlled intersections. Table 3 and Table 4 below compare traffic operations at the two intersections with and without the proposed Lot A expansion.

Table 3 AM Peak Hour Summary

Approach	No Build				Build			
	v/c ¹	Delay ²	LOS ³	Queue ⁴	v/c ¹	Delay ²	LOS ³	Queue ⁴
Mansfield Base/Spruce Peak								
Mansfield Base Exit, EB	0.16	12.6	B	15	0.17	12.7	B	15
Spruce Peak, WB	0.21	15.6	C	20	0.22	16.0	C	20
Mountain Road, NB	-	0.0	A	-	-	0.0	A	-
Mountain Road, SB	0.03	3.2	A	3	0.03	3.2	A	3
Luce Hill								
Luce Hill, EB	0.37	14.6	B	43	0.39	15	B	45
Mountain Road, NB	0.04	1	A	3	0.04	0.9	A	3
Mountain Road, SB	-	0.0	A	-	-	0.0	A	-

1 Volume to capacity ratio
 2 Delay expressed in seconds per vehicle
 3 Level of Service
 4 95th percentile queue length, feet

Table 4 PM Peak Hour Summary

Approach	No Build				Build			
	v/c ¹	Delay ²	LOS ³	Queue ⁴	v/c ¹	Delay ²	LOS ³	Queue ⁴
Mansfield Base/Spruce Peak								
Mansfield Base Exit, EB	0.76	29.9	D	168	0.80	33.1	D	190
Spruce Peak, WB	0.48	17.8	C	63	0.48	18.0	C	65
Mountain Road, NB	-	0.0	A	-	-	0.0	A	-
Mountain Road, SB	0.03	1.0	A	3	0.03	1.0	A	3
Luce Hill								
Luce Hill, EB	0.49	24.5	C	63	0.51	25.8	D	65
Mountain Road, NB	0.13	2.4	A	13	0.13	2.4	A	13
Mountain Road, SB	-	0.0	A	-	-	0.0	A	-

1 Volume to capacity ratio
 2 Delay expressed in seconds per vehicle
 3 Level of Service
 4 95th percentile queue length, feet

This analysis shows that additional trips would have very minor impacts, adding three seconds of delay to the parking lot exit movement during the peak hour of a peak weekend and less than one second of additional delay for other movements at the Mansfield Base/Spruce Peak intersection. There is negligible impact on Mountain Road traffic at the Luce Hill intersection, with less than two seconds additional delay for vehicles entering Mountain Road from Luce Hill Road. The Level of Service remains unchanged under the additional trip load, with Mountain Road maintaining a LOS A.

Conclusions

These additional 77 spaces proposed in the A Lots represent less than a 5% increase in public parking supply at the Mansfield Base. As noted above, the traffic impact of additional trips will be minimal, amounting to only three seconds greater delay exiting the parking lot on peak days. Because this is not accompanied by any resort capacity expansion, this will be more likely to redistribute trips among parking areas than add to total traffic. Impacts will not be seen except on peak days when parking would currently reach capacity.

Carpool rates and transit ridership demonstrate progress towards travel demand management, as intended by changes to parking policies. Even as these trends continue, traffic on peak days continues to increase incrementally year-over-year and some increase in parking supply will help meet that demand. This proposed expansion of the A Lots will help serve this demand that already exists today without creating unreasonable congestion or unsafe conditions on the Route 108 corridor.

CERTIFICATE OF SERVICE

I hereby certify that I, Daniel Heil, PE, sent a copy of the attached Stowe Lot A Traffic Memo dated 05/10/2024 in response to the "Incomplete Application" letter regarding land use permit application 5L1338(Altered)-41 dated March 11, 2024. This certificate has been sent on May 10, 2024, by email to the following individuals:

VR US Holdings II, LLC
Attn: Shannon Buhler
5781 Mountain Road
Stowe, VT 05672
sbuhler@vailresorts.com

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

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

Natural Resources Board
District 5 Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201
NRB.Act250Barre@vermont.gov

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

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

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

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



By: Daniel Heil
Project Manager
dheil@vhb.com

Exhibit List



**Natural Resources
Board**

Application #	5L0371-13
Applicant(s)	LC1 Owner Stowe VT LLC
Landowner(s)	LC1 Owner Stowe VT LLC
Project Town(s)	Stowe

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
000	2/29/24	000 Exhibit List	Applicant
001	2/29/24	001 Act 250 Application	Applicant
001a	2/29/24	001a Cover Letter	Applicant
002	2/29/24	002 Authorization/Signature form	Applicant
003	2/29/24	003 WW permit app receipt	Applicant
004	2/29/24	004 Stormwater Discharge permit app.	Applicant
005	2/29/24	005 Wetland permit app.	Applicant
006	2/29/24	006 Construction General app.	Applicant
007	2/29/24	007 Fish & Wildlife Correspondence	Applicant
008	2/29/24	008 Cabin Building Elevation- Sheet A101	Applicant
009	2/29/24	009 Cabin Building Elevation- Sheet A102	Applicant
009a	3/8/24	009a Cabin Building Elevation- Sheet A102 Rev	Applicant
010	2/29/24	010 Cabin Floor plan	Applicant
011	2/29/24	011 Hardscape plan	Applicant
012	2/29/24	012 Landscape plan	Applicant
013	2/29/24	013 Lighting Cut Sheet- Site Light- Bollard	Applicant
014	2/29/24	014 Lighting Cut Sheet- Cabin mounted	Applicant
015	2/29/24	015 Site plan	Applicant
016	2/29/24	016 EPSC Plan	Applicant
017	2/29/24	017 Zoning approval	Applicant
018	3/8/24	018 Applicant Response to Incomplete Letter	Applicant
019	3/8/24	019 3-8-24 EPSC Plan	Applicant
020	4/20/24	020 Vtrans Comments	VTrans
021	4/11/24	021 ANR Comments and COS	ANR
022	4/17/24	022 Applicant Acceptance of F&W Permit Condition	Applicant
023	4/17/24	023 ANR Supplemental Comments and COS	ANR
024	4/19/24	024 Stowe AWOL Master Plan Plantings L2of3	Applicant
025	5/3/24	025 Stormwater Permit 9719-9050	Applicant
026	5/3/24	026 Vtrans Permit 46464	Applicant
027		027	
028		028	
029		029	
030		030	
031		031	
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038		038	
039		039	
040		040	
041		041	



LAND USE PERMIT AMENDMENT

State of Vermont

Natural Resources Board

District 5 Environmental Commission

10 Baldwin Street

Montpelier, VT 05633-3201

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

[phone] 802-476-0185

CASE NO: 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 4/16/2024 (Exhibit 024);

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-5-0301-2, issued on March 29, 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 9719-9050), issued on May 3, 2024 by the Watershed Management Division of ANR.
 - d. Individual Wetland Permit, File Number 2021-0952, issued on April 9, 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 50-foot-wide buffer zones (which include the riparian zone for the unnamed tributary to the West Branch of the Little River). Permanent markers shall be installed along Class II wetland buffer zone boundaries as prescribed in the Individual Wetland Permit.
24. No project activities shall be conducted from December 15 to April 15 without prior written approval from the Vermont Fish & Wildlife Department.
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 and 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 May 6, 2024.

By /s/ Jeremy Reed
Jeremy Reed, Vice 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 and/or 10 Baldwin Street, Montpelier, VT 05633-3201.

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

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

CERTIFICATE OF SERVICE

I hereby certify that I, Lori Grenier, Natural Resources Board Technician, District 5 Environmental Commission, sent a copy of the foregoing **LAND USE PERMIT 5L0371-13** by U.S. Mail, postage prepaid, on this May 6, 2024 to the following individuals without email addresses and by electronic mail, to the following individuals with email addresses: **Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes.**

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

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

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

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

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

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

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

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

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

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



NOTICE

INITIAL ACT 250 APPLICATION FILING

Schedule G

State of Vermont
Natural Resources Board
District 5 Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201
[phone] 802-476-0185
<https://nrb.vermont.gov/>

Today's Date: May 7, 2024

Date Application Submitted: May 6, 2024

Date Application Received: May 6, 2024

Application Number: 100016-3

Stowe Town School District
Attn: Marlene Betit
413 Barrows Road
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:

Stormwater improvement project to meet Vermont's 3-Acre Rule which includes the installation of two gravel wetlands, a 3,600 square foot bioretention area, and new catch basins, yard drains, and manholes for stormwater management.

The project is located at 413 Barrows Road 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 (100016-3) can be viewed on the public Act 250 Database online (<https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=100016-3>).

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



State of Vermont
Natural Resources Board
District 5 Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201
[phone] 802-476-0185
<https://nrb.vermont.gov/>

May 8, 2024

Howard Killian
Greenprint Partners
17 N State Street #1400
Chicago, IL 60602
howard@greenprintpartners.com

Marlene Betit
Stowe Town School District
413 Barrows Road
Stowe, VT 05672
marlene.betit@lamoilesouth.org

Subject: Act 250 Land Use Permit Application 100016-3, Stowe Town School District,
Stowe: Incomplete Application; Additional Information Required.

Dear Recipients:

I reviewed the above-referenced application submitted on May 6, 2024. Pursuant to Act 250 Rule 10(D), the application will not be deemed complete until the following items are provided. Therefore, the time and notice requirements pursuant to 10 V.S.A. Chapter 151 (Act 250) will not be initiated.

1. Criterion 4: Please provide a site plan or plans that show the location and type of erosion control measures to be used during construction.¹ Presumably, such plan(s) will be prepared and submitted in connection with the application for the construction stormwater permit that you indicate is required for the project.

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) and copy all persons listed on the Certificate of Service attached to this letter.

¹ See *Application Guide* at 25, available at: <https://nrb.vermont.gov/documents/application-guide-act-250>.

- If the required documents add up to greater than 3 MB in size, upload them to the NRB's FTP site (GlobalScape: <https://gs.anr.vermont.gov>) (see the Act 250 Application Guide for instructions: <http://nrb.vermont.gov/documents/application-guide-act-250>). After you have uploaded documents to the NRB's FTP site, email the Act 250 regional email in-box (NRB.Act250Barre@vermont.gov) and the District Coordinator to inform them that the files have been uploaded.

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

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

Sincerely,

/s/ Kevin Anderson

Kevin Anderson

District Coordinator

Kevin.Anderson@vermont.gov

802-522-6074

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

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

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

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

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

CERTIFICATE OF SERVICE

I hereby certify that I, Lori Grenier, Natural Resources Board Technician, District 5 Environmental Commission, sent a copy of the foregoing "Incomplete Application" letter regarding land use permit application 100016-3 by U.S. Mail, postage prepaid, on this May 8, 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.

Stowe Town School District
Attn: Marlene Betit
413 Barrows Road
Stowe, VT 05672
marlene.betit@lamoillesouth.org

Greenprint Partners
Attn: Howard Killian
17 N State Street #1400
Chicago, IL 60602
howard@greenprintpartners.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

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



MEMORANDUM OF DECISION AND ORDER

Regarding Comment Period and Supplemental Information

State of Vermont
Natural Resources Board
District 5 Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201
[phone] 802-476-0185
<https://nrb.vermont.gov/>

John & Tina Springer-Miller
P.O. Box 1262
Stowe, VT 05672

CASE NUMBER:
5L0755-9, 5L0775-11

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

I. Introduction

On March 18, 2024, John and Tina Springer-Miller (“Applicants”) filed application 5L0755-9, 5L0775-11 for a project generally described as subdivision of a previously approved 33 +/- acre lot into Lot 4 of 27 +/- acres and Lot 4A of 5.2 +/- acres; establishment of a building zone on Lot 4; and modification of a previously approved building zone on Lot 4A (the “Project”). The Project is located off Luce Hill Road in Stowe, Vermont at 0 Poppi Bear Lane. The Applicants represent that, “no construction is proposed at this time.” Exhibit 001 at 4.

The District 5 Environmental Commission (the “Commission”) issued public notice of the application and a proposed permit for the Project on April 3, 2024. Condition 7 of the proposed permit states, “This permit amendment does not authorize any construction of improvements or vegetation clearing preparatory to construction.”

On April 25, 2024, the Agency of Natural Resources (“ANR”) submitted comments about Project impacts to necessary wildlife habitat and a request for an extension of the comment period to May 7, 2024. Exhibit 006.

Also on April 25, 2024, Covered Bridge Highlands Condominium Association, Inc. (Phase I), Covered Bridge Phase II Homeowners Association, Covered Bridge Phase III Homeowners Association, and Wildewood Homeowners Association, Inc. (Phase IV) (collectively, the “Covered Bridge HOAs”) each filed petitions for party status and hearing requests on the application for the Project. Exhibits 07, 08, 09, and 010. In their filings, the Covered Bridge HOAs state they oppose the Project, request that the Applicants make a threshold showing that Applicants are entitled to seek an amended permit in accordance with Act 250 Rule 34(E), and request party status and a hearing based on impacts to Project-abutting unit owners related to Act 250 Criteria 1 (air pollution), 5, 8 (aesthetics), and 10 (town plan).

On May 7, 2024, ANR requested a second extension to the comment period related to its assessment of impacts to necessary wildlife habitat, this time to May 24, 2024. Exhibit 011.

II. Request for Extension of Comment Period

The Commission finds ANR's request to extend the comment period to May 24, 2024 reasonable given the presence of deer wintering area on the Project tract. It therefore grants ANR's request.

III. Supplemental Information Request

Regarding access to Lots 4 and 4A, the Applicants represent that:

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.

Exhibit 001 at 4.

The application does not include a plan or map that shows how Lots 4 and 4A would be accessed as described above. The Commission determines that such a plan or map would be useful in resolving issues raised by the Covered Bridge HOAs and ANR. Additionally, copies of any existing easements, deed reservations, or other agreements concerning the Applicants' access rights to the Project tract and a copy of the Town of Stowe's Development Review Board decision regarding the Project would be similarly useful. Therefore, the Commission requests this information pursuant to Act 250 Rule 20.

The Covered Bridge HOAs do not identify any prior permit conditions or material representations on which they relied that necessitate the Rule 34(E) analysis they request. Further, it is unclear if the Covered Bridge HOAs appreciate the project involves no construction and that a permit amendment, preceded by an application containing information about construction-phase impacts, would be required to permit construction. The Covered Bridge HOAs should be given the opportunity to supplement their filings with information on these topics.

IV. Order

1. The comment period is extended to **May 24, 2024**.
2. The Applicant shall submit, on or before **May 31, 2024**:
 - a. A conceptual plan or map showing how Lots 4 and 4A would be accessed from public roads.

- b. Copies of any existing easements, deed reservations, or other agreements concerning the Applicants' existing access rights to the Project tract.
 - c. A copy of the Town of Stowe Development Review Board's decision regarding the Project.
3. The Covered Bridge HOAs may submit, on or before **May 31, 2024**:
- a. A list of prior permit conditions or material representations on which they relied and that bar the subdivision, building zone designation, or building zone modification proposed by the Applicants as part of the Project.
 - b. Supplemental explanation of impacts under Act 250 Criteria 1, 5, 8, and 10, considering the proposed permit does not authorize any construction of improvements.

The above requested information shall be submitted to the Commission office via email addressed to the Act 250 regional email inbox (nrb.act250barre@vermont.gov) or, if the required documents are larger than 3 MB in size, uploaded 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 uploading documents to the NRB FTP site, please email the Act 250 regional email in-box and the District Coordinator to inform them that the files have been uploaded. A certificate of service shall be attached to all submittals that identifies how, when, and to whom the submittals were distributed, as required by statute. Application review will continue after the application has been supplemented with the requested information.

The Commission promotes non-adversarial resolution of issues. To that end, the Applicants and Covered Bridges HOAs are encouraged to discuss their issues with each other prior to the submission of the information requested in this decision and order.

Please contact District Coordinator Kevin Anderson at (802) 522-6074 or kevin.anderson@vermont.gov with any questions about this decision and order.

Dated this May 14, 2024.

By /s/ Jeremy Reed
Jeremy Reed, Vice Chair
District 5 Commission

Commissioners 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 and/or 10 Baldwin Street, Montpelier, VT 05633-3201.

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

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

CERTIFICATE OF SERVICE

I hereby certify that I, Gina St. Sauveur, Natural Resources Board Technician, District 5 Environmental Commission, sent a copy of the foregoing **MEMORANDUM OF DECISION AND ORDER 5L0755-9,5L0775-11** by U.S. Mail, postage prepaid, on this May 14, 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.

John Springer-Miller
PO Box 1262
Stowe, VT 05672
jspringerm@aol.com
tspringerm@gmail.com

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

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

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

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

L. Brooke Dingledine
Valsangiacomo Detora & McQuesten
lbrooke@vdmlaw.com

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

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

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



State of Vermont
Natural Resources Board
District 5 Environmental Commission
10 Baldwin Street
Montpelier, VT 05633-3201
[phone] 802-476-0185
<https://nrb.vermont.gov/>

May 7, 2024

Michael Koch
Civil Engineering Associates, Inc.
10 Mansfield View Lane
South Burlington, VT 05403
mkoch@cea-vt.com

AWH Stowe Resort Hotel, LLC c/o AWH Partners, LLC
1040 Avenue of the Americas, 9th Floor
New York, NY 10018
rflicker@awhpartners.com

Subject: Act 250 Land Use Permit Application 5L0660-7, AWH Stowe Resort Hotel, LLC, Stowe:
Incomplete Application; Additional Information Required.

Dear Recipients:

I reviewed the above-referenced application submitted on May 1, 2024. Pursuant to Act 250 Rule 10(D), the application will not be deemed complete until the following items are provided. Therefore, the time and notice requirements pursuant to 10 V.S.A. Chapter 151 (Act 250) will not be initiated.

1. Criterion 1(E): The application form provides that applicants must show all streams *and their buffers* on a site plan. Please provide a site plan(s) that identifies the 50-foot-wide riparian zone for Peterson Brook and other unnamed streams in relation to the project. (Preceding permit amendments require the maintenance of 50-foot riparian buffers, measured from top of bank; see, *e.g.*, condition 12 of 5L0365-5.)
2. Criterion 6: Unless proposed dwelling units are age-restricted, please: (a) provide an estimate of the number of additional students who may attend local schools as a result of the project and an explanation of how this estimate was calculated; and (b) submit a school impact questionnaire. The questionnaire is available online at: <https://nrb.vermont.gov/documents/siq>.

3. Criterion 8: Please: (a) clarify whether any of the “internal directory/locating signs,” with locations to be determined, will be illuminated; and (b) confirm that no existing approved signage will be modified through this project.

Please complete your submission as follows:

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

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

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

Sincerely,

/s/ Kevin Anderson

Kevin Anderson

District Coordinator

Kevin.Anderson@vermont.gov

802-522-6074

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

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

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

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

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

CERTIFICATE OF SERVICE

I hereby certify that I, Lori Grenier, Natural Resources Board Technician, District 5 Environmental Commission, sent a copy of the foregoing "Incomplete Application" letter regarding land use permit application 5L0660-7 by U.S. Mail, postage prepaid, on this May 7, 2024 to the following individuals without email addresses and by electronic mail to the following individuals with email addresses:

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

AWH Stowe Resort Hotel, LLC
c/o AWH Partners, LLC
1040 Avenue of the Americas, 9
New York, NY 10018
rflicker@awhpartners.com

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

FOR INFORMATION ONLY

Civil Engineering Associates, Inc.
Attn: Michael Koch
10 Mansfield View Lane
South Burlington, VT 05403
mkoch@cea-vt.com

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

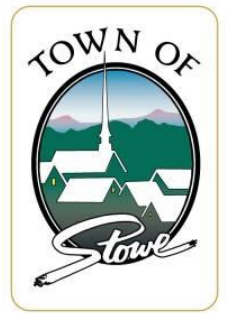
P. Mark D Angelo Construction Management, LLC,
Attn: Mark D Angelo
pmarkdangelo@gmail.com

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

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

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

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



**Town of Stowe
Development Review Board
Meeting Minutes – May 7th, 2024**

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A regular meeting of the Development Review Board was held on Tuesday, May 7th, 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, David Kelly, Mary Black, Peter Roberts, Patricia Gabel, Andrew Volansky

Staff Present: 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 5:00pm.

Development Review Public Hearings

Project #: 7210

Owner: Donald Barker Miller Revoc Trust & Susan Hazellet Miller Revoc Trust

Tax Parcel #: 11-207.000

Location: 298 Houston Farm Rd

Project: Setback Waiver for Residential Addition in Side Yard Setback

Zoning: RR2

Chair Clymer swore in participants Killian Bartolo, Heidi Miller, and Clay Thomas.

J. Bartolo introduced the project and explained why a waiver was needed for the proposed addition to the house. She stated that the north side of the home was the only valid option for where the addition could be located.

Chair Clymer asked C. Thomas if he had any opening comments.

C. Thomas stated that his clients are concerned about plans involving vegetation, the clearing of trees, and that they believe there is a discrepancy with the surveying that the applicant is using. The survey was not yet finalized, but the discrepancy could be up to two feet.

J. Bartolo responded the applicant had the property surveyed by Little River Survey, but they had not yet seen the new survey T. Clay is referencing.

Chair Clymer stated that the applicant is requesting a setback waiver, and under the regulations the proposal shall not exceed twenty percent of the dimensional requirement(s).

J. Bartolo stated that the setbacks are thirty feet, and they are requesting the setback be reduced to

43 twenty-six feet.

44

45 Chair Clymer asked if there was any clearing proposed.

46

47 J. Bartolo stated that there are two trees that they think will need to be cleared.

48

49 T. Hand asked if the four feet that the applicant is requesting was accounting for the roof overhang.

50

51 J. Bartolo stated that it was measured from the roof overhang.

52

53 M. Black stated with the potential of a two-foot discrepancy that the proposed addition would still
54 be within twenty percent of the setbacks.

55

56 C. Thomas stated that his client believes that one of the two trees is located on his property.

57

58 The applicants argued that the tree was on their property and showed photographs of the location.

59

60 Following submission of testimony and evidence, T. Hand motioned to close the hearing and direct
61 the Zoning Administrator to draft findings of fact in support of application #7210.

62

63 P. Roberts seconded the motion; the motion passed unanimously.

64 **Project #: 7343**

65 **Owner: Monica Wood**

66 **Tax Parcel #: 16-005.120**

67 **Location: 452 Sterling Woods Rd**

68 **Project: Lot Line Adjustment with Lots 12 & 13**

69 **Zoning: RR5**

70

71 Andrew Volansky recused himself.

72

73 Chair Clymer swore in Tyler Mumley.

74

75 T. Mumley introduced the project. He stated that they are requesting a lot line adjustment between
76 lots 12 and 13. Following the adjustment, Lot 12 would result in approximately eight acres and Lot
77 13 would result in just over five acres.

78

79 T. Mumley stated that a new building on Lot 13 could connect to the subdivision's wastewater
80 system.

81

82 T. Mumley stated that while the shape of the parcel is irregular, the lots cannot be subdivided
83 further so the shape will have very minimal impact on the surrounding area.

84

85 D. Kelly made a motion to approve the application as presented.

86

87 P. Gabel seconded the motion; the motion passed unanimously.

88 **Project #: 7353**
89 **Owner: Alain Youkel**
90 **Tax Parcel #: 08-033.160**
91 **Location: 960 Taber Ridge Rd**
92 **Project: Construct Addition to Existing Single-Family Dwelling in RHOD**
93 **Zoning: RR5/RHOD**

94
95 Chair Clymer swore in Michelle Young and Alain Youkel.

96
97 M. Young introduced the project. She explained the proposed addition would serve as an art studio
98 and bedroom suite, and it would match the architectural design of the existing house.

99
100 M. Young stated that the house is not visible from the three vantage points shown in the application.

101
102 Chair Clymer asked how the addition would impact peak stormwater.

103
104 A. Youkel stated that they feel the runoff will not be impacted because of the vegetation, and a ditch
105 at the bottom of the hill.

106 T. Hand motioned to have the Zoning Administrator draft findings of fact in support of project 7353.

107
108 M. Black seconded the motion; the motion passed unanimously.

109
110

111 **Project #: 7348**
112 **Owner: Marjorie & Gregory Kehr**
113 **Tax Parcel #: 07-104.020**
114 **Location: Werner Road**
115 **Project: Construct Single-Family Dwelling in RHOD**
116 **Zoning: RR5/RR2/RHOD**

117
118 Chair Clymer swore in Jeffrey Kershner, Greg Kehr, and Marjorie Kehr.

119
120 J. Kershner introduced the project and explained the lot has pre-approved clearing limits,
121 and existing water and wastewater.

122
123 T. Hand stated that the height of the house would have to be looked at more closely
124 because the height measurement should be taken from grade.

125
126 Chair Clymer stated that the proposed height of the house, 27 ¼ feet, is very close to the
127 limit of 28 feet and will need to be certified by an engineer after it is completed.

128
129 Chair Clymer stated that the property lies in a high priority block for wildlife.

130
131 J. Kershner stated that the subdivision created the fragmentation of the wildlife block. They
132 are seeking to construct a house on one of the previously approved lots. He explained that
133 the house would be on the very edge of the habitat block in question.

134

135 J. Kershner stated that the house will not be visible from external locations with the
136 clearing limits and existing tall trees.

137
138 A. Volansky expressed some apprehension with the height of the house and the retaining
139 wall.

140
141 T. Hand motioned for the Zoning Administrator to draft findings of fact in support of
142 project 7348.

143
144 M. Black seconded the motion. Chair Clymer, D. Kelly, P. Gabel, P. Roberts voted in favor of
145 the project, A. Volansky voted against.

146

147

148 **Other Business:**

149

150 None.

151

152 **Approval of Minutes:**

153

154 A motion to approve the meeting minutes from April 16th, 2024, was made by Chair Clymer. The
155 motion was seconded by M. Black and passed unanimously.

156

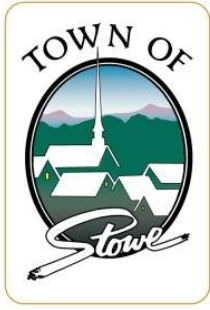
157 At 7:00pm the meeting was adjourned.

158

159 Respectfully Submitted,

160 Piper Van Kerkhove

161 Planning and Zoning Assistant



TOWN OF STOWE PLANNING COMMISSION Meeting Minutes May 6, 2024

The Town of Stowe Planning Commission held a regular meeting on **Monday May 6, 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, Heather Snyder, Bob Davison, Jill Anne, Brian Hamor, John

Muldoon, Chuck Ebel, and Neil Percy. Staff Sarah McShane was present. Walter Frame was also present.

Following technical difficulties, the meeting was called to order by Chair M.Lonetto shortly after 5:30 pm.

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

No public comments.

Annual Election of Chair & Vice Chair- Review Rules of Procedures

Per the Commission's Rules of Procedure, each May the Commission must elect a Chair and Vice-Chair to serve for a period of one year. B.Davison motioned to nominate M.Lonetto to serve as Chair and B.Hamor to serve as Vice-Chair. M.Lonetto mentioned that she has been serving as Chair for a number of years and wishes to nominate B.Hamor to serve as Chair for the coming year. N.Percy noted that the Commission used to rotate officers on an annual basis in years past. M.Lonetto motioned to elect B.Hamor as Chair, seconded by N.Percy. The motion passed unanimously. B.Hamor motioned to elect N.Percy as Vice-Chair. The motion was seconded by J.Anne and passed unanimously. B.Hamor will serve as Chair and N.Percy as Vice Chair beginning at the next meeting. Staff reminded members to review the Rules of Procedure each year as they govern the Commission's conduct for each meeting and expectations.

Review Prior Meeting Minutes [04/15/2024]

B.Davison motioned to approve the meeting minutes from April 15th. N.Percy seconded. The motion passed unanimously.

Stowe Town Plan Update – Continued Discussion

The Commission continued the discussion from the last meeting. Staff explained that she hoped the Commission could complete the following during the meeting: decide/finalize the project logo, confirm the general engagement framework, begin to review and prioritize plan elements and delegate certain sections to staff or other municipal boards and commissions, and finally review draft community survey. She explained that the community engagement process and town plan update process will run alongside one another but will be separate. She explained the engagement project is intended to inform the next Stowe Town Plan and help the Commission prepare updates. She recognized that some members might be less interested in the community engagement aspect and hoped that following tonight's meeting the Commission could focus primarily on the Town Plan update aspect. Members reviewed the revised project logos and were asked which one they preferred. The majority of members preferred option 'B' but with '2050' in red. Staff shared the tagline 'One shared community. One bright future' but members felt it was too corny and preferred a simple reference to the Town Plan update process. Members reviewed the overall engagement framework with early decision-making taking place now, broad engagement efforts and activities taking place throughout the summer, followed by specific questions and developing a revised vision and prioritizing actions to be completed in the fall. Members reviewed the engagement tools- community survey, graffiti walls, events, children's activities, open houses, etc. Staff provided an example from Woodstock, VT with a vision and identified themes. The Commission then reviewed the elements listed in Chapters 4 & 5. Staff explained that she had

reviewed each chapter and color-coded each topic area into blue, green, and red. Plan elements identified in blue indicate there is an existing appointed municipal board/commission with expertise that could tackle the necessary updates and develop recommendations for the Planning Commission to consider. Plan elements identified in green indicate there is a municipal department, board/commission, or other community group that the Commission should closely collaborate with. Red items are topics which staff recommends the Planning Commission should lead the conversation. The topics identified in red included transportation, economic development, housing, and land use/settlement patterns. Members discussed the manner in which Town Plan policies are used. Staff reminded the Commission of the recent micro-antenna planned to be located in the village and how the Commission may need to weigh competing interests. Members suggested grouping environmental quality and working landscapes together. M.Lonetto asked how the Commission should integrate climate resiliency. J.Muldoon suggested that it encompass broader community resiliency in terms of pandemics, flooding, climate, transportation, etc. B.Hamor asked how economic development and housing might be related and shared some of his recent conversations regarding short-term rentals. Members discussed the impacts of Act 47 within areas served by municipal water and sewer. Following discussion, the Commission prioritized the topics and agreed to tackle the topics in the following order: land use/settlement patterns, housing, transportation, and economic development. The Commission will dive into land use and settlement patterns during the next meeting and asked if DPW Director could attend. Members reviewed upcoming meeting schedule and agreed not to meet on July 1st. B.Hamor asked if Town-owned properties could be identified on the map showing sewer service area. Staff will prepare and gather information for the next meeting including the current land use map, existing zoning map, and other information.

Members briefly reviewed the community survey and were asked to provide comments to staff. The final survey will be presented to the Commission at a later meeting.

Updates/Correspondence/Other Business

M.Lonetto discussed the possibility of creating a housing subcommittee to continue to work on preparing zoning amendments related to housing. She noted there were zoning related items leftover from the Bylaw Modernization Grant that she would like the Commission to continue to pursue. N.Percy added that the next Town Plan may include some of the items mentioned and could be included as future implementation tasks. J.Muldoon suggested that maybe a subcommittee could focus on those certain areas to develop recommendations. He noted that the cannabis regulations began as interim rules that were later incorporated under the permanent zoning regulations. He suggested for the subcommittee to meet immediately prior to the regular Commission meetings. M.Lonetto suggested the Commission capitalize on the community's desire to participate. No action was taken to form a subcommittee but will be discussed again at a later meeting with specific tasks and an anticipated timeline.

Correspondence. Members were informed of Morristown's scheduled public hearings for Town Plan and Zoning Amendments.

Review Upcoming Meeting Schedule

Next PC Meeting Date- 5/20/2024.

The meeting adjourned at approximately 7:10 pm.

Respectfully submitted,

Sarah McShane, Planning & Zoning Director