

## Agenda Summary August 28, 2024

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

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**Storm Damage Update:** In order to be eligible for FEMA funding, the Governor has to advance a Major Disaster Declaration to the President. President Biden on August 20, 2024 approved the July 10 storm for the State of Vermont including Lamoille County. The Governor has also advanced the June 23 storm to the President for consideration to declare as a Major Disaster Declaration, but it has not been declared as of the preparation of this report (August 23).

The Town has three large projects remaining. The Depot Street culvert has is being repaired and is estimated to cost \$125,000 +/- . Staff is exploring a temporary bridge on North Hollow Road with a culvert replacement next year. The cost is estimated at \$200,000 for a temporary structure to ensure safe passage for the winter. A permanent structure is under design by an engineering consultant with no cost estimate to date. The Cemetery Road Bridge repairs are estimated at \$600,000 +/- and have been deferred to next year. This winter it will remain one lane. The Town is seeking FEMA assistance for these large projects, but their eligibility remains to-be-determined.

Staff has authorized the paving of roads related to storm damage but has put on hold our FY’25 paving program until we receive a declaration for both storms and have a determination of large project eligibility. If we do not receive FEMA funding for both storms and for these large projects, the town will have to absorb the expenditures, which may cause fiscal capacity issues. Also, even if there is FEMA funding, it can take several years for the Town to obtain reimbursement, so it may create cash flow issues.

**Volleyball and Baseball:** The Stowe co-ed volleyball has cancelled the remainder of their season due to field conditions resulting from flooding at Moscow Recreation Field. Staff will work with the Volleyball club to find a suitable location for future seasons. In addition, the fall season for the Stowe Youth Baseball Association has been cancelled due to field conditions at Memorial Park.

**Local option RMA and Sales:** The Local Option Tax Rooms, Meals & Alcohol for the 4th quarter FY 2024 (April-June) came in at \$232,619, up 12% from the level for last year. This is once again the highest quarter recorded thus far. We also received our third payment for the Local Option Sales & Use tax for the Town of Stowe, which is for the 4th quarter FY 2024, at \$240,770. The full year of Local Option Sales Tax Receipts for the Town of Stowe’s share is \$1,278,248 versus the budgeted revenue of \$700,000.

**Winooski River Watershed:** Enclosed is a letter detailing a Discovery meeting of FEMA’s Risk Mapping, Assessment, and Planning (Risk MAP) program where the scope of a Winooski River Watershed study was discussed – specifically that the West Branch Little River was identified as a key river in the watershed. The study will likely result in new special flood hazard maps for this watershed, and include smaller brooks and streams like the Gold Brook that are not currently mapped special flood hazard areas. This will likely impact a number of Stowe properties since we have considerable amount of existing development along these smaller streams and brooks.

**Federal Grants Subrecipient Report:** Enclosed is the annual report of Federal Grants approved for the Town of Stowe. This report shows the expenditures for each grant in the FY24 period, and in some cases for multiyear projects total expenditures were included for the reporting.

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

A proposed permit at Stowe Mountain Resort for the expansion of the existing parking at the "A Lots" (Lots A1, A2 and A3) adjacent to the Midway Base Lodge and Gondola at Stowe Mountain Resort. The expansion would increase available parking spaces from 337 spaces to 414 spaces (an additional 77 spaces). The project also involves the construction of two covered walkways connecting the parking lots and the construction of 3 new stormwater treatment features. The permit application was amended to include the relocation of a 40' x 22' building owned by the resort (formerly used as a ski hut) to a new site adjacent to the Mansfield snowmaking control building and an existing gravel parking lot to be repurposed as resort's new waste management facility. An existing concrete pad at the site will be lengthened to accommodate the placement of the trash compactor/loading dock. No additional earthwork is required. No existing parking spaces will be eliminated as a result of the project. VTrans does not recommend payment of a transportation impact fee as the application is an attempt to mitigate traffic congestion.

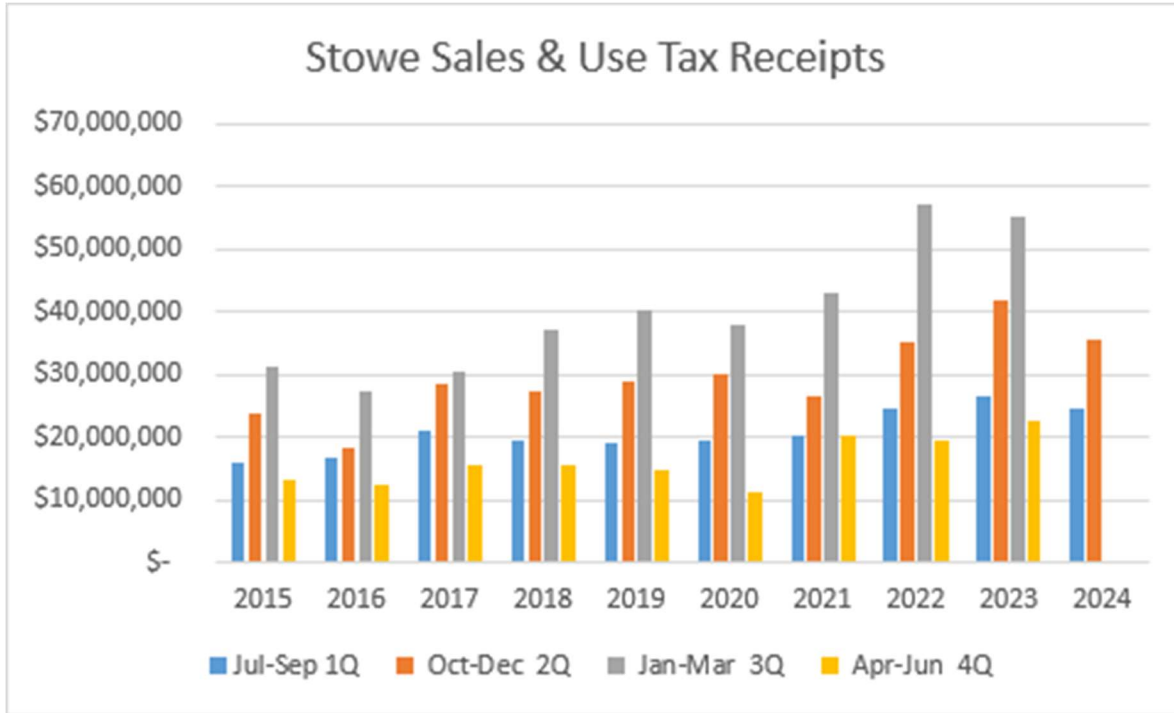
A proposed project at Topnotch Resort that consists of the construction of a three story, 31- unit, residential condominium building adjoining the existing hotel, with an underground parking garage for 38 vehicles. The project also includes the construction of a 140-seat assembly hall, an adjacent 12-seat boardroom, as well as an outdoor patio space. Additionally, the main resort lobby will be expanded, the existing restaurant will be renovated, and the existing parking area will be expanded to accommodate parking requirements for all the resort's services located on the easterly side of Route 108. The resort's existing pedestrian crossing as well as the pedestrian footbridge located on the resort's westerly side of Route 108 will also be upgraded. VTrans recommended the payment of an impact fee for the project.

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

- Development Review Board – August 6
- Planning Commission – August 5, August 19
- Conservation Commission – August 12
- Recreation Commission – August 7
- Historic Preservation Commission – August 7, August 21
- Cemetery Commission – April 16
- Housing Task Force – August 7
- Board of Listers – July 9 through July 23
- Electric Commission – July 24
- Energy Committee – July 24
- Board of Civil Authority – July 20, August 17, August 18

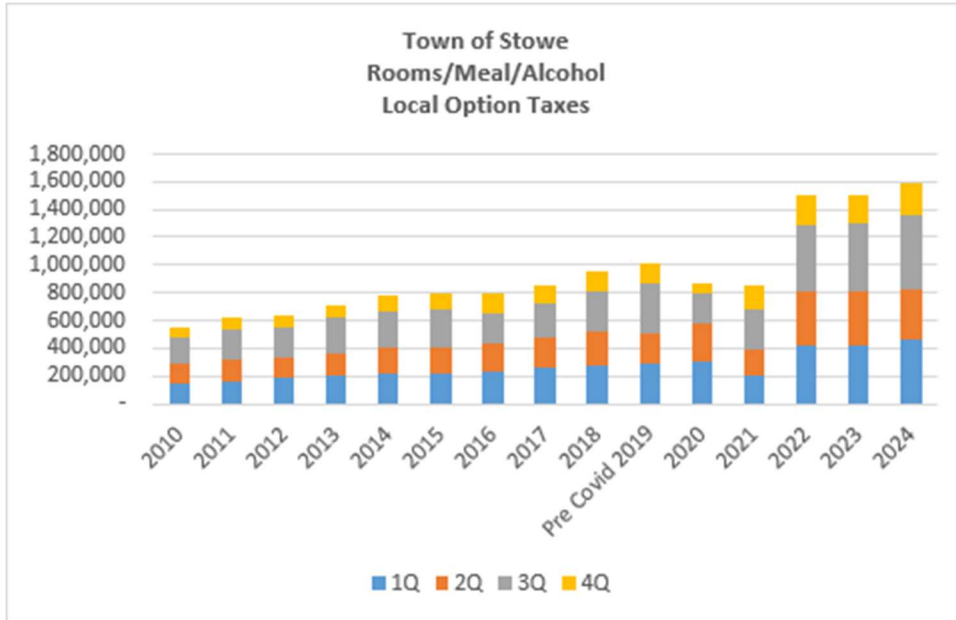
**Recommendation:** No action is necessary. This time is set aside to ask questions of a general nature and for the public to be heard on any issue not on the regular agenda that does not require Selectboard action and is of a non-personnel nature.

## Local Option Sales Tax Figures



| Year          | Town of Stowe<br>LOT Receipts<br>1Q | Town of Stowe<br>LOT Receipts<br>2Q | Town of Stowe<br>LOT Receipts<br>3Q | Town of<br>Stowe LOT<br>Receipts<br>4Q | Town of<br>Stowe Fiscal<br>Year Actual<br>Total | Town of<br>Stowe Fiscal<br>Year Forecast |
|---------------|-------------------------------------|-------------------------------------|-------------------------------------|----------------------------------------|-------------------------------------------------|------------------------------------------|
| 2024          | 275,531                             | 303,184                             | 458,764                             | 240,770                                | 1,278,248                                       | 700,000                                  |
| <b>Budget</b> | 136,591                             | 192,152                             | 263,914                             | 107,343                                | 700,000                                         |                                          |

# Local Option Rooms/Meals/Alcohol Tax Figures



| Year                    | Town of Stowe LOT Receipts 1Q | Town of Stowe LOT Receipts 2Q | Town of Stowe LOT Receipts 3Q | Town of Stowe LOT Receipts 4Q | Town of Stowe Fiscal Year Actual Total | Town of Stowe Fiscal Year Forecast | Variance to Forecast |
|-------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|----------------------------------------|------------------------------------|----------------------|
| 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               |
| <b>Pre Covid 2019</b>   | <b>286,227</b>                | <b>224,951</b>                | <b>351,722</b>                | <b>142,309</b>                | <b>1,005,209</b>                       | 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                    | <b>457,894</b>                | <b>370,977</b>                | <b>525,011</b>                | <b>232,619</b>                | <b>1,586,501</b>                       | 1,500,000                          |                      |
| <b>Growth YOY 24-23</b> | <b>10%</b>                    | <b>-4%</b>                    | <b>6%</b>                     | <b>12%</b>                    | <b>5%</b>                              | <b>Actual</b>                      | <b>Estimate</b>      |
| <b>Growth YOY 23-19</b> | <b>60%</b>                    | <b>65%</b>                    | <b>49%</b>                    | <b>63%</b>                    | <b>58%</b>                             |                                    |                      |



FEMA

July 26, 2024

Billy Adams, Chair, Selectboard  
Town of Stowe, VT  
Town Hall  
P.O. Box 730  
Stowe, Vermont 05672

Subject: Town of Stowe, Lamoille County, Vermont  
Community No.: 500066

Dear Mr. Billy Adams:

In partnership with the Federal Emergency Management Agency (FEMA), conducted a Discovery meeting for the Winooski River Watershed as part of FEMA's Risk Mapping, Assessment, and Planning (Risk MAP) program. The Winooski River Watershed is the 8-digit hydrologic unit code (HUC) 02010003. During the meeting, the USGS discussed areas of flooding concern and project goals, milestones, and products with a variety of stakeholders, including FEMA officials, state and community officials, and watershed interest groups.

The Discovery process marked the beginning of a Risk MAP project, and it assisted in identifying the scope of the Winooski River Watershed study. The Discovery meetings are part of the Discovery process, and the information exchanged between FEMA and communities within the counties during Discovery improved our understanding of flood hazard mapping and mitigation planning. At the Discovery meetings, we reviewed the flood risk data gathered to date. We also discussed your community's flooding history, flood risk concerns and mitigation. During the Discovery process, officials in your community may have provided information, comments, or questions to the USGS. If this is the case, responses to comments or questions are shown in Table 2.

At the website below, you can download a copy of the Winooski River Watershed Discovery Report, which collates information presented at the Discovery Meetings; information collected from communities prior to, at, and following the Discovery Meetings; and other information collected from other sources. Appendices to the report may be available upon request.

<https://doimspp.sharepoint.com/:f:/r/sites/GS-NEWENG-FEMARiskMAP-outreach/Shared%20Documents/General/Data/Winooski%20River%20Discovery%20Data?csf=1&web=1&e=ENHbq8>

Using this information that we collected during the Discovery process, **the following river in the Winooski River Watershed was selected for detailed study — The Winooski River, Brook No. 1, Mad River, North Branch Winooski River, Stevens Branch, Stevens Branch Bypass, Thatcher Brook, and West Branch Little River.** The scope of the engineering and mapping covered for each river reach in this project is summarized in Table 1. In addition to the reaches selected for detailed study, new approximate studies were conducted on all reaches in the study area (1) that did not have existing or proposed detailed studies and (2) either that had existing approximate studies or that drained a basin of at least 1 square mile.

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As discussed in the Discovery Meetings, FEMA's goal is to offer useful, credible data, and a fair process to help you make informed decisions to continue building a safer and stronger community. As such, we want to notify you of the engineering data models that are being used in FEMA's ongoing flood risk project. These engineering data models will form the basis for the proposed Special Flood Hazard Areas (SFHAs) that will be presented on the Flood Insurance Rate Map (FIRM). An SFHA is an area that is subject to inundation by the 1-percent-annual-chance flood (also called the base flood). Over time, water flow and drainage patterns on the selected reaches (Table 1) may have changed dramatically due to surface erosion, land use, and natural forces. Given these factors, the likelihood of flooding along these reaches may have increased or decreased over time, changing the SFHA designations.

Upon receipt of this notification, the communities affected by the selected reaches will have 30 days to consult with FEMA Regional Office staff (identified in the last paragraph of this letter) regarding the appropriateness of the models selected for the project. Communities will have additional opportunities to comment on and provide feedback about the models and other draft flood hazard information throughout the project. If there are uncertainties about the mapping data that have been collected and analyzed, a formal appeals process and period will be available to help resolve any remaining questions before the flood hazard information becomes effective.

Draft flood hazard information will be developed by FEMA's mapping partner, the USGS. USGS uses the engineering models shown in Table 1, which list the flooding sources under study, along with details regarding the selected models and the rationale for their use. The engineering models were selected based on a variety of factors including, but not limited to, the type of study performed (e.g., base or enhanced, shallow flooding, coastal, alluvial fan, etc.), the size of the drainage area affecting the flooding source, and the type of terrain present (e.g., flat, hilly, mountainous, etc.).

FEMA wants to ensure that the most up-to-date and accurate technical data are used to develop the flood risk products. FEMA relies on the community's feedback, partnership, and knowledge during this important project to determine the extent of flood risk in the communities affected by the selected reaches in Table 1 and to support efforts to reduce those risks. We look forward to working with community officials and other stakeholders to increase flood risk awareness and reduce the risk to life and property from flooding. Initial feedback will not affect any community's ability to provide feedback later or to formally appeal the flood hazard information during a future appeal period.

If your community is listed in Table 1 and you would like to discuss the modeling, please contact Scott Olson, the project manager, no later than June 14, 2024. We will consider all comments and suggestions received during this period about model selection.

Scott Olson  
U.S. Geological Survey  
331 Commerce Way  
Pembroke, NH 03275  
(603) 226-7815  
solson@usgs.gov

According to the selected models, the USGS is conducting detailed studies involving field surveys to obtain structural geometry and elevation data. Furthermore, new hydrologic and hydraulic analyses will provide new flood elevations. Be aware that you and residents in your communities may see USGS survey crews on the bridges, dams, and rivers. At the following website, you can view or download a copy of the flyer that the surveyors carry to inform the public of the project.

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<https://doimssp.sharepoint.com/:f:/r/sites/GS-NEWENG-FEMARiskMAP-outreach/Shared%20Documents/General/Data/Winooski%20River%20Discovery%20Data?csf=1&web=1&e=rqh7jr>

If you do not have immediate access to the project website, but would like access, please fill out this form.

<https://forms.office.com/Pages/ResponsePage.aspx?id=urWTBhhLe02TQfMvQApUIAaKIvshS1ZAsgzlc2HwDshUOVcyNVpPWDVVRDM0WUJJNEI4N1AwTTIIVyQIQCN0PWcu>

As this project continues, the USGS will be conducting a number of other meetings with the stakeholders in the Winooski River Watershed to communicate the progress of the project and to solicit comments about draft and preliminary products. After the Discovery meeting, the next meeting to be held will be the work map meetings. In the work map meetings, the USGS and FEMA will be meeting with officials from each community affected by the project scope to discuss the draft flood insurance rate map products – the work maps – for that community. Communities in the project scope can expect to receive an invitation to these meetings at least four weeks before their scheduled dates.

If you have any questions regarding the Discovery process and results, the selected reaches or models, or the planned work map meetings please contact Scott Olson, Project Manager, by e-mail (solson@usgs.gov) or by calling (603) 226-7815. Colleen Bailey is available to answer any questions at Colleen.Bailey@fema.dhs.gov.

Sincerely,

Kerry Bogdan  
Risk Analysis Branch Chief  
Mitigation Division  
FEMA Region 1

cc:

Scott Olson, Project Manager, U.S. Geological Survey

**Table 1: Detailed study reaches in Winooski River Watershed, Vermont**

| River                                                   | Communities                                                                                     | Limits of study                                                                                                          | Hydrologic model proposed                     | Hydraulic model proposed             | Model rationale                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Winooski River</b>                                   | Barre, Berlin, East Montpelier, Marshfield, Middlesex, Montpelier, Moretown, and Plainfield, VT | From Upstream limit of 2012 USGS model, Middlesex and Moretown, VT to Cabot/ Marshfield corporate limits, Marshfield, VT | Streamgage statistics (With ice jam analysis) | HEC-RAS one-dimensional steady       | USGS streamgages having at least 20 years of data are acceptable for hydrologic analyses. Regression equations are sufficient for the hydrologic analysis. Ice jams are a frequent form of flooding on this area.<br><br>One-dimensional, steady-flow hydraulic models are used where flow is modeled as steady in time, one-dimensional, and generally gradually varied in space, and where channel slope is generally less than 10%. |
| <b>All base-level engineering (approximate) reaches</b> | Multiple                                                                                        | Multiple                                                                                                                 | HEC-RAS two-dimensional rain-on-grid          | HEC-RAS two-dimensional rain-on-grid | Two-dimensional large-scale automated engineering methods are appropriate for approximate flood studies.                                                                                                                                                                                                                                                                                                                               |

**Table 2: Responses to comments and questions**

| Number | Submitted by                                         | Comment or question                                                                                                                                                                                                                                                             | Response |
|--------|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1      | Town of Bolton, VT                                   | Requesting a Zone AE (floodway) study for Gleason Brook in the Winooski River Tributary from 87 Boulder Wood Lane to the Winooski River. Reason being Flooding/High water has eroded the bank, putting a residential structure in danger, and Town Infrastructure also at risk. |          |
| 2      | Town of South Burlington, Town of Essex Junction, VT | The area does not have digital HEC-RAS modeling currently available. The 2011 effective hydraulic study for the Winooski River did not contain digital modeling for this section.                                                                                               |          |



|    |                           |                                                                                                                                                                                                                                                                                                         |  |
|----|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 3  | Town of Cabot, VT         | The Green Mountain Power Dam - Marshfield Reservoir studies were recently conducted if the dam breaks. This is a power generation dam and will control the flooding downstream. Study is available and they have looked at the mapping of the flooding extent.                                          |  |
| 4  | Village of Marshfield, VT | Town Hall and LOMC is removed from the SFHA. Area is flat and not much inundation. Would like to see detailed study in this area.                                                                                                                                                                       |  |
| 5  | Village of Marshfield, VT | Sewer System in this area is flat and not much inundation on the sewer plant. Survey work in this area would show where the flooding is. This area is near the sewer plant which was raised 6 – 7 feet. The community would like to see a detailed study in this area and is currently scoped for this. |  |
| 6  | Town of Stowe, VT         | West Branch of the Little River, the actual river is out of the flood zone and has moved around and meandered. A detailed study is recommended.                                                                                                                                                         |  |
| 7  | Town of Fayston, VT       | Split flow and complication mapping regarding the meandering brook and complex modeling. There is interest in having a detailed work in this area.                                                                                                                                                      |  |
| 8  | Town of Waitsfield, VT    | Field near the Waitsfield Telecom Building. More of the field floods and extends further out. May be due to the heavy rainfall or flow of the river. There is interest in residential development for this area even though it floods.                                                                  |  |
| 9  | Town of Waitsfield, VT    | There is a VTran study that has reoccurred. Discussions whether this area floods or not. Minor flooding and part of the VTran study does include stormwater plans here. Would be interesting to look at the flow of Mill Brook here as the elevation in this area is a shallow bowl.                    |  |
| 10 | Town of Fayston, VT       | There have been concerns from property owners, community members and Town officials regarding the accuracy of the maps of Mill Brook in the Town of                                                                                                                                                     |  |

|    |                                                      |                                                                                                                                                                                                                                                                                         |  |
|----|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|    |                                                      | Fayston from the Waitsfield town line to German Flats Road (3.7 miles). A new Zone AE-Detailed study is being requested by the Town of Fayston, VT.                                                                                                                                     |  |
| 11 | Town of Stowe, VT                                    | There was a floodplain restoration project along the west side of Rt 108 in the area of Thompson Park and Peace Path, approximately 0.2 miles south of Houston Farm Rd. constructed in the summer of 2016.                                                                              |  |
| 12 | Town of Huntington, VT                               | The areas have been highly eroded since last studied. Erosion and sedimentation may have affected the stream centerline and flood hazard areas, especially near the confluence of the tributaries with the Huntington River. A request for areas to be reviewed to ensure map accuracy. |  |
| 13 | Town of Huntington, VT                               | Please incorporate the most current NHD/VHD and double-check on current orthography. Specifically, please double check: (1) Huntington River, Huntington, Richmond.                                                                                                                     |  |
| 14 | Town of Waitsfield, VT                               | Mad River, intersection of Meadow Road and Route 100. Buildings along the effective AE have done a preliminary wetland review of this area that have been mapped incorrectly. Building at this location is above the BFE.                                                               |  |
| 15 | Town of Stowe, VT                                    | Please incorporate the most current NHD/VHD and double-check on current orthography. Specifically, please double check: (2) The West Branch of the Little River and Little River in Stowe                                                                                               |  |
| 16 | Town of Warren, Town of Waitsfield, Town of Moretown | Please incorporate the most current NHD/VHD and double-check on current orthography. Specifically, please double check: (3) The Mad River in Warren, Waitsfield and Moretown                                                                                                            |  |
| 17 | Town of Waitsfield, VT                               | There is planned development in this area. This is a recreation project with another bike bridge to go over Mill Brook. This area would have a central gathering area.                                                                                                                  |  |

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|           |                          |                                                                                                     |  |
|-----------|--------------------------|-----------------------------------------------------------------------------------------------------|--|
| <b>18</b> | Town of Williamstown, VT | Updates requested for all of Williamstown. Reason being " Maps have not been updated since 1970's". |  |
|-----------|--------------------------|-----------------------------------------------------------------------------------------------------|--|

## Cindy Fuller

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**From:** FIN - Subrecipient <FIN.Subrecipient@vermont.gov>  
**Sent:** Thursday, August 15, 2024 1:17 PM  
**To:** Cindy Fuller  
**Subject:** [EXTERNAL] Subrecipient Annual Report Submission

**Importance:** High

You don't often get email from fin.subrecipient@vermont.gov. [Learn why this is important](#)

Hello,

Thank you for your Subrecipient Annual Report submission. This email is to notify you that your submission has been received.

Below is a copy of your submission for your own records:

**Supplier ID#:** 40312

**Original:** Original

**Fiscal Year:** 2024

**Subrecipient Name:** Town of Stowe

**Subrecipient Address:** 67 Main Street Stowe VT 05672

**Single Audit Required?:** No

**Expected Completion Date:**

**Total Federal Expenditures:** 626846

**Primary Pass-Through Agency:** 07110 - Housing & Community Development

**Expenditure Details:**

20.205 Transportation Agency 08100-CA0703 \$33,370 20.205 Transportation Agency BO 1446 039 \$10,348 20.205 Transportation Agency \$10,240 45.310 Dept. of Libraries 01130 Courier.FY24 \$636 97.047 Public Safety 02140-31237-014 \$67,118 97.047 Public Safety 02140-31237MC-104 \$4,475 14.228 Housing & Community Development 07110-IG-2021-Stowe 01 \$350,000 97.047 Public Safety 08100-ER0155 \$122,202 97.047 Public Safety 08100-ER0?? \$25,636

**Name:** Cindy Fuller

**Title:** Finance Director

**Date:** 2024-08-15

**Phone #:** 802-253-6140

**Email Address:** cfuller@stowevt.gov

**Digital Signature:** I certify to the best of my knowledge, the above information is correct.

Thank you for your submission.

**\*\* WARNING \*\***

This message originated from an external email account. Do not click links or open attachments unless you recognize the sender and know the content is safe.



# ACT 250 NOTICE

## MINOR APPLICATION 5L1338(Altered)-41

### 10 V.S.A. §§ 6001 – 6111

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

On February 20, 2024, Application 5L1338(Altered)-41 was filed by VR US Holdings II, LLC and the VT Department of Forests, Parks, and Recreation for the expansion of the existing parking at the "A Lots" (Lots A1, A2 and A3) adjacent to the Midway Base Lodge and Gondola at Stowe Mountain Resort. The expansion would increase available parking spaces from 337 spaces to 414 spaces (an additional 77 spaces). The project also involves the construction of two covered walkways connecting the parking lots and the construction of 3 new stormwater treatment features. The project is located at 198 Mansfield Base in Stowe, Vermont.

The District 5 Environmental Commission is reviewing this application under Act 250 Rule 51 - Minor Application Procedures. This application can be viewed on the Act 250 Database:  
[https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=5L1338\(Altered\)-41](https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=5L1338(Altered)-41) .

No hearing will be held, and a permit may be issued unless, on or before **August 13, 2024**, a person notifies the Commission of an issue or issues requiring the presentation of evidence at a hearing, or the Commission sets the matter for a hearing on its own motion. Any person as defined in 10 V.S.A. § 6085(c)(1) may request a hearing. Any hearing request must be in writing, must state the criteria or sub-criteria at issue, why a hearing is required and what additional evidence will be presented at the hearing. Any hearing request by an adjoining property owner or other person eligible for party status under 10 V.S.A. § 6085(c)(1)(E) must include a petition for party status under the Act 250 Rules. To request party status and a hearing, fill out the Party Status Petition Form on the Board's website: <https://nrb.vermont.gov/documents/party-status-petition-form>, and email it to the District 5 Office at: [NRB.Act250Barre@vermont.gov](mailto:NRB.Act250Barre@vermont.gov). Prior to submitting a request for a hearing, please contact the District Coordinator listed below for more information. Prior to convening a hearing, the Commission must determine that substantive issues requiring a hearing have been raised. Findings of Fact and Conclusions of Law will not be prepared unless the Commission holds a public hearing.

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

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

Dated this 22nd day of July 2024.

By: /s/ Susan Baird  
Susan Baird, District Coordinator  
District 5 Environmental Commission  
802-522-6428  
[susan.baird@vermont.gov](mailto:susan.baird@vermont.gov)

## CERTIFICATE OF SERVICE

I hereby certify that I, Lori Grenier, Natural Resources Board Technician, District 5 Environmental Commission, sent a copy of the foregoing **ACT 250 NOTICE FOR MINOR APPLICATION 5L1338(Altered)-41** by U.S. Mail, postage prepaid, on July 22, 2024 to the following individuals without email addresses and by electronic mail, to the following with email addresses:

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

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

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

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

### **FOR INFORMATION ONLY**

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

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

Lamoille County Forester  
Rick.dyer@vermont.gov

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

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

VHB, Attn: Victor Amesoeder  
vamesoeder@vhb.com

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

### **ADJOINING LANDOWNERS**

56 Turner Mill LLC  
77 E Broadway  
South Boston, MA 02127

Stowe Mountain Resort, Attn:  
Matthew Lillis  
mlillis@vailresorts.com

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

Adventure Triple LLC  
24 Livermore Road  
Wellesley, MA 02481

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

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

Allraum Thomas & Mary  
749 Crandon Blvd #11  
Key Biscayne, FL 33149

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

Vermont Agency of Transportation  
AOT.Act250@vermont.gov

Armstrong Karen E Revoc Trust  
595 Old Country Road  
Stowe, VT 05672

Lamoille County Planning  
Commission  
Seth@lpcvt.org  
georgeana@lpcvt.org

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

Berg Jennifer N  
21 Cedar Road  
Chestnut Hill, MA 02467

Biello Family Revoc Trust  
7 Marshall Way  
Rehoboth, MA 02769

Blundell Blake  
898 Mountain Estates  
Hyde Park, VT 05655

Cole Kimberly C  
19 Grove Street  
Winchester, MA 01890

Irwin John N III, Droppa Jane  
201 Tresser Blvd Suite 300  
Stamford, CT 06901

Boardman Scott Fredrick  
136 Deforest Road  
Burlington, VT 05401

Coty Lewis & Audrey P  
256 Falls Brook Lane  
Stowe, VT 05672

Johnson Lois E  
3323 Nebraska Valley Road  
Stowe, VT 05672

Bocklet Charlene B  
1056 Old Post Road  
Cross River, NY 10518

Dalmasse Diane P  
1032 Nebraska Valley Road  
Stowe, VT 05672

Lake Mansfeild Trout Club  
4400 Nebraska Valley Road  
Stowe, VT 05672

Bruce Trail Cabin LLC  
80 Industrial Trail Parkway  
Burlington, VT 05401

Domont LLC  
99 Old Mill Road  
Rochester, NY 14618

Lane Michael D Revoc Trust  
381 S Union St  
Burlington, VT 05401

Caliban Properties LLC  
PO Box 819  
Stowe, VT 05672

Galamia House LLC  
11 Keywaydin Drive Suite 100  
Salem, NH 03079

Lintilhac LLC  
886 Northgate Road  
Shelburne, VT 05482

Camelot Stowe LLC  
PO Box 7950  
Portland, ME 04112

Goldfine Jesse & Tracy  
1083 Nebraska Valley Road  
Stowe, VT 05672

Little Snowshoe LLC  
11 Keewaydin Drive Suite 100  
Salem, NH 03079

Camp Dudley At Kiniya LLC  
1317 Camp Kiniya Road  
Colchester, VT 05446

Goldstein James A  
56 Beaver Road  
Weston, MA 02493

Little Spruce Holdings LLC  
200 Brattle St  
Cambridge, MA 02138

Carroll Daniel E & Jill E  
915 Nebraska Valley Road  
Stowe, VT 05672

Gosselin Elizabeth  
3093 Nebraska Valley Road  
Stowe, VT 05672

Livieri Samuel Sr & Nancy T  
145 Northrop Road  
Woodbridge, CT 06525

Casey Michael  
370 Newhaven Drive  
Fayetteville, GA 30215

Groat Ryan M  
901 Nebraska Valley Road  
Stowe, VT 05672

Lookout Holdings LLC  
200 Brattle St  
Cambridge, MA 02138

Choumenkovitch Nicolas  
375 Clinton Road  
Brookline, MA 02445

Harris Jeremy T  
197 Woodville Road  
Falmouth, Me 02043

Lotuff Mary  
118 High St  
Bristol, RI 02809

Cignola Joseph & Patricia  
122 Lintilhac Lane  
Stowe, VT 05672

Innamorati Albert J & Judith W  
763 Nebraska Valley Road  
Stowe, VT 05672

Macdonald Robert R  
209 Gosport Road  
Portsmouth, NH 03801

Malm David P  
220 Boylston St #9009  
Boston, MA 02116

Nimitz Elizabeth W Trustee  
10909 Ashmont Court  
Glen Allen, VA 23059

Starr CV & CO INC  
PO Box 8529  
New York, NY 10150

Mcmorris Clare T  
601 Maplewood Road  
Wayne, PA 19087

Nominee Trust Services  
77 Newbury St 4th Floor  
Boston, MA 02116

Stowe Mountain Club LLC  
7320 Mountain Road  
Stowe, VT 05672

Merson Howard C & Caren M  
5502 Mountain Road  
Stowe, VT 05672

Paradee Andrew D  
1187 Nebraska Valley Road  
Stowe, VT 05672

Sweeney Brian S  
161 Cornerstone Drive  
South Windsor, CT 06074

Mortimer Caroline  
200 Brattle St  
Cambridge, MA 02138

Phaneuf Eric  
97 Falls Brook Lane  
Stowe, VT 05672

Switchback Peak LLC  
61 Governors Way  
Madison, CT 06443

Morton Diana Harborough  
1480 Drift Road  
Westport, MA 02790

Robin Christopher A  
5390 Mountain Road  
Stowe, VT 05672

Tabors Robert D  
208 Beacon St  
Boston, MA 02116

Mountain Cabins Homeowners'  
Association, INC  
7320 Mountain Road  
Stowe, VT 05672

Roskam William B III  
9 Turner Mill Lane  
Stowe, VT 05672

Taylor Robert E JR & Sandra L  
170 Windsor Road  
Waban, MA 02468

Mountain Glen Homeowners  
Association, INC  
PO Box 914  
Stowe, VT 05672

Roth Aleta  
987 Spruce Peak Road  
Stowe, VT 05672

The Club Residence at Spruce Peak  
Owners Association, INC  
7320 Mountain Road  
Stowe, VT 05672

Mt. Mansfield Co LLC  
7320 Mountain Road  
Stowe, VT 05672

Safain Gita  
72 Lord Hill Lane  
Old Lyme, CT 06371

The Glades LLC  
800 Crosswind Drive  
Charlotte, VT 05445

Mt. Mansfield Townhouse  
Association Of Owners  
PO Box 914  
Stowe, VT 05672

Slen Joshua N  
5500 Mountain Road  
Stowe, VT 05672

The Lodge Condominium  
Homeowners Association, LLC  
PO Box 914  
Stowe, VT 05672

Nebraska Valley Properties LLC  
112 South Main Street #226  
Stowe, VT 05672

Spruce Mountain Holdings LLC  
200 Brattle St  
Cambridge, MA 02138

Touchette Eugene Trust  
1342 Waterbury Road  
Stowe, VT 05672

Spruce Peak Reality LLC  
7320 Mountain Road  
Stowe, VT 05672

Trapp Family Lodge INC  
PO Box 142  
Stowe, VT 05672



Certificate of Service 5L1338(Altered)-41  
Page 5

Tucker Luther JR  
7700 Bloomfield Road  
Easton, MD 21601

State of Vermont Dept of Forest  
Park & Recreation  
103 South Main St  
Waterbury, VT 05676

State of Vermont Agency of  
Natural Resources  
103 South Main St  
Waterbury, VT 05676

University of Vermont, C/O Real  
Estate Manager  
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Burlington, VT 05405

Walker David L  
805 Nebraska Valley Road  
Stowe, VT 05672

Wallace Jonathan R  
PO Box 257  
Pride's Crossing, MA 01965

Welch Michael W & Sarah N  
84 Whipple Road  
Kittery, ME 03904

Winkelman James K  
124 Robinson Pkwy  
Burlington, VT 05401

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



# LAND USE PERMIT AMENDMENT

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

This is a **PROPOSED** permit; please submit any written comments to Susan Baird, District Coordinator at [susan.baird@vermont.gov](mailto:susan.baird@vermont.gov) and [NRB.Act250Barre@vermont.gov](mailto:NRB.Act250Barre@vermont.gov) by **August 13, 2024**.

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

1. Stormwater Discharge Permit issued by the ANR Watershed Management Division.

VR US Holdings II, LLC  
Attn: Shannon Buhler  
5781 Mountain Road  
Stowe, VT 05672  
and

VT Department of Forests, Parks, and  
Recreation  
Attn: Danielle Fitzko  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3801

PERMIT NUMBER: 5L1338(Altered)-41

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

The District 5 Environmental Commission hereby issues Land Use Permit Amendment 5L1338(Altered)-41, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 978, Page 1 and Book 28, Pages 467-468 of the land records of Stowe, Vermont as the subject of a deed to VR US Holdings II, LLC and the State of Vermont, respectively.

This permit specifically authorizes the expansion of the existing parking spaces at the "A Lots" (Lots A1, A2 and A3) adjacent to the Midway Base Lodge and Gondola at Stowe Mountain Resort. The expansion would increase available parking spaces from 337 spaces to 414 spaces (an additional 77 spaces). The project also involves the construction of two covered walkways connecting the parking lots and the construction of 3 new stormwater treatment features (gravel wetlands) The project is located at 198 Mansfield Base in Stowe, Vermont.

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

1. The Permittees and their assigns and successors in interest are obligated by this permit to complete, operate, and maintain the project as approved by the District Commission (the "Commission") in accordance with the following conditions.
2. The project shall be completed, operated, and maintained in accordance with the conditions of this permit, and the permit application, plans, and exhibits on file with the Commission. In the event of any conflict, the terms, and conditions of this permit [and the conclusions in the findings] shall supersede the approved plans and exhibits. The approved plans are:
  - Sheet C0.00 – "Cover Sheet", dated 7/5/23 (Exhibit 3)
  - Sheet C1.00- "Legend and General Notes", dated 7/5/23 (Exhibit 4)
  - Sheet EX1.00 - "Existing Conditions Plan", dated 7/25/23 (Exhibit 5)
  - Sheet C2.00 - "Overall Site Plan", dated 7/25/23, last revised 11/27/23 (Exhibit 6)
  - Sheet C2.01 and C2.02 "Grading and Drainage Plan", dated 7/25/23, last revised 11/27/23 (Exhibits 7 and 8)
  - Sheet C4.00 – "EPSC Notes and Narrative", dated 7/25/23 (Exhibit 9)
  - Sheet C4.01 – "EPSC Plan", dated 7/25/23 (Exhibit 10)
  - Sheet C6.00 – "EPSC Details", dated 7/25/23 (Exhibit 11)
  - Sheet C6.01 – "Stormwater Details", dated 7/5/23, last revised 11/27/23 (Exhibit 12)
  - Sheet C6.02 – "Site Details", dated 7/25/23, last revised 11/27/23 (Exhibit 13)
  - Sheet LA1.00 – "Planting Plan", dated 7/25/23, last revised 11/27/23 (Exhibit 14)
  - Sheet LA5.01 – "Planting Details", dated 7/25/23, last revised 11/27/23 (Exhibit 15)
  - "Parking Lot Stairs Cover Sheet", dated 4/12/23 (Exhibit 16)
  - Sheet A-100 – "Parking Lot Stairs Plans and 17 Elevations", dated 12/17/22, last revised 11/30/23 (Exhibit 17)
  - Sheet A-500 – "Details", dated 12/17/22, last revised 12/18/23 (Exhibit 18)
  - Sheet S1.0 – "General Notes and Details", dated 4/12/23 (Exhibit 19)
  - Sheet S1.1 – "Stair Bridge Foundation and Framing Plans", dated 4/12/23 (Exhibit 20)
  - "Natural Resources Map", dated 5/23/23 (Exhibit 24)
  - "NRCS Prime Agricultural Soils", dated 12/21/23 (Exhibit 25)
3. All conditions of Land Use Permit 5L1338(Altered) and amendments are in full force and effect except as further amended herein.
4. The Permittees shall comply with the conditions of the Authorization of Stormwater Discharge Notice of Intent under General Permit 3929-9050.6 issued on January 5, 2024 by the ANR Watershed Management Division.

5. The Permittees shall comply with the conditions of the Authorization to Discharge Stormwater Permit 3929-INDC.4 (NPDES Number VTS007370), issued on **DATE** by the ANR Watershed Management Division.
6. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
7. A copy of this permit and plans shall be on the site at all times throughout the construction process.
8. No change shall be made to the design, operation, or use of this project without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit amendment is not required.
9. No further subdivision, alteration, or development on the tract of land approved herein shall be permitted without a permit amendment issued by the Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
10. Pursuant to 10 V.S.A. § 8005(c), the Commission or the Natural Resources Board may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.
11. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittees and their successors and assigns.
12. Construction hours shall be limited to Monday through Friday from 7:00 AM to 6:00 PM, and Saturday from 8:00 AM to 5:00 PM. There shall be no construction on Sunday or State and Federal holidays.
13. To control dust, the Permittees shall apply and maintain water and/or other agents approved by the Watershed Management Division in the project's Erosion Prevention and Control Plan on all roadways or disturbed areas during construction and until pavement and/or vegetation is fully established.
14. The Permittees shall comply with Exhibits 7-13 for erosion prevention and sediment control. The Permittees shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced, and maintained until vegetation is permanently established on all slopes and disturbed areas.
15. 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.
16. 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.

17. All disturbed areas of the site shall be stabilized, seeded, and mulched immediately upon completion of final grading.
18. A copy of the approved erosion prevention and sediment control plan shall be on the site at all times during construction.
19. In addition to conformance with all erosion prevention and sediment control conditions, the Permittees shall not cause, permit, or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittees from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
20. The Permittees shall maintain an undisturbed, naturally vegetated riparian zone on the project tract along the West Branch of the Little River which shall begin at the water's edge at base flow conditions, and shall further extend 50 feet measured inland from, perpendicular to, and horizontally from the Top of Bank as depicted on Exhibits 5 and 6. The term "undisturbed" means that there shall be no activities that may cause or contribute to ground or vegetation disturbance or soil compaction, including but not limited to construction, earth-moving activities, storage of materials, tree trimming or canopy removal, tree, shrub, or groundcover removal; plowing or disposal of snow, grazing, or mowing.
21. The Permittees shall maintain an undisturbed, naturally vegetated Class II wetland and 50-foot wetland buffer zone on the project tract as depicted on Exhibit 24. The term "undisturbed" means that there shall be no activities that may cause or contribute to ground or vegetation disturbance or soil compaction, including but not limited to construction, earth-moving activities, storage of materials, tree trimming or canopy removal, tree, shrub, or groundcover removal; plowing or disposal of snow, grazing, or mowing.
22. The Permittees and all assigns and successors in interest shall continually maintain the landscaping as approved in Exhibits 14 and 15 by replacing any dead or diseased plantings as soon as seasonably possible.
23. The relocation of exterior light fixtures is limited to those approved in Exhibits 6, 17, and 18. All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated.
24. The Permittees shall provide each prospective purchaser of any interest in this project a copy of the Land Use Permit amendment before entering into any written contract of sale.
25. Pursuant to 10 V.S.A. § 6090(b)(1), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittees has not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).

26. All site work and construction [shall be completed in accordance with the approved plans by October 15, 2027, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without a public hearing.
27. The Permittees shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittees shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.
28. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated this    day of        2024.

By \_\_\_\_\_  
Donald Marsh, Chair  
District 5 Environmental Commission

Commissioners participating in this decision:  
Gary Nolan  
Francine Perkins

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

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

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

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

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

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



# LAND USE PERMIT ADMINISTRATIVE AMENDMENT 5L1338(Altered)-42

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

VR US Holdings II, LLC,  
Attn: Shannon Buhler  
5781 Mt Road  
Stowe, VT 05672

PERMIT NUMBER:  
5L1338(Altered)-42  
LAW/REGULATIONS INVOLVED:  
10 V.S.A. §§ 6001 – 6111 (Act 250)  
Act 250 Rule 34(D)

The District 5 Environmental Commission hereby issues Land Use Permit Amendment 5L1338(Altered)-42 pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 978, Page 1 of the land records of Stowe, Vermont. This permit specifically authorizes the relocation of a 40' x 22' building owned by the resort (formerly used as a ski hut) to a new site adjacent to the Mansfield snowmaking control building and an existing gravel parking lot to be repurposed as resort's new waste management facility. An existing concrete pad at the site will be lengthened to accommodate the placement of the trash compactor/loading dock. No additional earthwork is required. No existing parking spaces will be eliminated as a result of the project. Trucks will back into the loading dock and exit through the resort's existing internal roadways onto Route 108. The building itself will undergo a small renovation consisting of new flooring, the relocation/widening of the existing door and the removal of the exterior deck to be rebuilt in a new location. The floor drain in the one bathroom will be connected to an existing wastewater manhole located just a few feet away from the building's new location.

1. This permit hereby incorporates the conditions of Wastewater System and Potable Water Supply Permit WW-5-1126-2 issued on July 25, 2024 by the Drinking Water and Groundwater Protection Division, Department of Environmental Conservation, Agency of Natural Resources.
2. The project shall be completed, operated, and maintained in accordance with the conditions of this permit and the permit application, plans, and exhibits on file with the Commission. In the event of any conflict, the terms and conditions of this permit shall supersede the approved plans and exhibits. The approved plans are:
  - Sheet A100 – “Building Location/Building Floor Plan” dated 6/7/24 (Exhibit 3)
  - Sheet A200 – “Exterior Elevations”, dated 6/7/24 (Exhibit 3)
3. No vegetation or tree removal is authorized herein.



4. At a minimum, the Permittee shall comply with the Department of Environmental Conservation's Low Risk Site Handbook for Erosion Prevention and Sediment Control (February 2020).
5. All site work and construction shall be completed in accordance with the approved plans by October 15, 2027, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without a public hearing.
6. Except as amended herein, all terms and conditions of Land Use Permit 5L1338 and subsequent amendments remain in full force and effect.

Dated this 31st day of July 2024.

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

This permit is issued pursuant to Act 250 Rule 34(D), Administrative Amendments, which authorizes a district coordinator, on behalf of the District Commission, to "amend a permit without notice or hearing when an amendment is necessary for record-keeping purposes or to provide authorization for minor revisions to permitted projects raising no likelihood of impacts under the criteria of the Act." The rule also provides that all parties of record and current adjoining landowners shall receive a copy of any administrative amendment.

Prior to any appeal of this Administrative Amendment to the Superior Court, Environmental Division, the applicant, or a party must file a motion to alter with the District Commission within 15 days from the date of this Administrative Amendment, pursuant to Act 250 Rule 34(D)(2).

## CERTIFICATE OF SERVICE

I hereby certify that I, Lori Grenier, Natural Resources Board Technician, District 5 Environmental Commission, sent a copy of the foregoing **ACT 250 LAND USE PERMIT AMENDMENT 5L1338(Altered)-42** by U.S. Mail, postage prepaid, on this July 31, 2024 to the following individuals without email addresses and by electronic mail, to the following individuals with email addresses:

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

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

VR US Holdings II, LLC  
Attn: Robert Apple  
15 Winter Street  
Montpelier, VT 05602  
rapple6@comcast.net

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

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

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

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

August 13, 2024

Sue Baird  
District Coordinator  
10 Baldwin Street  
Montpelier, Vermont 05633

**Re: 5L1338(Altered)-41, VR US Holdings II, LLC and VT Department of Forests, Parks, and Recreation –  
Stowe**

Dear Ms. Baird:

VTrans has reviewed the proposed permit and the most recent traffic memo (Exhibit 029, VHB Lot A Traffic Memo 2024-05-10) for the above application and offers the comment below.

The proposed project is generally described the expansion of the existing parking at the "A Lots" (Lots A1, A2 and A3) adjacent to the Midway Base Lodge and Gondola at Stowe Mountain Resort. The expansion would increase available parking spaces from 337 spaces to 414 spaces (an additional 77 spaces). The project also involves the construction of two covered walkways connecting the parking lots and the construction of 3 new stormwater treatment features. The VHB traffic memo had stated the resort actively manages parking with an array of services including social media, flaggers, and digital message signs. Even with this coordination, there are peak skiing times out of the year where drivers are directed back down the mountain when the parking lots reach capacity.

It is unclear if the added spaces will mitigate the existing traffic or generate additional "new" traffic, by changing the behavior and patterns of the existing traffic. It is possible that increasing the parking spaces may help accommodate the current traffic and possibly lessen queues on Rte. 108/Mountain Road. However, it is also possible the extra parking spaces would encourage existing skiers, that were utilizing the shuttle service, to drive instead and attempt to park on the mountain and thus increase traffic on Rte. 108/Mountain Road. There is no way to know what the possible result will be from adding additional parking spaces. It should also be noted that the addition of parking spaces would appear to be contrary to the philosophy of a more multimodal solution for the Rte. 108/Mountain Road corridor where the intent is that more people could access the resort and surrounding businesses but not necessarily by car.

**Post Monitoring**

The VHB traffic memo has stated that the resort monitors traffic and manages parking during the winter season. Since it is relatively unknown whether the addition of the parking spaces will or will not ease the congestion on Rte. 108, it would be prudent to have the applicant facilitate a post monitoring study if the new spaces are approved. The traffic memo stated that on the busiest days, the resort turns back excess cars at the mountain parking lot because the lot was full. There should be a post monitoring study that would do a similar count once the spaces are built to monitor the days, if any, vehicles are turned back and what those "turn back" numbers are.

Should the additional parking spaces at the Stowe Mountain Resort's **A Lots** be approved:

**Recommended Condition:**

*Upon completion of the **A Lots** expansion, the resort shall facilitate a post monitoring study for all Mansfield parking lots noting the dates, approximate times of day, and volume of the vehicles that have been turned around to go back down the mountain. These numbers should also include vehicles that have been turned around to go to the lower remote lots (The Toll House and Cross-Country Center Lots).*

**Recommended Condition:**

*If parking and traffic overflow at the Mansfield parking lots of Stowe Mountain Resort continues to occur with vehicles being required to go down the mountain to find alternative parking, then the resort will work with the town, VTrans, Green Mountain Transit, and the regional planning commission to determine the appropriate mitigation measures to ameliorate the adverse condition. The resort will be responsible for procuring such mitigation measures. If an agreement cannot be reached, the District Commission will determine the appropriate mitigation or additional conditions.*

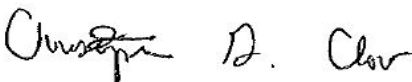
The goal should still be to get more people up to the top of the mountain and not necessarily more vehicles. Additional parking may serve some of the parking capacity issues at the top of the mountain, but it continues to have those vehicles contribute to congestion and safety concerns on the Rte. 108/Mountain Road corridor. A more robust transit/shuttle service in conjunction with other possible complimentary mitigation measures should be developed to suit the growing demand of the resort populace without adding excess vehicles to the corridor.

**Act 145 Transportation Impact Fee**

Based on our review of this permit application, VTrans does not recommend payment of a transportation impact fee pursuant to Act 145. The additional parking spaces described in this application are attempting to mitigate the traffic congestion of excess trips travelling back down the mountain that is currently created by the existing land use. It is not proposing a new land use such as a building or development that typically creates new primary trips.

Please contact me with any questions or comments at 802-522-4901 or [christopher.clow@vermont.gov](mailto:christopher.clow@vermont.gov)

Sincerely,



Christopher G. Clow, PE  
Transportation Engineer

cc: Certificate of Service

CERTIFICATE OF SERVICE #5L1338(Altered)-41

I, Christopher Clow, of the Agency of Transportation hereby certify that on August 13, 2024, I sent a comment letter to the District #5 Environmental Commission concerning the applicant, VR US Holdings II, LLC., 5L1338(Altered)-41, by U.S. Mail, postage prepaid or by email to the following:

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

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

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

VHB, Attn: Victor Amesoeder  
[vamesoeder@vhb.com](mailto:vamesoeder@vhb.com)

Stowe Mountain Resort  
Attn: Matthew Lillis  
[mlillis@vailresorts.com](mailto:mlillis@vailresorts.com)

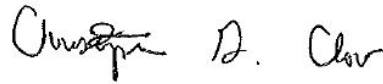
Stowe Selectboard  
PO Box 730  
Stowe, VT 05672  
[wfricke@stowevt.gov](mailto:wfricke@stowevt.gov)

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

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

Agency of Natural Resources  
One National Life Drive, Davis 2  
Montpelier, VT 05602-3901  
[ANR.Act250@vermont.gov](mailto:ANR.Act250@vermont.gov)

Dated at Montpelier, Vermont this 13th day of  
August 2024.



Christopher G. Clow, PE  
Vermont Agency of Transportation



ACT 250 NOTICE  
MINOR APPLICATION 5L0660-7  
10 V.S.A. §§ 6001 – 6111

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

On May 1, 2024, Application 5L0660-7 was filed by AWH Stowe Resort Hotel, LLC dba Topnotch Resort for the construction of a three story, 31- unit, residential condominium building adjoining the existing hotel, with an underground parking garage for 38 vehicles. The project also includes the construction of a 140-seat assembly hall, an adjacent 12-seat boardroom, and outdoor patio space. Additionally, the main resort lobby will be expanded, the existing restaurant will be renovated, and the existing parking area will be expanded to accommodate parking requirements for all of the resort's services located on the easterly side of Route 108. Finally, the existing pedestrian crossing, and the pedestrian footbridge located on the resort's westerly side of Route 108 will be upgraded. The project is located at 4000 Mountain Road in Stowe, Vermont.

The District 5 Environmental Commission is reviewing this application under Act 250 Rule 51 - Minor Application Procedures. This application can be viewed on the Act 250 Database:  
<https://anrweb.vt.gov/ANR/Act250/Details.aspx?Num=5L0660-7>.

No hearing will be held, and a permit may be issued unless, on or before **August 19, 2024**, a person notifies the Commission of an issue or issues requiring the presentation of evidence at a hearing, or the Commission sets the matter for a hearing on its own motion. Any person as defined in 10 V.S.A. § 6085(c)(1) may request a hearing. Any hearing request must be in writing, must state the criteria or sub-criteria at issue, why a hearing is required and what additional evidence will be presented at the hearing. Any hearing request by an adjoining property owner or other person eligible for party status under 10 V.S.A. § 6085(c)(1)(E) must include a petition for party status under the Act 250 Rules. To request party status and a hearing, fill out the Party Status Petition Form on the Board's website: <https://nrb.vermont.gov/documents/party-status-petition-form>, and email it to the District 5 Office at: [NRB.Act250Barre@vermont.gov](mailto:NRB.Act250Barre@vermont.gov). Prior to submitting a request for a hearing, please contact the District Coordinator listed below for more information. Prior to convening a hearing, the Commission must determine that substantive issues requiring a hearing have been raised. Findings of Fact and Conclusions of Law will not be prepared unless the Commission holds a public hearing.

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

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

Dated this 29th day of July 2024.

By: /s/ Susan Baird  
Susan Baird, District Coordinator  
District 5 Environmental Commission  
802-522-6428  
[susan.baird@vermont.gov](mailto:susan.baird@vermont.gov)



## CERTIFICATE OF SERVICE

I hereby certify that I, Lori Grenier, Natural Resources Board Technician, District 5 Environmental Commission, sent a copy of the foregoing **ACT 250 NOTICE FOR MINOR APPLICATION 5L0660-7** by U.S. Mail, postage prepaid, on July 29, 2024 to the following individuals without email addresses and by electronic mail, to the following with email addresses:

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

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

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

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

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

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

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

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

### **FOR INFORMATION ONLY**

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

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

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

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

Vermont Agency of Transportation  
Barre City Place  
AOT.Act250@vermont.gov

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

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

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

Lamoille County Forester  
Rick.dyer@vermont.gov

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

### **ADJOINING LANDOWNERS**

PBF, LLC, Attn: Edward French,  
Esq.  
PO Box 819  
Stowe, VT 05672

Mountain House LLC  
228 Aviation Ave, Suite 200  
So. Burlington, VT 05403

Robert Gill  
29 Norwalk Ave  
Westport, CT 06880

Pearston, Heather, Attn: Glenn  
Vine  
623 Rt 28  
Harwich Port, MA 02646

Hutchinson, George, Attn: George  
Hutchinson  
PO Box 2102  
Wofeboro, NH 03894

Mt. Mansfield Winter Academy  
Inc.  
PO Box 3269  
Stowe, VT 05672

Eduardo Rovetto  
3538 Mountain Rd  
Stowe, VT 05672

3430 Mountain Road LLC  
228 Aviation Ave, Suite 200  
So Burlington, VT 05403

Green Mountain Experience, LLC  
1940B Mountain Rd  
Stowe, VT 05672

Denarius Holdings, LLC  
1006 1/2 Sunset Ave.  
Asbury Park, NJ 07712

KJVT LLC  
PO Box 1507  
Stowe, VT 05672  
Little River Holdings, LLC  
PO Box 514  
Stowe, VT 05672

Percy Farm Trust, Attn: Paul  
Percy, Trustee  
29 Percy Hill Rd  
Stowe, VT 05672

Charles & Janet Perkins  
80 So. Cove Rd  
Burlington, VT 05401

Brown, Edward & Mally, Ellen,  
Attn: Ronald & Tina Sherwood  
16 Patridge Dr.  
Hingham, MA 02043

Serdia, Sonya, Attn: Sunjay Berdia  
291 Brook Rd  
Stowe, VT 05672

Berdia Properties, LLC  
11211 Marwood Hill Rd  
Potomac, MD 20854

George Smith  
217 Brook Rd  
Stowe, VT 05672

Nancy Lavanway  
9 West Branch Lane Ext.  
Stowe, VT 05672

Sean Cain  
126 Underhill Rd  
Scarsdale, NY 10583

Cashman VT Inn, LLC  
549 So. Street  
Quincy, MA 02169

Charles & Janet Perkins  
80 So Cove Rd.  
Burlington, VT 05401

S & R Maclellan Living Trust, Attn:  
Christopher & Ryoko Maclellan  
6960 108th ST, Apt 710  
Forest Hills, NY 11375

Carole Malcolmson  
72 Fresh Pond Lane  
Cambridge, MA 02138-4641

Pamela Marsh  
73 Highland Ave.  
Chatham, MA 02633

Ziegler, Jeffrey, Attn: Rebecca  
McCann  
24 Sheafe St.  
Boston, MA 02113-1235

Antonio & John Devito  
4080 Mountain Rd  
Stowe, VT 05672

Charles & Janet Perkins  
80 So Cove Rd.  
Burlington, VT 05401

Town of Stowe  
PO Box 730  
Stowe, VT 05672

Family Trust, Attn: Janda  
Glouchevitch  
415 S. Cliffwood Ave  
Los Angeles, CA 90049

Philip Glouchevitch  
3 Prospect St.  
Hanover, NH 03755

Alisa Bernat  
228 Mendon St.  
Upton, MA 01568

Caner Vermont Realty Nominee  
Trust  
Attn: Daniel Caner  
1327 E 1st St.  
Bloomington, IN 47401-5101

President for Topnotch  
Townhouse Condo.-Cluster A  
Association, Inc.  
Attn: Peter Meenan  
11 Knollwood Dr  
Scotia, NY 12302

President for Topnotch  
Townhouse Condo.-Cluster B  
Association, Inc.  
Attn: Jamie Satterthwaite  
300 Beacon St. #5  
Boston, MA 02116



President for Topnotch  
Townhouse Condo.-Cluster C  
Association, Inc.  
Attn: Lester Temkin  
1679 N Eagle Ridge Path  
Hernando, FL 34442

President for Topnotch  
Townhouse Condo.-Cluster D  
Association, Inc.  
Attn: Joel & Debra Benson  
1600 S. Ocean Blvd, Unit 1701  
Pompano Beach, FL 33062

President for Topnotch  
Townhouse Condo.-Cluster E  
Association, Inc.  
Attn: Alan Slootsky  
155 E Boca Raton Rd, #1111  
Boca Raton, FL 33432

President for Topnotch  
Townhouse Condo.-Cluster F  
Association, Inc.  
Attn: Sally Watts  
43A Atwood St.  
Wellesley, MA 02482

AWH TN Unit 460, LLC  
Attn: c/o AWH Partners, LLC  
1040 Avenue of Americas, 9th  
Floor  
New York, NY 10018

Katherine & Alexander Pintair  
8001 Williston Rd  
Williston, VT 05495

Joyce Fellner  
8 Burton  
Montreal, QC C H3Z1J7

Leeanne & TJ Hudson  
242 Fieldstone Lane  
Saunderstown, RI 02874

AWH TN Unit 463, LLC  
Attn: c/o AWH Partners, LLC  
1040 Avenue of Americas, 9th  
Floor  
New York, NY 10018

Menlo Maple, LLC  
161 Three Islands Rd  
Colchester, VT 05446

Linda Pinchiaroli  
8335 38th ST. Cir E., Unit 302  
Sarasota, FL 34243

Topspin Prop., LLC  
4000 Mountain Rd., #466  
Stowe, VT 05672

Derek & Laura Maggiacomo  
24 Duffy Dr.  
Newburyport, MA 01950

Tom & Jennifer Hanley  
49 Cartwright Rd  
Wellesley, MA 02482

Peter & Linda Meenan  
11 Knollwood Dr.  
Scotia, NY 12302

Rob & Karen Millman  
4 Barry Rd  
Scarsdale, NY 10583

Debra & Joel Benson  
1600 S. Ocean Blvd, Apt 1701  
Pompano Beach, FL 33062

Gema LLC  
137 West Canton St., #2  
Boston, MA 02127

Kevin & Mary Sutherby  
228 Berkley Rd  
Devon, PA 19333

Simon Terechin  
460 Humphrey St.  
Swampscott, MA 01907

Brian & Philena Kaplan  
192 W 7th St., #4  
Boston, MA 02481

Justin St. Jean  
40 Pleasant St.  
Charlestown, MA 02129

Jamie & Jenn Satterthwaite  
300 Beacon St. #5  
Boston, MA 02116

Bradley, Kate, Attn: John  
Rowlands  
500 Twaddell Mill Rd.  
Wilmington, DE 19807

Jonathan & Brenda Lopatin  
186 Riverside Dr., #16B  
New York, NY 10024

Mathamel, Martin, Attn: Judy  
Yang  
998 So Main St., #131  
Stowe, VT 05672

Nicholas & Naomi Parent  
158 Westview Dr.  
Shelburne, VT 05482

Lester & Cynthia Temkin  
1679 N Eagle Ridge Path  
Hernando, FL 34442

Joel & Debra Benson  
1600 S. Ocean Blvd  
Pompano Beach, FL 33062

Corinne Planche  
190N. Main St., Ste 102  
Natick, MA 01760

Mark Wilder  
136 Goden St  
Belmont, MA 02478-2924

Golden Getaway LLC  
Attn: Brian & Mary Elizabeth  
Girvan  
6 Tucks Point Rd  
Manchester, MA 01944

Cashel Vermont Properties, LLC  
65 Orchard Ave  
Weston, MA 02493

James & Christine Lenehan  
1586 Hampton Rd  
Rydal, PA 19046

Brian & Chiara Fecteau  
561 Brackett Rd  
Rye, NH 03870

Damien & Maggie Chaviano  
1428 Commonwealth Ave  
W. Newton, MA 02465

Chad & Ashley Remis  
568 East Fifth Ave  
Boston, MA 02127

AWH TN Unit 571B LLC  
Attn: c/o AWH Partners, LLC  
1040 Avenue of Americas, 9th  
Floor  
New York, NY 10018

580A Topnotch, LLC  
30 Pilgrim Rd  
Marblehead, MA 01945

Robert & Archana O'Neil  
12 Wilson St  
Wellesley, MA 02482

Joel & Debra Benson  
1600 S. Ocean Blvd  
Pompano Beach, FL 33062

Cary & Cynthia Gumbert  
1 Holly Circle  
Weston, MA 02493

Pamela Searingen  
195 Rutledge Rd  
Belmont, MA 02478

Joel & Debra Benson  
1600 S. Ocean Blvd  
Pompano Beach, FL 33062

Pantos, Mo, Attn: Kerry Hennessy  
9 Sandwich Rd  
Plymouth, MA 02360

Angelo & JoAnn DiCenso  
5 Severn Crt  
E Greenwich, RI 02818

Judy Cohen  
193 Wilson Park Dr.  
Tarrytown, NY 10591

Alan & Jill Slootsky  
609B Topnotch Dr.  
Stowe, VT 05672

Ken & Deborah Hamberg  
393 Commonwealth Ave. #2  
Boston, MA 02115

Green Acres at Stowe, LLC  
Attn: Arthur Green  
39 Park View Dr.  
Hingham, MA 02043

Stowe 500, LLC, Attn: Katherine  
Scott  
14 Spaniel Crt.  
Kendall Park, NJ 08824

James & Kimberly Goldinger  
7 Farm Rd  
Lexington, MA 02420

Kahhale, Zaina & Gartland,  
Edward  
Attn: Pierre Kahhale, Family Trust  
28570 Calabria Ct. Unit 201  
Naples, FL 34110

Victor & Mary Sternberg  
158 Hirst Rd  
Briarcliff Manor, NY 10510

AWH TN Unit 622A LLC, Attn:  
c/o AWH Partners, LLC  
1040 Avenue of Americas, 9th  
Floor  
New York, NY 10018

JLH MKB Topntoch LLC  
15 Randall Place  
Pelham, NY 10903

Talbot, Meredith, Attn: Anthony  
Litvak  
7 Fieldstone Lane  
Milton, MA 02186

c/o Nicholas & Associates, PC,  
Attn: Susan & Sam Schwartz  
PO Box 1424  
Stowe, VT 05672

Decker-Oppenheimer, Gail, Attn:  
Richard Bulger  
PO Box 1348  
West Chahtam, MA 02669

Elizabeth Abramson  
55 Saw Mill Lane  
Medfield, MA 02052

Certificate of Service 5L0660-7

Page 6

Hubert & Simone O'Donoghue  
190 Sutton Park  
Dublin 13, Irel D13FN22

Warner, Sally, Attn: Richard Watts  
43A Atwood St  
Wellesley, MA 02482

Christopher & Kate Walters  
15 Spray St.  
Marblehead, MA 01945

AWH TN Unit 654B LLC  
1040 Avenue of Americas, 9th  
Floor  
New York, NY 10018

*/s/ Lori Grenier*

Natural Resources Board  
Technician  
802-476-0185  
NRB.Act250Barre@vermont.gov



# LAND USE PERMIT AMENDMENT

---

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

This is a **PROPOSED** permit; please submit any written comments to, Susan Baird, District Coordinator, at [susan.baird@vermont.gov](mailto:susan.baird@vermont.gov) and [NRB.Act250Barre@vermont.gov](mailto:NRB.Act250Barre@vermont.gov) by **August 19, 2024**.

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

1. Wastewater System & Potable Water Supply Permit issued by the ANR Drinking Water and Groundwater Protection Division.
2. Stormwater Discharge Permit issued by the ANR Watershed Management Division.
3. Construction General Permit issued by the ANR Watershed Management Division.
4. VTrans Transportation Impact Fee determination.

AWH Stowe Resort Hotel, LLC  
dba Topnotch Resort  
c/o AWH Partners, LLC  
1040 Avenue of the Americas, 9  
New York, NY 10018

PERMIT NUMBER:  
5L0660-7  
LAW/REGULATIONS INVOLVED:  
10 V.S.A. §§ 6001 – 6111 (Act 250)

The District 5 Environmental Commission hereby issues Land Use Permit amendment 5L0660-7, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6111. This permit amendment applies to the lands identified in Book 1034, Page 226 and Book 1034, Page 254 of the land records of Stowe, Vermont as the subject of a deed to AWH Stowe Resort Hotel, LLC. c/o AWH Partners, LLC. The 116.5 acres "Resort PUD" tract is located on both the east and west sides of Vermont Route 108 (Mountain Road) and now includes the incorporation of an adjoining 2.7 acres parcel located at 3800 Mountain Road.

This permit specifically authorizes the construction of a three story, 31-unit, residential condominium building adjoining the existing hotel with an underground parking garage for 38 vehicles. The project also includes the construction of a 140-seat assembly hall, an adjacent 12-seat boardroom, and outdoor patio space. Additionally, the main resort lobby will be expanded, the existing restaurant will be renovated, and the existing parking area will be expanded to accommodate parking requirements for all of the resort's services located on the easterly side of Route 108. (The project's additional 123 parking spaces will result in a total of 296 parking

spaces on the eastern side of the resort). Finally, the existing pedestrian crossing, and the pedestrian footbridge located on the resort's westerly side of Route 108 will be upgraded. The project is located at 4000 Mountain Road in Stowe, Vermont.

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

1. The Permittee and its assigns and successors in interest are obligated by this permit to complete, operate, and maintain the project as approved by the District Commission (the "Commission") in accordance with the following conditions.
2. The project shall be completed, operated, and maintained in accordance with the conditions of this permit, and the permit application, plans, and exhibits on file with the Commission. In the event of any conflict, the terms and conditions of this permit shall supersede the approved plans and exhibits. The approved plans are:

Sheet C0.0 – "Overall Site Plan", dated 1/17/24, last revised 5/8/24 (Exhibit 4a)

Sheet C1.01- "Existing Conditions Site Plan" dated 1/17/24, last revised 4/19/24 (Exhibit 5)

Sheet C1.1- "Demolition Site Plan" dated 1/17/24, last revised 5/8/24 (Exhibit 6)

Sheet C2.0 – Overall Proposed Conditions Site Plan", dated 1/17/214, last revised 5/8/24 (Exhibit 7a)

Sheet C2.1 – "Proposed Conditions Site Plan North", dated 1/17/24, last revised 5/8/24 (Exhibit 8a)

Sheet C2.2 – "Proposed Conditions Site Plan Central", dated 1/17/24, last revised 4/19/24 (Exhibit 9)

Sheet C2.3 – "Proposed Conditions Site Plan South", date 1/17/24, last revised 4/19/24 (Exhibit 10)

Sheet C2.4 – "Proposed Conditions Site Plan Gravel Wetland", dated 1/17/24, last revised 4/19/24 (Exhibit 11)

Sheet C2.5 – "Proposed Conditions Site plan West Route 108", dated 1/17/24, last revised 5/8/24 (Exhibit 12a)

Sheet C2.5A – "Proposed VTrans Signage Plan Route 108", dated 3/14/24, last revised 4/19/24 (Exhibit 13)

Sheet C2.6 – "Fire Truck Auto-turn", dated 1/17/24, last revised 4/19/24 (Exhibit 14)

Sheet C3.0 – "Site Utility Plan", dated 1/17/24, last revised 4/19/24 (Exhibit 15)

Sheet C3.1 – "Site Utility Profile", dated 1/17/24, last revised 4/19/24 (Exhibit 16)

Sheet C4-0 – "EPSC Site Plan North", dated 1/17/2024, last revised 4/19/24 (Exhibit 17)

Sheet C4.1 – "EPSC Site Plan South", dated 1/17/24, last revised 4/19/24 (Exhibit 18)

Sheet C4.2 – “EPSC Site Plan West Route 108”, dated 1/17/24, last revised 4/19/24 (Exhibit 19)

Sheet C4.3 and C4.4– “EPSC Specifications and Details”, dated 1/17/24, last revised 4/19/24 (Exhibits 20 and 21)

Sheets C5.0 and C5.1 – “Site Details”, dated 1/17/24, last revised 4/19/24 (Exhibits 22 and 23)

Sheet C5.2 – “Details”, dated 1/17/24, last revised 4/19/24 (Exhibit 24)

Sheets C5.3 and C5.4 – “Utility Details”, dated 1/17/24, last revised 4/19/24 (Exhibits 25 and 26)

Sheet C5.5 - “Gravel Wetland Details”, dated 1/17/24, last revised 4/19/24. (Exhibit 27)

Sheets C6.0 to C6.5 – “Specifications”, dated 1/17/20, last revised 4/19/24 (Exhibits 28-33)

Sheet PP1 – “Parking Existing Conditions”, dated 1/17/24 (Exhibit 34)

Sheet PP2 – “Proposed Parking Plan”, dated 1/17/24, last revised 2/12/24 (Exhibit 35)

Sheet PP4 – “Existing Parking Plan West”, dated 1/15/24, last revised 1/31/24 (Exhibit 36)

Sheets L100 to L103 – “Planting Plan Key, South, North, Enlargement” 4/17/24 (Exhibits 37-40)

Sheet L104 – “Lighting Plan”, dated 4/17/24 (Exhibit 41)

Sheet L105 – “Lighting Cut Sheet”, dated 4/17/24 (Exhibit 42)

“Building Mounted Lighting Plan”, dated 11/7/22 (Exhibit 43)

“East /West Elevations and North/South Elevations”, dated 4/19/24 (Exhibits 44 and 45)

Sheets A401 and A402 - “Exterior Elevations Plans”, dated 5/6/24 (Exhibit 46)

“Views from Northwest, West, Southwest, North, Southeast, and East”, dated 4/19/24 (Exhibits 47-52)

“Roof Screen Design” (7 Sheets), dated 12/9/21 and 3/15/22 (Exhibit 53)

“Existing View South on Mountain Road”, dated 1/26/24 (Exhibit 54)

“Proposed View South on Mountain Road”, dated 1/26/24 (Exhibit 55)

“Existing View North on Mountain Road”, dated 1/26/24 (Exhibit 56)

“Proposed View North on Mountain Road dated 1/26/24 (Exhibit 57)

“Lincoln Brown Renderings From Route 108” 18 Sheets (Exhibit 58)

“Lower-Level [Parking] Area Plan”, dated 4/19/24 (Exhibit 66)

Sheet A105 – “Roof Level Construction Plan”, dated 5/6/24 (Exhibit 67)

3. All conditions of Land Use Permit 5L0660 and amendments are in full force and effect except as further amended herein.

4. The Permittee shall comply with the conditions of Wastewater System and Potable Water Supply Permit (**permit number**) issued on (**date**) by the ANR Drinking Water and Groundwater Protection Division.
5. The Permittee shall comply with the conditions of Individual Wetlands Permit #2022-0914 (VT GP #3-9025) issued on February 2, 2023 by the ANR Watershed Management Division.
6. The Permittee shall comply with the conditions of Authorization of Notice of Intent (NOI number) under Construction General Permit **3-9020** issued on (**date**) by the ANR Watershed Management Division.
7. The Permittee shall comply with the conditions of Authorization of Notice of Intent (NOI number) under General Permit **3-9050** (Stormwater Discharge General Permit), issued on (**date**) by the ANR Watershed Management Division;
8. 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.
9. A copy of this permit and plans shall be on the site at all times throughout the construction process.
10. 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.
11. 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.
12. 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.
13. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittees and its successors and assigns.
14. Construction hours shall be limited to Monday through Saturday from 7:00 AM to 6:00 PM, with no construction on Sunday or federal holidays. Once the shell of the building has been completed (including doors and windows) there are no limitations on construction hours.
15. To control dust, the Permittee shall apply and maintain water and/or other agents approved by the Watershed Management Division in the project's Erosion Prevention and Control Plan on all roadways or disturbed areas during construction and until pavement and/or vegetation is fully established.
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 implement the Construction Site Waste Reduction Plan approved by the Agency of Natural Resources Solid Waste Management Program and included as Exhibit 60.
18. The Permittee shall implement the Vermont Department of Environmental Conservation's [Best Management Practices for Blasting Activities to Avoid Environmental Contamination \(2016\)](#)<sup>1</sup>.
19. The Permittee shall comply with the exhibits for erosion prevention and sediment control. The Permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced, and maintained until vegetation is permanently established on all slopes and disturbed areas.
20. 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.
21. All areas of disturbance must have temporary or permanent stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the end of each workday. The following exceptions apply: i) Stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours. ii) Stabilization is not required if the work is occurring in a self-contained excavation (i.e., no outlet) with a depth of 2 feet or greater (e.g., house foundation excavation, utility trenches).
22. All disturbed areas of the site shall be stabilized, seeded, and mulched immediately upon completion of final grading.
23. Prior to construction of the approved work, the Permittees shall: a) clearly delineate the construction limits with flagging or snow fencing; b) place diversion ditches on the uphill limits of the construction area; and c) place temporary siltation controls on the downhill limits of construction.
24. A copy of the approved erosion prevention and sediment control plan shall be on the site at all times during construction.
25. 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

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1 Best Management Practices for Blasting Activities to Avoid Environmental Contamination (2016), <http://anr.vermont.gov/sites/anr/files/co/planning/documents/guidance/Best%20Management%20Practices%20for%20Blasting%20to%20Avoid%20Environmental%20Contamination%20%28Dec%202016%29.pdf>



from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.

26. The Permittee shall maintain an undisturbed, naturally vegetated riparian zone on the project tract along Peterson Brook which shall begin at the water's edge at base flow conditions and shall further extend 50 feet measured inland from the Top of Bank as depicted on Exhibits 4a, 7a, 8a and 12a. The term "undisturbed" means that there shall be no activities that may cause or contribute to ground or vegetation disturbance or soil compaction, including but not limited to construction, earth-moving activities, storage of materials, tree trimming or canopy removal, tree, shrub, or groundcover removal; plowing or disposal of snow, grazing, or mowing.
27. The Permittee shall maintain an undisturbed, naturally vegetated Class II wetland and 50-foot wetland buffer zone on the project tract as depicted on Exhibit 9 except for the disturbance associated with the 1710 square feet of managed buffer zone associated with the realignment of the Topnotch access road. The term "undisturbed" means that there shall be no activities that may cause or contribute to ground or vegetation disturbance or soil compaction, including but not limited to construction, earth-moving activities, storage of materials, tree trimming or canopy removal, tree, shrub, or groundcover removal; plowing or disposal of snow, grazing, or mowing.
28. The Permittee shall pay a proportional transportation impact fee toward the Stowe STP 0235 (24) project pursuant to Act 145 – Transportation Impact Fees (2014). The transportation impact fee for the Stowe STP 0235 (24) project is \$\_\_\_ per PM peak hour trip. The transportation fee is calculated as follows: \$ \_\_\_/PM peak hour trip × \_\_\_ trips × \_\_\_%. The Permittees shall pay a total transportation impact fee of \$\_\_\_ to the Vermont Agency of Transportation before commencement of construction (payment should be remitted to the Vermont Agency of Transportation Development Review and Permitting Services Section, Barre City Place, 219 North Main Street, Barre, VT 05641, Attn: Christopher Clow). (Exhibit number)
29. Any extracted stumps shall be disposed of at an approved off-site state-certified stump and inert waste disposal facility to prevent groundwater pollution.
30. The Permittee and all assigns and successors in interest shall continually maintain the landscaping as approved in Exhibits 37-40 by replacing any dead or diseased plantings as soon as seasonably possible.
31. 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.
32. Rooftop-mounted mechanical equipment shall be screened using 'RoofScreen' slatted aluminum louvres featuring a wood grain appearance as depicted in Exhibit 67
33. Pursuant to 30 V.S.A. § 53, the energy design and construction shall comply with Vermont's Commercial Building Energy Standards (CBES) in accordance with the NRB Criterion 9(F) Procedure effective at the time of construction. (More information on this subject can be

found at [http://publicservice.vermont.gov/energy\\_efficiency/cbes](http://publicservice.vermont.gov/energy_efficiency/cbes) and [https://nrb.vermont.gov/documents/9f-procedure\\_2020-09-01.](https://nrb.vermont.gov/documents/9f-procedure_2020-09-01.))

34. The installation and/or use of electric resistance space heat is specifically prohibited unless (i) it is approved in writing by the District Commission and/or (ii) it specifically qualifies as an exception to the prohibition of electric resistance building heating, pursuant to Section R404.2 of the 2020 Vermont Residential Building Energy Standards OR Section C403.2.3 of the 2020 Vermont Commercial Building Energy Standards.
35. The Permittees, upon completion of the construction of each commercial building and prior to use or occupancy, shall submit to the District Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 53(d).
36. The Permittee shall provide each prospective purchaser of any interest in this project a copy of the Land Use Permit amendment prior to entering into any written contract of sale.
37. Pursuant to 10 V.S.A. § 6090(b)(1), this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittees has not commenced construction and made substantial progress toward completion within the three-year period in accordance with 10 V.S.A. § 6091(b).
38. All site work and construction shall be completed in accordance with the approved plans by October 15, 2027, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without a public hearing.
39. The Permittees shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittees shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.
40. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated this    day of    2024.

By \_\_\_\_\_  
Donald Marsh, Chair

District 5 Environmental Commission

Commissioners participating in this decision:

Jeremy Reed, Vice Chair

Gary Nolan

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

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

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

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

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

STATE OF VERMONT  
DISTRICT ENVIRONMENTAL COMMISSION #5

RE: AWH Stowe Resort Hotel, LLC dba Topnotch Resort  
5L0660-7

**ENTRY OF APPEARANCE  
STATUTORY PARTY**

Please enter the appearance of the State of Vermont, Agency of Transportation ("VTrans") in the above-entitled matter as a statutory party pursuant to 10 V.S.A. §6085(c)(1)(D). VTrans hereby requests that the following representatives of the Agency be added to the Certificate of Service and that all correspondence and documents filed in this matter be served upon those representatives:

Nathan Covey  
Permit Coordinator  
Vermont Agency of Transportation  
Development Review & Permitting Services Section  
Barre City Place, 219 North Main Street  
Barre, VT 05641  
(802) 498-7055  
[nathan.covey@vermont.gov](mailto:nathan.covey@vermont.gov)

Craig S. Keller  
Chief of Permitting Services  
Vermont Agency of Transportation  
Development Review & Permitting Services Section  
Barre City Place, 219 North Main Street  
Barre, VT 05641  
(802) 279-1152  
[AOT.Act250@vermont.gov](mailto:AOT.Act250@vermont.gov)

Christopher G. Clow, P.E.  
Transportation Engineer  
Vermont Agency of Transportation  
Development Review & Permitting Service Section  
Barre City Place, 219 N. Main St.  
Barre, VT 05641  
(802) 522-4901  
[AOT.Act250@vermont.gov](mailto:AOT.Act250@vermont.gov)

Additionally, VTrans has the following initial comments in conjunction with this matter:

**CRITERIA 5: TRAFFIC**

1. Please see attached VTrans Comment letter dated August 19, 2024.

Dated at Montpelier, Vermont this 19 day of August 2024.

Respectively submitted: Christopher Clow  
Transportation Engineer  
Agency of Transportation  
219 N. Main Street  
Barre, VT 05641

August 19, 2024

Susan Baird  
District Coordinator  
District 5 Environmental Commission  
10 Baldwin St.  
Montpelier, Vermont 05633

**Re: 5L0660-7 AWH Stowe Resort Hotel, LLC dba Topnotch Resort - Stowe**

Dear Ms. Baird:

VTrans has reviewed the proposed permit and the transportation impact study for the above application and offers the comment below.

The proposed project consists of the construction of a three story, 31- unit, residential condominium building adjoining the existing hotel, with an underground parking garage for 38 vehicles. The project also includes the construction of a 140-seat assembly hall, an adjacent 12-seat boardroom, as well as an outdoor patio space. Additionally, the main resort lobby will be expanded, the existing restaurant will be renovated, and the existing parking area will be expanded to accommodate parking requirements for all the resort's services located on the easterly side of Route 108. The resort's existing pedestrian crossing as well as the pedestrian footbridge located on the resort's westerly side of Route 108 will also be upgraded.

A transportation impact study was submitted on behalf of the applicant regarding the net trip generation of the revised development (Exhibit 063, Wall Consultant Group, February 9, 2024). The proposed development construction will create a net addition of 15 AM peak hour trips and 26 PM peak hour trips respectively. The report also analyzed the trips and traffic behavior associated with events at the resort including the assembly hall addition. VTrans concurs with the analysis and methodology of the Wall Consultant Group transportation impact study and feels the proposed addition with improvements will not cause unreasonable congestion or unsafe conditions in the area.

**Act 145 Transportation Impact Fee**

Based on our review of this permit application, VTrans concurs with the Act 145 fee calculation shown at the top of page two on the Wall Consultant Group Transportation Impact Study and recommends payment of the transportation impact fee pursuant to Act 145. Act 145 allows a District Commission to require payment of a transportation impact fee for a capital transportation improvement that is "...necessary to mitigate the transportation impacts of a proposed development

or subdivision or that benefit the proposed development or subdivision” (10 VSA §6104). VTrans concurs that the volume distributions at the resort would create approximately 16 net peak hour trips that will come into contact with the Luce Hill Road signalized intersection capital project (VTrans project number STP 0235(24)).

The proposed project also introduces traffic demand management (TDM) efforts with the construction of new connecting sidewalks, crosswalks, as well as potential Rapid Rectangular Flashing Beacons (RRFBs), and bus shelters. Topnotch resort also has an existing on-demand shuttle service for resort guests. Act 145 allows for the reduction in transportation impact fees to account for Transportation Demand Management programs offered by an applicant (10 VSA § 6106 (b)(5)). VTrans recommends a reduction of 20% from the Act 145 fee based on these TDM measures. The table below details the final Act 145 impact fee calculation based on the number of trips contacting the VTrans project as well as the TDM deduction:

| Act 145 Transportation Improvement Project          | Impact fee/trip | PM Peak Hour trip contribution | Impact Fee        |
|-----------------------------------------------------|-----------------|--------------------------------|-------------------|
| Luce Hill Road Signalized Intersection              | \$493           | 16                             | \$7,888           |
| Less 20% Transportation Demand Management reduction |                 |                                | \$1,577.60        |
| <b>Total Act 145 Impact Fee</b>                     |                 |                                | <b>\$6,310.40</b> |

Payment of the \$6,310.40 to VTrans would be due after the Land Use Permit is issued and prior to construction. The check(s) should be sent to the following address:

State of Vermont Agency of Transportation  
 Development Review and Permitting Services Section  
 Barre City Place, 219 N. Main St.  
 Barre, VT 05641  
 Attn: Christopher Clow

**Section 1111 State Highway Access and Work Permit**

Upon review of information, the VTrans Policy, Planning and Research Bureau – Development Review & Permitting Services Section, has identified that a Title 19 Section 1111 permit is required. The applicant is currently working with the VTrans team on obtaining a Section 1111 permit for the various roadway enhancements they are proposing: i.e. sidewalks, crosswalk, sign placement, Rapid Rectangular Flashing Beacons (RRFBs), potential bus shelter, etc. VTrans has not received a formal Section 1111 application or updated plans after the conceptual discussion and conceptual plan review.

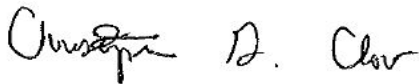
Ms. Susan Baird  
5L0660-7, AWH Stowe Resort Hotel, LLC dba Topnotch Resort - Stowe  
August 19, 2024  
Page 3 of 3

VTrans requests that any permit issued by the District Commission contain a condition requiring the applicant to obtain a Title 19 Section 1111 permit prior to commencing any construction.

**If there are any questions regarding the Section 1111 process, please contact Nathan Covey, VTrans Permit Coordinator at (802) 498-7055 or [nathan.covey@vermont.gov](mailto:nathan.covey@vermont.gov).**

Please contact me with any questions or comments related to our review of the transportation impact study or the Act 145 transportation impact fee at 802-522-4901 or [christopher.clow@vermont.gov](mailto:christopher.clow@vermont.gov)

Sincerely,



Christopher G. Clow, PE  
Transportation Engineer

CERTIFICATE OF SERVICE #5L0660-7

I, Christopher Clow, of the Agency of Transportation hereby certify that on August 19, 2024, I sent a comment letter to the District #5 Environmental Commission concerning the applicant, AWH Stowe Resort Hotel, LLC dba Topnotch Resort., 5L0660-7, by U.S. Mail, postage prepaid or by email to the following:

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

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

P. Mark D Angelo Construction Management, LLC  
Attn: Mark D Angelo  
[pmarkdangelo@gmail.com](mailto:pmarkdangelo@gmail.com)

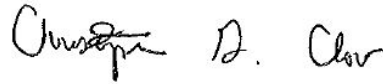
Stowe Selectboard  
PO Box 730  
Stowe, VT 05672  
[wfricke@stowevt.gov](mailto:wfricke@stowevt.gov)

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

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

Agency of Natural Resources  
One National Life Drive, Davis 2  
Montpelier, VT 05602-3901  
[ANR.Act250@vermont.gov](mailto:ANR.Act250@vermont.gov)

Dated at Montpelier, Vermont this 19th day of August 2024.



Christopher G. Clow, PE  
Vermont Agency of Transportation





**Town of Stowe  
Development Review Board  
Meeting Minutes – August 6, 2024**

A regular meeting of the Development Review Board was held on Tuesday, August 6, 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:** Mary Black (via zoom), Patricia Gabel, Thomas Hand, Andrew Volansky, and alternates, Lynn Altadonna, William Ardolino, and Michael Diender

**Staff Present:** Sarah McShane - Planning & Zoning Director, Ryan Morrison - Deputy Zoning Administrator, Kayla Hedberg- Planning & Zoning Assistant

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

Staff S. McShane began the meeting by explaining to the board that Chair Drew Clymer could not attend due to illness. S. McShane explained that per the DRB’s Rules of Procedure the participating members need to elect an Acting Vice Chair to preside over the meeting. L. Altadonna made a motion to elect Tom Hand as the Acting Vice Chair to serve as Chair for hearings #7396, 7417, and 7325, M. Diender seconded. The motion passed unanimously.

Staff explained that a second Acting Vice Chair would also need to be elected for Project 7355, as Tom Hand is recused from hearing this project. The DRB will elect an Acting Vice Chair prior to the #7355 hearing.

The Board approved the agenda for the meeting.

**Development Review Public Hearings**

**Project #: 7396**

**Owner: Melanie Young Bouchard Revocable Living Trust**

**Tax Parcel #: 06-299.010**

**Location: 778 River Rd**

**Project: Final Review- 2-lot Subdivision**

**Zoning: RR2**

Participating DRB Members: Tom Hand, Patricia Gabel, Mary Black, and Lynn Altadonna. Absent members Drew Clymer and Peter Roberts, who participated in the prior hearing, will review the recording and added materials in order to participate in the decision-making process.

Melanie Bouchard and Tyler Mumley were present. Acting Vice Chair Tom Hand reminded them they were still sworn in from the last hearing and provided an overview of the project. T. Hand reviewed the standards and asked for testimony. Mr. Mumley responded to T. Hand’s questions. T. Hand inquired about the additional information requested by the Board at the July 16<sup>th</sup> meeting. Mr. Mumley referred to the revised Plat, (July 2024), which now shows the limits of clearings, contours and pull-offs/turn-around areas required by the previous subdivision. Mr. Mumley also referred to

46 the new view line analysis document (July 19, 2024).  
47 T. Hand asked the Board for comments. L. Altadonna stated he believed the former requests had  
48 been met. T. Hand reviewed the plat for conformity and asked for any additional comments.  
49 P. Gabel motioned to close the hearing, L. Altadonna seconded. The motion passed unanimously.  
50

51 The hearing closed at 5:18 pm. The DRB will render a written decision within 45 days.

52

53 **Project #: 7417**

54 **Owner: Mark Ray & Marc Chretien**

55 **Tax Parcel #: 07-004.000**

56 **Location: 17 Towne Farm Ln**

57 **Project: Host an Onsite Food Truck**

58 **Zoning: HT/FHD**

59

60 Participating DRB Members: Tom Hand, Patricia Gabel, Andrew Volansky, Mary Black, Michael  
61 Diender, Lynn Altadonna and William Ardolino.

62

63 Brittany Clark was present in-person and Marc Ray present via zoom. The Applicants/Owners,  
64 Mark Ray & Mark Chretien of Stowe Cider, request approval to host one (1) food truck from July 1,  
65 2024, to October 31, 2024. The location(s) for the food truck are shown on the site plan provided  
66 with the application. According to the application, the proposed days and hours of operation for the  
67 food truck are Sunday through Saturday 9:00 am-10:00 pm. T. Hand reviewed the standards and  
68 asked for testimony. Mr. Ray responded to T. Hand's questions. Mr. Ray stated the food truck would  
69 be used within normal operating hours, that the food truck would not be seen from the road and  
70 would not impact traffic in the area. Mr. Chretien stated the requested usage dates could vary.

71 T. Hand asked for clarification about the location of the food truck to which Mr. Ray responded that  
72 the food truck will only be set up in one area. The secondary area is set up as a contingency plan. M.  
73 Diender asked if the food truck had been approved by the board previously, and if there were any  
74 changes from previous years. Mr. Ray responded it had been approved the last three years and they  
75 are not making any changes.

76 T. Hand asked for additional comments. P. Gabel motioned to close the hearing and for the Zoning  
77 Administrator to draft a decision in favor of the project. A. Volansky seconded. The motion passed  
78 unanimously.

79 The hearing closed at 5:28 pm. The DRB will render a written decision within 45 days.

80

81 **Project #: 7355 (cont. from 5/21/24)**

82 **Owner: Jameson Partners LLC926 & 928 Pitt St LLC's & Donahue N & K**

83 **Tax Parcel #: 07-034.000**

84 **Location: 782 Mountain Rd**

85 **Project: Construct a 48-unit, Predominantly Retirement Rental Housing, Building and**  
86 **Associated Site Improvements.**

87 **Zoning: HT/FHD**

88

89 Tom Hand recused himself from this project. Board members discussed electing an Acting Vice  
90 Chair to conduct the hearing. P. Gabel made a motion to assign A. Volansky as Acting Vice Chair. A.  
91 Volansky was not comfortable accepting responsibility without having ample time to prepare. P.  
92 Gabel stated that she would be willing to step in as Acting Vice Chair. M. Diender made a motion to  
93 elect P. Gabel as Acting Vice Chair. W. Ardolino seconded. The motion passed unanimously.

94 Participating DRB Members: Patricia Gabel, Mary Black, Andrew Volansky, Michael Diender,  
95 William Ardolino, Lynn Altadonna.

96 P. Gabel opened the hearing at 5:37 pm.

97 Present Aaron Stewart representing Stewart Construction, John Grenier representing Grenier  
98 Engineering, and Nick Donahue (property owner -present via Zoom). P. Gabel swore in the  
99 participating members.

100

101 P. Gabel reviewed the standards and asked for testimony. Mr. Stewart responded to P. Gabel's  
102 questions. Mr. Stewart described the project as the construction of a new building that will offer 48  
103 units of predominantly retirement housing. Mr. Stewart cited an article in the Stowe Newspaper  
104 that indicated a lack of senior housing in the area. He feels that this development is a service to the  
105 town. The proposed building will have underground parking, indoor and outdoor gathering areas,  
106 and access to the rec path. The units will consist of one [1] and two [2] bedroom apartments.

107

108 Mr. Stewart stated that the DRB partially reviewed this application in the spring for a building  
109 height waiver which was favorably received. The project was also heard by the HPC, who voted  
110 unanimously to recommend the approval of the request and height waiver.

111

112 P. Gabel asked for clarification about what principally occupied meant and how they would  
113 guarantee the property would be principally occupied by senior citizens. Mr. Stewart stated that  
114 principally occupied is proposed to consist of a minimum of 51% be occupied by at least one  
115 individual 55+ years of age and that management could maintain tenant records for review at the  
116 request of the Town of Stowe Zoning Department. The leasing agent/management will market and  
117 offer vacant units to applicants over the age of 55 for a period of one [1] month.

118

119 M. Diender asked about the business plan and how 48 straight condos would alter the permit. Mr.  
120 Stewart indicated that 48 straight condos would affect the density and would not qualify, whereas  
121 retirement age rentals would not affect the density as seen in table 6.3 of the Zoning Regulations.

122

123 W. Ardolino asked for clarification about the one [1] month advertising as it pertains to renting  
124 units to those not of retirement age. Mr. Stewart clarified that one month would take place during  
125 the turnover period. If a senior vacated the unit, management would actively try and fill the vacancy  
126 with another senior for one month, before offering the apartment to the public.

127

128 W. Ardolino inquired as to why only 51% and not 75%. Mr. Stewart responded that they were  
129 following the guidelines.

130

131 L. Altadonna questioned the consequences of not maintaining the 51% ratio.

132

133 N. Donahue responded that he did not really consider it because he did not think it would be an  
134 issue, he felt the project would be well received.

135  
136 P. Gabel touched on the Highway Tourist district and zoning as it pertains to density reference  
137 Table 6.3.  
138  
139 Mr. Stewart mentioned that during the technical review meeting they discussed with Harry (DPW  
140 Director) a possible water supply issue. If the water supply cannot be met, the project cannot  
141 continue.  
142  
143 P. Gabel inquired about the building height waiver and the standard building height requirement of  
144 28ft. It was noted that the applicant proposes a building height of 34 feet.  
145  
146 Mr. Stewart referenced section 10.9 Dimensional Waivers in the Town of Stowe Zoning regulations;  
147 the DRB can grant a waiver from maximum building height up to 35ft.  
148  
149 A. Volansky asked for clarification if all three criteria must be met for the waiver or one of the three.  
150 S. McShane and R. Morrison provided clarification that at least one, but not all, need to be met.  
151  
152 P. Gabel summarized Section 3.7(4)(A) of the Town of Stowe Zoning Regulations.  
153  
154 Mr. Stewart mentioned that the Fire Department provided a list of recommendations to comply  
155 with fire department needs, these included road access, sprinkler room and Knox box placement,  
156 sprinklers, and no electric vehicle chargers in parking garage. These conditions have been  
157 incorporated into the plan.  
158  
159 L. Altadonna and S. McShane suggested getting additional information or written comments from  
160 Harry (DPW Director) about the water issue.  
161  
162 P. Gabel inquired about traffic. J. Grenier pointed out that the applicant proposes to utilize the  
163 existing access entrance onto Mountain Road.  
164  
165 L. Altadonna asked if they could install a bus stop in that area.  
166  
167 M. Diender reminded him that to install in a bus stop/pull-off area the state would have to get  
168 involved.  
169  
170 Mr. Stewart stated that they have taken into consideration the use of solar in the future when it  
171 might be more economically available and have worked it into the design but will not be using it at  
172 this time.  
173  
174 Following review of the conditional use criteria, P. Gabel recommended the DRB continue the  
175 hearing.  
176  
177 Mr. Stewart was okay with a continuance and suggested the date of September 3, 2024.  
178  
179 M. Diender, P. Gabel, L. Altadonna, and W. Ardolino offered suggestions to Mr. Stewart, including  
180 additional information to satisfy the question of being principally occupied.  
181  
182 M. Diender made motion to continue hearing to the time and date certain of September 3, 2024, L.

183 Altadonna seconded.

184

185 The motion passed unanimously.

186 The hearing closed at 6:50 pm.

187 The DRB took a five-minute break.

188

189 **Project #: 7325 (Cont. from 6/4)**

190 **Owner: Stowe Country Club LLC c/o Stowe Mountain Lodge**

191 **Tax Parcel #: 06-081.000**

192 **Location: 744 Cape Cod Rd**

193 **Project: Preliminary Subdivision/PUD Review including Club House, Recreational Amenities,**  
194 **and Residential Uses.**

195 **Zoning: RR2/RR3**

196

197 Participating DRB Members Tom Hand, Patricia Gabel, Andrew Volansky, Mary Black. Tom Hand  
198 served as Acting Vice-Chair. Absent members Drew Clymer and Peter Roberts, who participated in  
199 the prior hearing, will review the recording and added materials in order to participate in the  
200 decision-making process.

201

202 Sam Gaines, Rob Apple, Dave Marshall, and Christopher Roy, present for the applicant/owner.

203 James Dumont, Debra Reiser, Johnathan Thomas, Tony Stout, Andrea Gellis, Charles Pineles-Mark,

204 were in attendance as interested persons.

205

206 T. Hand re-opened the hearing at approximately 7:05pm

207

208 Participants were sworn in at 7:07pm.

209

210 Mr. Dumont representing Ms. Reiser raised a possible jurisdictional error. He claimed that the new  
211 adjoiners did not receive written notice of the golf course project Mr. Dumont claimed if the  
212 proceedings continued it could lead to future appeal issues.

213

214 T. Hand addressed Mr. Gaines and asked if he had any knowledge of re-noticing new abutters once  
215 the project description changed.

216

217 Mr. Roy, representing the applicant, argued that it shouldn't matter if the abutters in question didn't  
218 receive notice because the property they abut will not be affected by the modified project.

219

220 T. Stout from Lake Side Environmental testifying on behalf of Ms. Reiser stated he referenced the  
221 CEA site plan to obtain an approximate number of properties that were not notified and identified  
222 six possible properties. He deduced this by looking at the old application and the new application  
223 and counting the number of properties that were labeled N/F.

224

225 J. Thomas addressed the board and stated that his company Timber Homes did not receive a copy of  
226 the notice. Upon further review of the applicants copy of the abutters list, it was shown that Timber  
227 Homes was mailed a letter.

228

229 P. Gabel motioned to go into deliberative session at 7:31. A. Volansky seconded the motion. The

230 motion passed unanimously.

231

232 A. Volansky motioned to exit the deliberative session and resume the hearing. M. Black seconded  
233 the motion. The motion passed unanimously.

234

235 T. Hand asked Mr. Dumont if they had clear evidence of a defect in notice because after further  
236 review Timber Holmes was found to be on the abutters list and notified of the hearing.

237

238 S. McShane explained to Mr. Dumont that a copy of the abutters list is located in the Planning &  
239 Zoning Office and can be reviewed at any time during normal business hours. She explained that it  
240 is not posted online.

241

242 S. Gaines stated that the acreage of the project was increased to include the Golf Course to support  
243 density.

244

245 D. Marshall spoke about the dimensional elements of the golf course project citing map C1.0, C1.1  
246 and additional landscaping renderings over time.

247

248 T. Hand requested additional information regarding the setback waivers. S. Gaines explained that  
249 conceptually they thought this was the best layout for the aesthetics they are trying to achieve in  
250 the area. S. McShane advised T. Hand that the DRB has the authority and discretion to approve the  
251 proposed setbacks requested.

252

253 C. Pineles representing the Stoweflake Town Houses asked for clarification if they were requesting  
254 a variance regarding the dimensional requirements. S. McShane referred to Section 13. 2 of the  
255 Town of Stowe Zoning regulations. T. Hand clarified that this would not be a variance but would be  
256 a dimensional modification.

257

258 A. Gellis representing Stowe Highlands asked for clarification about the double setback in relation  
259 to Sinclair Drive. D. Marshall explained the map key and pointed out the areas where there would  
260 not be any changes near Sinclair Drive.

261

262 T. Hand addressed the meeting participants and asked if there were any additional comments  
263 related to what was discussed. Mr. Strout indicated he had additional comments on multiple  
264 sections and will address them at the next meeting.

265

266 P. Gabel made a motion to continue the hearing to the time and date certain of September 3, 2024.  
267 The motion was seconded by A. Volansky and passed unanimously.

268

269 **Other Business:**

270

271 None.

272

273 **Approval of Minutes:**

274

275 The review of meeting minutes was tabled until the next meeting.

276

277 **Deliberative Session:**

278

279 P. Gabel made a motion to adjourn at 9:04 pm. The motion was seconded by A. Volansky. The  
280 motion passed unanimously.

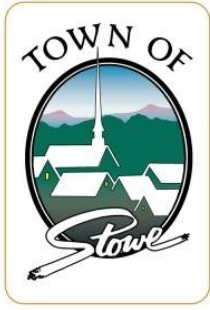
281

282 Respectfully Submitted,

283 Kayla Hedberg

284 Planning and Zoning Assistant

285



## **TOWN OF STOWE PLANNING COMMISSION Meeting Minutes August 5, 2024**

The Town of Stowe Planning Commission held a regular meeting on **Monday August 5, 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, Brian Hamor, Chuck Ebel, Jill Anne, and Neil Percy. Municipal staff Sarah McShane was also present. Guests Elizabeth Benedict and Lisa Haggerty were in attendance. DPW Director Harry Shepard guided the site visit and provided a tour of the wastewater treatment facility.

The meeting was called to order by Vice Chair N.Percy. Chair Hamor participated remotely but did not facilitate the meeting.

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

B.Davison suggested for the Commission to consider advancing a stormwater overlay/utility ordinance including standards for ponds, culverts, etc. Members briefly discussed and agreed to place the item on the next agenda for additional discussion.

### **Review Prior Meeting Minutes [07/15/2024]**

B.Davison motioned to approve the meeting minutes from June 17<sup>th</sup>. J.Anne seconded. The motion passed unanimously.

### **Engagement Project Update**

Staff McShane provided an update on the community engagement project. She shared proposed questions of the week on several community topics and suggested the questions could be posted on front porch forum, social media, etc. M.Lonetto suggested the questions be more detailed. M.Lonetto will work with staff and present amended questions during the next meeting. S.McShane added that additional engagement activities could include tabling at Art on Park and/or the primary election and engaging with community members along the rec path. Members reviewed a draft community survey. Staff discussed how the format of the survey is designed to receive comments from residents, visitors, and business/organizations. B.Davison shared frustration and suggested the commission focus on preparing the plan itself. Members discussed quality of life issues for residents and planning tools under the control of the Commission, recognizing many concerns are outside the control of the Commission and/or the municipality. Members discussed how the survey might be distributed. B.Hamor introduced Elizabeth Benedict as a second homeowner interested in participating in the process. Members discussed possibly including a QR code or other form of communication within tax bills to ensure distribution of the survey to all property owners. After discussion the Commission agreed not to distribute in such a way since property owners may be upset with the anticipated increase in tax bill. Members reviewed the survey and agreed it was okay to begin distribution. Staff will work with consultant to finalize the survey and distribute. H.Snyder suggested the Commission set a goal for the number of respondents.

### **Housing Task Force PC Appointment**



H.Snyder, J.Anne, and M.Lonetto all shared interest in being the Commission's representative appointed to the Housing Task Force. Staff will share their names with the Town Manager to forward to the Selectboard for consideration and appointment.

**Review Upcoming Meeting Schedule**

Next PC Meeting Date- August 19, 2024.

The meeting adjourned at approximately 6:15 PM. The Commission then conducted a site visit and tour of the wastewater facility.

Respectfully submitted,  
Sarah McShane, Planning & Zoning Director

**Parking Lot Ideas/Topics for Further Discussion**

Map of town-owned properties

Review plans of adjacent communities and regional plan

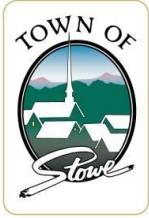
~~Review zoning districts, purposes, overlay districts~~

Develop map showing residential development activity (in progress)

Develop map showing location of homestead properties

Review requested zoning amendment/ADU's for duplexes.

Stormwater Utility District – Bob's list of recommendations



**TOWN OF STOWE  
PLANNING COMMISSION  
Meeting Minutes  
August 19, 2024**

The Town of Stowe Planning Commission held a regular meeting on **Monday August 19, 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, John Muldoon, Chuck Ebel, Jill Anne, and Neil Percy. Municipal staff Sarah McShane was also present. Guest Patricia Gabel was in attendance.

In the absence of Chair B.Hamor, the meeting was called to order by Vice Chair N.Percy at approximately 5:30 PM. Vice-Chair N.Percy facilitated the meeting.

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

S.McShane asked for the Commission to set aside time under ‘correspondence’ to discuss the recently received letter from Spruce Peak Realty regarding the Official Map. She explained that the letter was received after the agenda was posted, otherwise it would have been specifically listed on the agenda. Members agreed.

**Review Prior Meeting Minutes [08/5/2024]**

C.Ebel motioned to approve the meeting minutes from August 5<sup>th</sup> as submitted. B.Davison seconded. The motion passed unanimously.

**Discussion: Presentation to the Housing Task Force**

S.McShane explained that the Selectboard recently appointed a Housing Task Force. During their first meeting the group requested that the Planning Commission provide them with a presentation on recent projects, Act 47, town plan, etc. M.Lonetto added that it would also be helpful to share information related to infrastructure constraints, the different ‘levers’ previously identified as it relates to housing development and concerns, and how many of the issues are intertwined. Members agreed for staff to provide the presentation in consultation with whomever is appointed as the PC representative. The presentation is scheduled for September 18<sup>th</sup>. Staff will develop the framework and work with the PC representative.

**Discussion: Developing a Stormwater Utility District, Overlay District, Design Specifications, etc.**

During the last meeting B.Davison presented the Commission with a framework of concerns related to stormwater management and urged the Commission to prioritize developing a stormwater overlay district and/or a stormwater utility ordinance. Members agreed to review other examples of ordinances from municipalities with similar landscapes/geography. Members discussed the process for recommending an ordinance and zoning amendments and agreed flooding is currently on everyone’s minds. Staff will compile information for the next PC meeting to include the governing statutory authority to create overlay districts through zoning and research examples from other similarly situated municipalities. Members agreed to continue to pursue and further investigate appropriate tools/mechanisms to regulate stormwater management at the municipal level.

### **Town Plan: Education Goals, Policies, and Tasks – Discuss Forming a Temporary Subcommittee**

Staff McShane explained that she and B.Hamor had recently met with Superintendent Heraty to discuss the existing education goals, policies, and tasks in the current Town Plan and a process for involving the school board/community in the update process. Staff McShane suggested the Commission consider forming a subcommittee to tackle this portion of the plan and recommend updates to the Commission towards the end of the year. Members discussed the concerns of decreasing homestead properties as it relates to increasing property taxes and creative ways to improve the current situation. The purpose of forming a subcommittee would be to evaluate the existing data, identify any additional data needs, and then review the existing goals, policies, and tasks and develop recommended updates. Following discussion, M.Lonetto motioned to form an education subcommittee. C.Ebel seconded. Members discussed the number of people to be involved and agreed to five members. Both J.Muldoon and B.Davison volunteered to be on the subcommittee. S.McShane will provide administrative assistance. The motion passed unanimously. S. McShane will contact the superintendent and coordinate with B.Davison and J.Muldoon in scheduling the first meeting.

### **Continued Discussion: Town Plan Update: Definition ‘Areas Served by Water & Sewer Infrastructure’**

S.McShane provided an overview of the prior conversations recently had by the Commission. She explained that the Commission has discussed the different zoning districts and their purposes, overlay districts, sewer and water systems, all in order to better understand and inform discussions on settlement patterns and land use. She explained that the Commission will need to ultimately develop a future land use map to illustrate desired areas for future commercial, residential, etc. land uses, development, and growth. Members broadly discussed the need to increase water/sewer capacity in certain areas “choke points”, replace the lower village pump station(s), and expand storage capabilities. B.Davison suggested for the Commission to further consider impact fees and potentially recommend the adoption to the Selectboard. N.Percy suggested for it to be included as a possible task in the Town Plan. Members discussed inclusionary zoning and some of the pros/cons of administration and enforcement of such requirements. H.Snyder suggested the Commission evaluate the Sewer Service Area boundaries and determine whether they should be modified. S.McShane added that the Commission should be deliberate when developing plan language and noted the difference between shall/should/may etc. C.Ebel added that the plan needs to be accountable. Members discussed the UMR district and potentially recommending that the Town’s Act 250 permit condition be amended to allow certain types of housing development. Members discussed what items should be listed as tasks in the Town Plan and which items should be further evaluated prior to being included in the plan. Members suggested different processes/procedures for further conversations. For the next meeting, staff will prepare and compile the requested information, provide a copy of the existing goals/policies/tasks related to Settlement Patterns, and a list of ideas generated thus far.

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

#### **Engagement Project Update**

Staff McShane provided an update on the community engagement project. She shared amended questions of the month. H.Snyder and J.Anne both volunteered to champion the questions of the month activity to spark community conversations. Members asked whether the Commission could create a social media page for the Planning Commission; staff will inquire.

#### **Correspondence**

Staff McShane explained that the Commission recently received a letter from Spruce Peak Realty asking the Commission to consider changes to the Official Map. She explained that the requested

modification relates to an active application currently under review by the DRB and the statutory process for recommending amendments to the Official Map. The Commission agreed to schedule time on the next agenda for discussion with Spruce Peak Realty. Staff will invite them to present at the next meeting for 15-20 minutes.

**Review Upcoming Meeting Schedule**

Next PC Meeting Date- September 16, 2024.

The meeting adjourned at approximately 7:10 PM.

Respectfully submitted,  
Sarah McShane, Planning & Zoning Director

**Parking Lot Ideas/Topics for Further Discussion**

Map of town-owned properties

Review plans of adjacent communities and regional plan

~~Review zoning districts, purposes, overlay districts~~

Develop map showing residential development activity (in progress)

Develop map showing location of homestead properties

Review requested zoning amendment/ADU's for duplexes.

Stormwater Utility District – Bob's list of recommendations



**Town of Stowe**  
**Conservation Commission**  
**Monday August 12, 2024**  
**MEETING MINUTES**

A regular meeting of the Conservation Commission was held on Monday August 12, 2024, at 5:30 pm in the Memorial Room of the Stowe Town Office. Members in Attendance: Jacquie Mauer, Phillip Branton, Catherine Gott, Colleen McGovern, Zach Lewis, Kay Barrett, Evan Freund, and Seb Sweatman. Staff in Attendance: Sarah McShane. Others in Attendance: Carolyn Lawrence.

**Call to Order**- J.Mauer called the meeting to order shortly after 5:30 PM.

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

**Review Meeting Minutes [07/22/2024]** S.Sweatman requested that the prior meeting minutes be amended to include “began to review” when referring to the Sterling Forest Management Plan. S.McShane made the suggested modification. On a motion by C.McGovern, seconded jointly by P.Branton and K.Barrett, the amended minutes of the prior meeting passed unanimously.

**Review Proposal to Install Tool Shed at Cady Hill.** C.Lawrence of Stowe Trails Partnership (STP) was present to answer any questions. S.McShane provided an overview of the proposal. She explained that STP would like to install a tool shed near the substation in Cady Hill Forest to provide storage for tools and other trail maintenance equipment. S. McShane explained that the conservation easement allows for the construction/installation of such buildings/structure but includes a provision that it be of “rustic design”. She also mentioned that the ANR Natural Resources Atlas identifies the location of possible Class 2 wetlands/buffers in the general project area and the wetlands would likely need to professionally delineated so they can be avoided. Members discussed the proposal. P.Branton felt the design was rustic and added that STP would avoid installing a shed in a wetland areas to prevent issues with wet soils that are not suitable for the building. Members discussed the character of the surrounding area being a large utility substation with transmission lines. Following discussion, K.Barrett motioned to recommend approval of the proposal upon finding that it is of rustic design and require that the building be placed outside of any delineated wetland or wetland buffer areas. P.Branton seconded the motion. The motion passed unanimously. Staff McShane will continue to work with STP on the remaining steps to gain final approval by the Selectboard.

**Permeable Pavement & Bear Proof Dumpsters.** J.Mauer provided an overview of the topic areas. Members discussed the recent development projects along Mountain Road which involved excess pavement and possible impacts such as stormwater management, increase in temperature, etc. Members discussed opportunities for public education and creating informational posts on front porch forum throughout the year on a variety of conservation related topics. Members discussed posting such information on behalf of the Conservation Commission and compiling educational resources to share. Members agreed to reserve time on the next agenda to brainstorm educational topics and develop a monthly calendar for educational events/posts. Members discussed bearproof dumpsters and the need to increase the educational campaign throughout the year. In the past the Town has not supported the enforcement route but encouraged through education that property owners be Bear Aware. Members discussed potentially sending information letters to businesses but decided it might be more appropriate to communicate with a larger audience (i.e., restaurants, short-term rentals, etc.) Members discussed

potentially hosting another educational event this fall, possibly about flooding/rivers/extreme weather. Members will bring their ideas to the next meeting. Z.Lewis suggested getting the schools involved.

**Sterling Forest Management Plan – Review Recommended Amendments.** Due to time constraints this discussion item was tabled until the next meeting.

**Discuss- Solicit Student Representative for Upcoming School Year.** J.Mauer presented J.Lewis with a Certificate of Appreciation and thanked him for his service to the Commission and his community. Members discussed opportunities to work with the school and find another student representative for the upcoming school year.

**Mayo Farm- Quiet Path- Riparian Planting.** J.Mauer provided a brief update on the possible planting project and noted that she had last heard that the Lamoille County Conservation District was planning on applying for grant funds which could be used for riparian plantings. She will continue to keep the Commission updated on any new information.

Members discussed Mayo Fam, wet areas, and possible options to ‘re-wild’ areas. Members discussed the upcoming Agricultural Lease Agreement and potentially recommending changes to the Selectboard. S.McShane explained that prior Conservation Commissions felt that agriculture should be the primary activity on certain fields and as such designated the fields for agriculture within the management plan. She suggested if the Commission would like to revisit the primary activities and it could consider such changes as part of a management plan amendment process.

**Discuss possible meeting with Northeast Wilderness Trust.** S.Sweatman presented information to the Commission on the Northeast Wilderness Trust and asked Commission members if a meeting with the organization should be scheduled to discuss Sterling. Members discussed the organization and re-wilding as a management strategy. S.Sweatman suggested that the Commission should hear from additional ecology perspectives and consider identifying areas for old-growth and re-wilding. Members discussed but agreed the Commission has made a good faith effort to involve and consider stakeholder feedback and needs to wrap up the recommended amendments soon.

**Friends of the Winooski- Water Quality Testing Project – Distribute Supplies.** Water quality sampling supplies were distributed. The last collection is scheduled for next week- August 20<sup>th</sup>.

### **General Reports & Updates**

None

### **Other Business**

None

Next Meeting Date- 8/26/2024. The meeting adjourned shortly after 7:10 pm.

Respectfully submitted,  
Sarah McShane- Planning & Zoning Director

Recreation Commission Regular Meeting

August 7, 2024

DRAFT

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

3 Members present: Ryan Thibault Julian Roscioli-Barren, Jared Anello, Lyn Goldsmith, Forrest Shinnars, Bill Scudder, Matt Frazee. Absent: Deb Drinkwater, Brett Loomis

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

5 **Fall/Winter Programs**

6 Matt presented a list of proposed programs for the Fall and Winter. Also shared that they posted on FPF calling for new programs offers or suggestions and new instructors. New adult flag football and basketball leagues were successful last year and will be continued. Ryan is going to get the skateboarding contact in touch with Matt.

7 **Town Plan Discussion**

8 In preparation for upcoming Town Plan renewal and Mayo Farm Easement expiration, the group discussed ongoing needs and desires for Recreation including the following: basketball and tennis/pickleball courts need replacement and relocation, traffic, parking and pedestrian improvements needed at Memorial Park, baseball fields need to either be raised or relocated, new rec center, Moscow field entirely in flood plain and keeps getting eroded, volleyball courts need to be relocated, Mayo Fields may be needed for athletics rather than events, explore field development at J and K, need second playground open to public during school hours, existing playground aging and needs to be raised, rec path bridges aging and should be widened, Polo Field is very wet and frequently unplayable, picnic tables and benches need replacement. Ryan motioned to recommend a wetland delineation be done on Mayo Farm so rec fields and/or facilities could be explored. Forrest seconded all in favor.

9 **Other business**

**6:21 p Meeting adjourned.**

Respectfully Submitted

Matt Frazee



## Town of Stowe- Historic Preservation Commission

### Meeting Minutes – August 7, 2024

A meeting of the Stowe Historic Preservation Commission (SHPC) was held on Wednesday August 7, 2024, at approximately 5:15 pm.

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

**Members Present:** McKee MacDonald, Sam Scofield, Shap Smith, Barbara Baraw, George Bambara, and Jennifer Guazzoni

**Staff Present:** Ryan Morrison

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

Project #: 7435

Owner: Bullrock Pharma LLC

Tax Parcel #: 07-312010

Location: 45 Central Dr

Project: Minor amendment to Project #6562 to add exterior mechanical units, an additional door, and altered windows

Zoning: RR1/SHOD

No applicants or representatives were in attendance. The application was not heard.

Project #:7442

Owner: Lisa Hagerty

Tax Parcel #:11-202.010

Location:2850 Mountain Road

Project:Renovation of residential barn

Zoning: UMR

Alex Tolstoi presented the project. Lisa Hagerty was present. The project involves window and siding replacement, burying propane tanks and installing heat pumps. The goal of the window replacements is to achieve a more uniform appearance while incorporating egress windows where necessary. All siding will be matching clapboard. The corrugated roofing will remain. The large window on the barn's rear will be replaced in-kind. Mr. Tolstoi confirmed that the current project does not include the connector between the subject barn and the garage, as shown on the plans. He also confirmed that there are no changes proposed for the adjacent garage. The HPC requested that the applicant return with more specific plans showing what exactly is being replaced, what the replacements will look like, and removing aspects shown on the plan that are not proposed, such as the connector between the barn and the garage. The applicant anticipates returning to the HPC soon with revised plans.

Project #: 7441

Owner: Chalet Life Investments LLC

Tax Parcel #: 7A-026.000

Location: 51 South Main Street

Project: 498 sq ft pre-fabricated structure for office space

Zoning: VC10/SHOD



Graham Kramer and Cheryl Shields presented the project. The project involves the installation of a pre-fabricated office space structure. The structure will be sided entirely with stainless steel sheets. The office space would be for Ms. Shields, who runs Chalet Life on the property. Mr. Kramer acknowledged that parking will be an issue and is working to find a solution to accommodate the requirements of the Stowe Zoning Regulations. With regard to the building, he stated that since it will locate in the rear yard, it won't be visible from Main Street. Once it is assembled onsite it will be upgraded to meet required energy standards, particularly with insulation. M. MacDonald asked if just a simple addition to the primary building was considered to accommodate additional office space while maintaining a similar appearance to the existing historic structure. G. Kramer responded that they prefer a detached structure. G. Bambara stated that one would be able to see the structure in the rear yard from the street. S. Smith stated that the proposed structure's appearance, particularly the exterior finish, doesn't fit in to the overall historic appearance of the village. The HPC recommended that the applicant pursue a structure that more fits in with the historic architecture and appearance of the village. The applicant was encouraged to return at some point with a different plan.

Project #:7443

Owner: Red Carriage House LLC

Tax Parcel #:7A-048.000

Location:112 Main Street #4

Project:Amend Project #7394 to change railing system

Zoning: VC10/SHOD

Kristi Tatro presented the project, which is an after-the-fact railing installation on the front porch. Project #7394 approved a metal bar railing, which was not installed. Rather the hired builder installed a wooden railing with ornate 'sunshine' balusters. Multiple HPC members commented that the railing doesn't fit within the context of the historic building and recommended the applicant return with revised plans for a different railing style. B. Baraw recommended that a railing similar to the existing railing on the front, attached, home be considered. No action was taken on the application and the applicant will return to the HPC with revised plans.

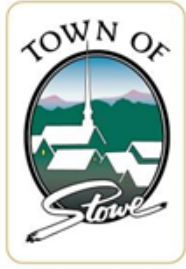
**Other Business:** Stowehof Act 250 Land Use Permit Amendment: The HPC received a copy of the July 31, 2024 letter from Laura Trieschmann, Vermont Division for Historic Preservation. The letter concludes that the proposed demolition of the Stowehof Inn will have an adverse effect, not undue on historic sites provided a condition be included in LUP #5L0400-4.

**Review Meeting Minutes:**

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

The meeting adjourned.

Respectfully submitted,  
Ryan Morrison, Deputy Zoning Administrator



## Town of Stowe- Historic Preservation Commission

### Meeting Minutes – August 21, 2024

A meeting of the Stowe Historic Preservation Commission (SHPC) was held on Wednesday August 21, 2024, at approximately 5:15 pm.

Participation was online via Zoom.

**Members Present:** McKee MacDonald, Sam Scofield, Barbara Baraw, George Bambara, Jennifer Guazzoni, Tyson Bry, Cindy McKechnie (alternate), and Chris Carey (alternate).

**Staff Present:** Ryan Morrison

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

Project #: 7435

Owner: Bullrock Pharma LLC

Tax Parcel #: 07-312010

Location: 45 Central Dr

Project: Minor amendment to Project #6562 to add exterior mechanical units, an additional door, and altered windows

Zoning: RR1/SHOD

Kyle Maxwell and Geordie Beldock were in attendance and presented the project. The project is to amend the approved plans of Project #6562 to alter the size of windows, add a door, and add exterior mechanical units. These changes have already been completed to the building. This is an after-the-fact request. M. MacDonald advised the applicant that in the future they should be prepared to submit a new application and go through the standard review, including HPC review, before construction of any project. C. Carey made the motion to approve the project as presented. The motion was seconded by T. Bry and unanimously approved. The project is a minor.

Project #:7442

Owner: Lisa Hagerty

Tax Parcel #:11-202.010

Location:2850 Mountain Road

Project:Renovation of residential barn

Zoning: UMR

Alex Tolstoi presented the project. Lisa Hagerty and George Gay were present. The project involves window and siding replacement, burying propane tanks, installing heat pumps and replacing the corrugated metal roof. The goal of the window replacements is to achieve a more uniform appearance while incorporating egress windows where necessary. All siding will be matching clapboard. The large window on the barn's rear will be replaced in-kind. Question about trim around the replacement windows arose. Mr. Tolstoi stated that they wish to have 3 ½" trim or less around the windows. S. Scofield stated that the plans should show the trim. C. McKechnie expressed concern that the compressor is not screened. The Applicant stated that they would come up with something that will minimize view of the compressor. The Applicant also noted that the existing lights on the barn will remain. S. Scofield added that those lights need to be shown on the plans. The HPC requested that the applicant return with more specific plans showing window trim, exterior light fixtures, and screening for the outside compressor. The applicant anticipates returning to the HPC soon with revised plans.

**Other Business:** None

**Review Meeting Minutes:**

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

The meeting adjourned.

Respectfully submitted,  
Ryan Morrison, Deputy Zoning Administrator

## Stowe Cemetery Commission Meeting

Tuesday, April 16, 2024

Approved May 21, 2024

A meeting of the Stowe Cemetery Commission was held Tuesday, April 16, 2024 at 8:30 am via a Hybrid Zoom.

Members present: Donna Adams, Claire "Skeeter" Austin, Gail Kaiser, Nancy LaVanway, Judy Smith, Karin Gottlieb, Mike Lemaire

### Minutes

After review with changes made, the Minutes were approved as amended on a motion by Nancy, seconded by Gail.

### Work Orders

Donna said she was expecting an Order for the Ayers Lot to review at the meeting but it had not arrived. There was no other correspondence to review.

### Treasurer's Report

Skeeter reviewed the Financial Report with the Commission. Cemetery flags have been ordered by the Legion. Trust income was up due to the sale of corner posts and one lot in the memorial garden. Union Bank was up a little and equities up about 1.5%. Skeeter said the Commission will get an update about the account from Caren at Edward Jones during her annual review.

### Remembrance Program

Skeeter said the Bowen contract had been signed and all the vendor information had been reviewed by Finance and Charles. Bowen will receive a deposit to begin the project as requested. He will start as soon as weather permits.

Dedication of New Sign Update.- The Legion ceremony will start at 11:30. Beverages and flower arrangements have been made. Remembrance Programs will be in a basket with poppies. A canopy and table have been arranged. Skeeter said notices will be put in Front Porch Forum, Stowe Reporter and invitations to certain folks will be sent. Charles will make some comments and anyone else who would like to may speak.

Cemetery Book Update – Donna searched and found boxes – 14 books of Volume One and 70 books of Volume Two. There was further discussion on what to charge for them. Donna said Karin's idea to allow the Historical Society to sell them was a good one. One Volume Two will be donated to the Library. Karin will check with the Historical Society to see if they would also want copies of Volume One. Donna will work on an updated Order Form. A price of \$20 for Volume One and Two and \$35 for the set was recommended. On a motion by Skeeter, seconded by Gail, the Commission approved the prices as stated. It was determined that no further updates of all that information contained in Volume Two had occurred since 1998. Skeeter said that is why she is trying to update the spreadsheets that Barbara was working on.

Cremation Garden Chart – There was discussion regarding the cremation garden space and a general discussion of the growth of cremations versus burials. Donna said new mapping and charting for the Memorial Garden is needed when the location of the wall is determined. There was further discussion regarding the type of wall to be installed either timber or stone.

There being no further business to conduct, Donna adjourned the meeting. The next meeting will be held on Tuesday, May 21, 2024. Minutes respectfully submitted by Susan Moeck.

## Stowe Housing Task Force

Wednesday, August 7, 2024

Akeley Memorial Building  
67 Main Street  
Stowe, Vermont



**Housing Task Force Members:** MacKee Macdonald, Walter Frame, Sarah Henshaw, Ken Braverman, Stefan Grundmann, Josi Kytte, Scott Coggins, Town Manager Charles Safford (Ex officio)

**Attendees:** Assistant Town Manager Will Fricke, Mila Lonetto, Eric Skinger, Heather Snyder, Jeff Jackson

### Call to Order

Town Manager Charles Safford called the meeting to order at 3:00pm.

### Member Introductions

Members of the Housing Task Force introduced themselves and explained their motivation for applying for the Task Force.

### Election of Officers

Charles Safford took nominations for Chair. One nomination was received for McKee Macdonald. No other nominations were received.

McKee Macdonald moved to elect McKee Macdonald as Chair. Ken Braverman seconded. Motion carried (7-0).

Chair Macdonald took nominations for Vice Chair. One nomination was received for Walter Frame. No other nominations were received.

Walter Frame moved to elect Walter Frame as Vice Chair. Sarah Henshaw seconded. Motion carried (7-0).

### Meeting Schedule

Sarah Henshaw moved to establish the regular meeting schedule of the Housing Task Force as the first and third Wednesdays of each month at 9:00am, with the goal of ending by 10:30am and a hard stop at 11:00am, and with the location being the Akeley Memorial Building, commencing on August 21, 2024. Josie Kytte seconded. Motion carried (7-0).

Sarah Henshaw suggested regular agenda items to assist with agenda setting.

### Town Of Stowe and State of Vermont Policies and Procedures for Appointed Boards and Commissions

Charles Safford reviewed with the Housing Task Force the Town of Stowe's Code of Ethics and Conflict of Interest policy, Declaration of Inclusion, and the State of Vermont Open Meeting Law and Public Records Law.

### Housing Task Force Role and Goals

Charles Safford reviewed with the Housing Task Force the Housing Task Force charge statement adopted by the Selectboard. Stefan Grundmann asked how the HTF would work in coordination with the Selectboard. Charles Safford said the Selectboard would like the HTF to come back periodically with status reports, once per quarter. He also said the Selectboard expects the HTF to engage with a qualified consultant to help with the data analysis, recommendations and cost/benefit analysis; the expectation is not that the Task Force does this all on their own.

The Housing Task Force discussed whom they would like to invite to present at their meetings, including Downstreet Housing and Community Development, the Vermont Housing Finance Agency, Lamoille County Planning Commission, the Planning Commission, and Town of Stowe staff.

Ken Braverman said that he is concerned they may spend a lot of time gathering data and focusing on a problem they already know exists rather than spending time focusing on solutions. McKee Macdonald said they need something they can clearly act on, so they justify action because of what they found in data. Charles Safford said it will also be important to prioritize any recommendations and decide how to use the limited resources of the Town, as Vermont is not a home-rule state, and resources are limited to what the state allows. They need to determine what the role of the Town is. Josi Kyle said it would also be important for the Task Force to communicate and articulate their recommendations.

Charles Safford said staff will start working on a draft RFP for the Task Force's review and will invite the groups mentioned to come to future meetings. He said they will post links to recordings on their meetings online.

The Housing Task Force decided to invite Downstreet Housing, Lamoille Housing Partnership, and Lamoille County Planning Commission to their next meeting. They said they want to ask about their mission, the housing landscape they see within Lamoille County, how Stowe fits into that, and what their solutions are and what Stowe can do to assist or fit into those solutions.

### **Public to be Heard Non-Binding**

Heather Snyder said the Task Force should review Harry Shepard's recent presentations to the Planning Commission on water and sewer.

### **Adjournment**

Chair Macdonald adjourned the meeting at 4:34pm.

### **Notes**

Minutes submitted by Will Fricke.

The Stowe Housing Task Force meets on the first and third Wednesday of each month at 9:00am.

A recording of this public meeting is available at: <https://www.townofstowevt.org/housing-task-force>

Draft

Board of Listers Minutes

Grievance Hearings

Town of Stowe July 9-15, 2024

The Board of Listers met on July 9, 10, 11, 12, 13 and 15, 2024 from 9:00 AM till 4:00 PM each day in the Listers office to hear appeals of Stowe property owners.

Present: Listers Paul Percy, Adam Davis, Jeff Jackson, Town Appraiser Tim Morrissey, and Appraiser Tom Vickery

The Board met on July 16, 17, 18, and 19, 2024 at 8:00 AM till 6:00 PM each day to inspect properties and act on all letters of appeal. Attached are the Result of the Grievance Day appeals.

The Board met on July 23 at 1:00 PM to make all final appeal decisions on the 2024 Grand List values.

Tim indicated that the Final Grand List would be ready for the Board's signatures on July 24, 2024.

Adam made a motion to adjourn, seconded by Jeff with all in favor at 2:30 PM

Respectfully submitted,

Tim Morrissey



## **DRAFT Minutes: Stowe Electric Board of Commissioners' Meeting**

July 24, 2024, at 8:30 am at Town of Stowe Electric Department Conference Room with remote participation available via Zoom.

### **Present:**

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

STAFF: Jackie Pratt, General Manager; Sarah Juzek, Director of Finance & Amber Ives, Clerk of the Board

**Call to Order:** L. Lackey called the meeting to order at 8:34 am.

### **Agenda Approval:**

M. Gilkey moved to adopt the warned agenda, S. Teachout seconded the motion, and the agenda was approved.

### **Meeting Minutes Approval: May 29, 2024 & June 18, 2024**

All were in favor of approval.

### **Alchemist Electric Vehicle (EV) Chargers:**

J. Pratt informed the Board of Commissioners that the Alchemist requested that Stowe Electric Department (SED) remove both charging stations on their property:

- Alchemist I- DC Fast Charger (1<sup>st</sup> Generation Technology): Non-Operable
- Alchemist II – DC Fast Charger (2<sup>nd</sup> Generation Technology): Operable

J. Pratt recommended decommissioning the Alchemist I charger and relocating the Alchemist II charger. J. Pratt apprised the Board of Commissioners that SED is currently working with the Town of Stowe and the Stowe Energy Committee to find a suitable location for the relocation of the Alchemist II charger.

J. Pratt also notified the Board of Commissioners that the Town & Country is currently under renovation and that their parking lot is no longer available to host SED's EV

charger. J. Pratt recommended relocating this Level 2 charger to Stowe Electric's property on Moscow Rd.

The Board of Commissioners voiced support of SED's presented plan for the three EV chargers.

### **Open Meeting Law Changes:**

J. Pratt summarized the Open Meeting Law changes that took effect on July 1, 2024: physical location for meetings, recording requirements, training requirements and the Open Meeting Law Violation Notice.

J. Pratt informed L. Lackey that under the recent changes, beginning January 1, 2025, all chairs of legislative bodies will need to take an annual Open Meeting Law training developed by the Secretary of State.

J. Pratt also familiarized the Board of Commissioners with the Open Meeting Law Violation Notice and informed the Board of Commissioners that both the Town of Stowe and SED posted this information to their websites on July 1, 2024, in compliance with the new regulations.

The Board of Commissioners and staff also discussed the recording requirement for all local non-advisory public bodies which now requires that non-advisory bodies record all meetings in audio or video form and post the recording for at least 30 days following the approval or posting of the official minutes for the meeting. The Board of Commissioners and staff discussed preference for audio or video recording (video was determined as the preferred format), as well as outlining a clear policy for the timeframe on how long a video would be available for viewing on SED's website.

### **General Manager Highlights:**

J. Pratt notified the Board of Commissioners that SED has partnered with the Agritech Institute for Small Farms to use goats to graze the underbrush along a one-mile portion of the sub transmission line that serves Mountain Rd and that the goal of the project is to improve reliability through the removal of substantial vegetation growth in an off-road area with rough terrain that our crews would have difficulty clearing. J. Pratt informed the Board of Commissioners that once the goats have sufficiently cleared the underbrush, navigating the terrain will be easier for our Tree Crew to complete removal of larger growth along that section of line.

The Board of Commissioners and J. Pratt discussed the logistics of the project, as well as the cost/benefit analysis.

J. Pratt also discussed NextEra's Outback Acres Solar project and informed the Board of Commissioners that NextEra has decided that the project is not economically viable.

J. Pratt and the Board of Commissioners discussed the termination of the project and its' impact on SED's Renewable Energy Credits (RECs), the need for an analysis by Energy New England (ENE) to determine impact to power supply costs and REC needs, potential payout due to dissolution of the contract, alternative projects, as well as the various options available to SED in order to meet Vermont's Renewable Energy Standard (RES).

The Board of Commissioners and J. Pratt agreed to further discuss the Outback Acres Solar project and the input of ENE at the August Commission meeting.

Under General Manager Highlights, J. Pratt also provided the Board of Commissioners with an update on the Hydro Project, July 2024 Flood Impacts, personnel, tax sale utility liens, and cyber security training.

#### **Other Business:**

L. Lackey presented questions to staff relating to SED's recent audit. The Board of Commissioners and staff discussed the Audit Engagement Letter, segregation of duties, and the notification of audit errors to the appropriate personnel, as well as the Board of Commissioners.

SED staff and the Board of Commissioners decided that follow-up to the discussion would be addressed via the Auditor's Inquiry Document.

The Board of Commissioners and staff also discussed the progress of the tariff study being conducted by Power Line Models (PLM) and how the results of that study will be used to evaluate and update other SED tariffs and filings.

SED staff and the Board of Commissioners discussed changing the scheduled Commission meeting dates for August, September, and October due to scheduling conflicts. The new dates agreed upon for up-coming Board of Commissioners meeting are:

- August 30, 2024, at 8:30 am
- September 24, 2024, at 8:30 am
- October 16, 2024, at 8:30 am

There being no further business, S. Teachout moved to adjourn the meeting and M. Gilkey seconded. All were in favor, and the meeting was adjourned at 9:55 am.

Respectfully Submitted,

Amber Ives

Clerk of the Board

DRAFT



## **Stowe Energy Committee July 25, 2024**

### **Present:**

Catherine Crawley, Robi Artman-Hodge, Elizabeth Soper, Cap Chenoweth, Andrew Rianhard

Absent: Marina Meerburg

### **Attendees:**

Assistant Town Manager Will Fricke, Public Works Director Harry Shepard, Planning and Zoning Director Sarah McShane, Jared Rodriguez (Community Decarbonization Partners), Meghan Rodier (LCPC), Alberto Della Torre (LCPC), Tori Hellwig (LCPC), Michael Lazorchak (SED)

### **Call to Order**

Chair Catherine Crawley called the meeting to order at 5:30pm.

### **Review & Approve Minutes**

Robi Artman-Hodge moved to approve the June 27 minutes with typos corrected, Cap Chenoweth seconded. Catherine Crawley abstained. Motion carried.

### **Geothermal Networks**

Jared Rodriguez of Community Decarbonization Partners gave a presentation on geothermal networks. The Energy Committee discussed the viability of geothermal networks in Stowe. They agreed to continue exploring the prospect of geothermal networks in Stowe and to hold a community meeting on the subject in the coming months.

*Presentation available at: <https://www.townofstowevt.org/energycommittee>*

### **SED EV Chargers Update**

Michael Lazorchak provided updates on EV charging stations. He said the Electric Commission is in favor of moving the EV fast charging station currently located at The Alchemist to a location owned by SED or the Town of Stowe, though he acknowledges the location would likely be a Town-owned property. He said SED would fund the cost of relocation, including staff time. He added that the fast charger is slated to be removed from The Alchemist within the next 2-3 weeks and would be in storage until it is reinstalled in another location. The Energy Committee agreed to present a recommendation to the Selectboard in September and to discuss the recommendation at their August 22 meeting.

**Town Plan Discussion**

The Energy Committee reviewed the Energy Section of the Town Plan alongside Meghan Rodier and Michael Lazorchak, who provided and explained comments and edits to the draft Stowe Energy Plan. No action taken at this time.

**Adjournment**

There being no other business, Chair Crawley adjourned the meeting at 6:58pm.

Board of Civil Authority Hearing  
Thursday, August 17, 2023  
Akeley Memorial Hall

In re: Appeal of Michael and Rosa Nissenbaum

Present:

BCA Members: Leighton Detora, Kermit Spaulding, Tom Kastner, Richard Bland, Lyndall Heyer, Jo Sabel Courtney, Liz Lackey, Marena Meerburg, Mary Black, Susan Connerty, Kaisa Lewia and Penny Davis

The Board met at 4:00 pm to reconvene the recessed hearing of July 20, 2023, for the continuation of the grievance procedure in the appeal of the assessment filed by Michael & Rosa Nissenbaum. The property description is 33.92 Acreage and Dwelling located on 124 Dish Lane.

Chair Leighton Detora opened the meeting.

**Inspection Committee Report** – The inspection committee consisted of Board Members Richard Bland, Mary Black, Marena Meerburg, Jo Sabel Courtney, Susan Connerty, Susan Clark and Lyndall Heyer. Each member was in full agreement with the report. The full inspection report is attached hereto as Exhibit 1.

Both Ed French, attorney for the Nissenbaums and Tim Morrissey on behalf of the Board of Listers for the Town of Stowe were contacted, given the report and asked to email any comments regarding its contents to Penny by Noon, Friday August 18, 2023. Both parties agreed. It was agreed by all parties that the meeting would recess and reconvene on Friday, August 18, 2023, at 2:00 pm for Board of Civil Authority's deliberative session.

Respectfully submitted,

Penny A. Davis

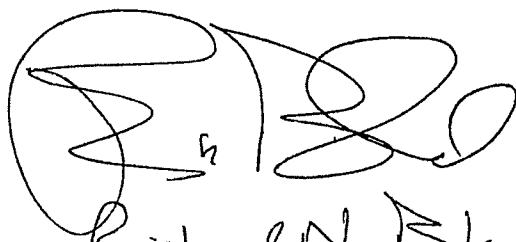
# Exhibit 1

4:00P.M., August 3, 2023  
124 Dish Lane, Stowe

Present were the owners of the property, Michael A. and Rosa Nissenbaum, with Britney Aube, a paralegal with Stackpole & French, legal representatives of the owners. Also present were the following members of the Board of Civil Authority Inspection Committee: Marina Meerburg, Lyndall Heyer, Jo Sabel Courtney, Susie Connerty, Susi Clark, Richard Bland, and Mary Black

Other than the large area of the failed pond, which is currently under re-construction, the grounds around the house are well maintained, with very well constructed stone walls, walkways, and patio areas and lovely gardens. The view is expansive and stunning, overlooking the valley and mountains. There is a significant amount of exposed ledge, which provides a dramatic background to the northerly (main entrance) side of the house, and is enhanced with plantings and sculpture at the top, level area of this ledge. There is a large, flat area of lawn, with a shed, to the westerly side of the house, above the driveway, which currently has soccer nets and has been used as a practice area by the owners' sons. This area could potentially be developed with another outbuilding, possibly including a small accessory dwelling (in-law suite) or additional storage/garage.

The house is a large, very well maintained, attractive, timber-framed dwelling. The owner stated that it was first constructed in Maine, and he deliberately designed it to enable dismantling and moving it to another location, which is what they did. So, in a sense, Mr. French was correct when he said that it was built of recycled materials, but they were not from other old houses. The interior is a work of art, with design and materials that are very high quality. The main level has a most impressive massive vaulted ceiling with exposed Douglas Fir beams and arches. There are several leaded stained-glass windows throughout the house, at least some of which were self-reported by the owner to be custom designed. There is a wall of windows to the main floor deck, opening to the spectacular views of the mountains. The flooring is a combination of wood and marble. The two stairways (one between main and 2<sup>nd</sup> level, and another between main and lower level) are both curved, open, and appear to be custom made by a highly skilled woodworker. There are fireplaces on the main floor and in the walkout basement level. The property record card indicates four bedrooms, but there are five: one on the main level and four, including the main suite with a private deck, on the second level. The second level also has a small sleeping loft accessed by a ladder, which was inaccessible at the time of our inspection. The fixtures in the (3 full, 2 ¾, and 1 ½) bathrooms were all very high quality, some appearing to be custom made. There is also a large sauna room and a home theater room on the lower level. There is access to a root cellar on the lower level, built under the main entrance, and a mud room next to the three-car garage.



Richard N. Bland  
On behalf of the Committee



Board of Civil Authority Hearing  
Friday August 18, 2023  
Akeley Memorial Hall

In re: Appeal of Michael and Rosa Nissenbaum

Present:

BCA Members: Leighton Detora, Kermit Spaulding, Tom Kastner, Richard Bland, Liz Lackey, Mary Black and Penny Davis

The Board met at 2:00 pm on Friday, August 18, 2023 to reconvene the hearing of Thursday August 17, 2023 for the tax appraisal grievance from Michael & Rosa Nissenbaum. The property description is 33.92 Acreage and Dwelling located on 124 Dish Lane.

Chair Leighton Detora opened the meeting.

The Board Members reviewed the comments that were emailed to Penny by both Tim Morrissey on behalf of the Board of Listers and Britney Aube of Stackpole and French on behalf of the Appellants Nissenbaum.

Tim Morrissey's email stated that he felt the inspection report was accurate..

Britney Aube from Stackpole and French offered the following response to the inspection report:

"In response to the BCA Inspection Report, we would like to note that while the Nissenbaum home does have pleasing aesthetic quality, with its use of rustic, and unique materials, the value of those materials correlate with the Nissenbaums specific aesthetics, but does not necessarily increase the resale value of the home."

The Board then engaged in its deliberative session. By a vote of 5-0 the Board of Civil Authority denied the taxpayer's appeal to further reduce the assessed value of the subject property to \$2,568, 600. The Official Notice of the Decision of the Board of Civil Authority is attached.

The meeting was adjourned.

Respectfully submitted,

Penny Davis

**Form PVR-4404-ON**  
**OFFICIAL NOTICE**  
**Decision of Board of Civil Authority**

**TO:**

MICHAEL AND ROSA NISSENBAUM  
 124 DISH LANE  
 STOWE, VT 05672

Appellant notified by certified mail on:

Date of Notice: August 21, 2023

Your appeal to the Board of Civil Authority (BCA) concerning the appraisal of your property, identified in the Grand List Book with school property account number (SPAN) 621-195-12261, parcel ID # 30219.300, has been given careful consideration, with the following results:

| Result of Grievance      |            | Value(s) Set by BCA      |  |
|--------------------------|------------|--------------------------|--|
| Total Listed Value*      | 2568600.00 | Total Listed Value*      |  |
| Non-Homestead Allocation |            | Non-Homestead Allocation |  |
| Homestead Allocation     | 2568600.00 | Homestead Allocation     |  |
| Housesite Value          | 2227100.00 | Housesite Value          |  |

\*If the parcel is enrolled in the Use Value Appraisal Program ("Current Use"), the BCA must establish the allocated values as required by 32 V.S.A. § 3756(d). Attach a copy of the Current Use printout the listers filed with the Division of Property Valuation and Review with any changes made by the BCA and/or complete attachment PVR-4404-ON, Attachment U.

Date Appeal Filed July 7, 2023

BCA Hearing Notice Date July 11, 2023

**BCA Hearing**

Date: July 20, 2023

Time: 4:00 pm

Place: AKELEY MEMORIAL BUILDING

BCA Members Present: L. DETORA, K. LEWIA, T. KASTNER, R. BLAND, M. MEERBURG, L. HEYER

K. SPAULDING, J. S. COURTNEY, S. CLARK, S. CONNERTY, L. LACKEY, M. BLACK, P. DAVIS

Appearing for Listers: Timothy J. Morrissey

Appearing for Appellant: Edward B. French, Esq. and Britney Aube

**Summary of Testimony/Argument by:**

Appellant: Edward B. French, Esq., Brittany Aube

Lists: Timothy J. Morrissey

|                        |                                     |                    |
|------------------------|-------------------------------------|--------------------|
| Property Inspected by: | <u>M. Meerburg, S. Connerty</u>     | <u>BCA Members</u> |
|                        | Name                                | Position           |
|                        | <u>J.S. Courtney, R. Bland</u>      | <u>BCA Members</u> |
|                        | Name                                | Position           |
|                        | <u>M. Black, S. Clark, L. Heyer</u> | <u>BCA Members</u> |
|                        | Name                                | Position           |

Statute requires minimum of three members.

Date of Inspection: August 3, 2023

**Report of Inspection Committee** (Use attachment, if necessary)

SEE ATTACHED

**Board's Decision with Reasons** (Use attachment, if necessary)

SEE ATTACHED

Check this box if this parcel is enrolled in the Use Value Appraisal Program (must fill out Attachment U).

**Certificate**

I hereby certify that this is a true record of the action taken on this appeal by the Board of Civil Authority of the town/city.

*Leigha DeTina*, Chairman  
Board of Civil Authority

Filed in the town/city clerk's office on August 21<sup>st</sup>, 2023 at Stowe to be recorded in the Grand List Book of April 1, 2023 (year)

Attest *[Signature]*  
Town/City Clerk

**32 V.S.A. § 4461. Time and manner of proposal.**  
If you are aggrieved by this decision, you may appeal either to the Director of the Division of Property Valuation and Review or to the Superior Court of the county in which the property is situated. The appeal to either the director or the superior court is governed by Rule 74 of the Vermont Rules of Civil Procedure and is commenced by filing a notice of appeal with the town clerk within 30 days of the day this decision was mailed to you by the town clerk (date of entry noted on reverse). The town clerk transmits a copy of the notice to the director or to the superior court as indicated in the notice and shall record or attach a copy of the notice in the grand list book.

Be sure your appeal indicates which avenue of appeal you wish to pursue (court or director), clearly identifies the property under appeal, and is accompanied by the correct filing fee. The appeal to the Superior Court shall be accompanied by a \$295 fee for each parcel being appealed; the fee is \$70 per parcel on appeal to the Director. If the property under appeal is enrolled in the use value appraisal program, please indicate that in your appeal. If the property under appeal contains a homestead, please include that information.

**Form PVR-4404-ON - ATTACHMENT U**  
**Use Value Allocation**

Appeal of Michael & Rosa Nissenbaum

SPAN 621-195-12261

The subject property has land and/or buildings enrolled in the Use Value Appraisal Program in accordance with 32 V.S.A. Chapter 124. The allocated values have been established in accordance with 32 V.S.A. § 3756(d).

**If you choose to use the current use worksheet format in place of this, please label each and attach to this document, then include worksheet after listers' grievance with decision.**

**Current Use Value(s) Set as a Result of Grievance**

|                                           | Acres        | Total             | Homestead         | Nonhomestead |
|-------------------------------------------|--------------|-------------------|-------------------|--------------|
| Value of Dwellings and Non-Farm Buildings |              | 1807100.00        | 1807100.00        | 0.00         |
| Value of Enrolled Farm Buildings          |              |                   |                   | 0.00         |
| Value of Excluded Land                    | 3.00         | 431200.00         | 431200.00         | 0.00         |
| Value of Enrolled Land                    | 30.92        | 330300.00         | 330300.00         | 0.00         |
| <b>Total Values</b>                       | <b>33.92</b> | <b>2568600.00</b> | <b>2568600.00</b> |              |

**Current Use Value(s) Set by BCA**

|                                           | Acres        | Total             | Homestead         | Nonhomestead |
|-------------------------------------------|--------------|-------------------|-------------------|--------------|
| Value of Dwellings and Non-Farm Buildings |              | 1807100.00        | 1807100.00        | 0.00         |
| Value of Enrolled Farm Buildings          |              |                   |                   | 0.00         |
| Value of Excluded Land                    | 3.00         | 431200.00         | 431200.00         | 0.00         |
| Value of Enrolled Land                    | 30.92        | 330300.00         | 330300.00         | 0.00         |
| <b>Total Values</b>                       | <b>33.92</b> | <b>2568600.00</b> | <b>2568600.00</b> |              |

Do not adjust number of acres enrolled in current use or the number of enrolled farm buildings.

**32 V.S.A. § 3756(d). Qualification for use value appraisal.**

The assessing officials shall appraise qualifying agricultural and managed forestland and farm buildings at use value appraisal as defined in subdivision 3752(12) of this title. If the land to be appraised is a portion of a parcel, any portion not receiving a use value appraisal shall be valued at its fair market value as a stand-alone parcel, and, for the purposes of the payment under section 3760 of this chapter, the entire parcel shall be valued at its fair market value as other similar parcels in the municipality.

Board of Civil Authority

Tax Appeal Decision

In re Appeal of Michael and Rosa Nissenbaum

124 Dish Lane, Stowe, Vt.

Parcel ID: 30219300

Findings of Fact and Decision

The above-entitled matter came on for hearing of the appeal of the tax assessment on the Nissenbaum property on July 20, 2023 before the Board of Civil Authority for the Town of Stowe. The Appellants, Nissenbaum, were not present but were represented by the law firm of Stackpole and French. The Board of Listers of the Town of Stowe was represented by Timothy Morrissey who appeared and presented evidence.

An inspection committee was chosen and conducted a view of the subject property as required by law and issued its report dated August 3, 2023 to the Board of Civil Authority at its reconvened hearing on the 17<sup>th</sup> of August, continued to the 18<sup>th</sup> of August.

Based upon the evidence introduced, the Board of Civil Authority finds as follows:

1. The property consisting of 33.92 acres was purchased nine years ago on 4.15.2014 for \$813,00.00.
2. The dwelling was originally constructed in Maine and designed such that it could be disassembled and moved, and it was moved to Stowe, Vermont, re-constructed on site and consists of 9,085 square feet of living space and an attached three car garage.
3. Due to its elevation and topographical features, access to the building site was estimated to have cost \$1,000,000.00 +/-.
4. There are 3 acres around the dwelling which are excluded lands under the Vermont Current Use Program. The fair market value of the property was assessed at \$2,885,100 and as a result of a successful grievance to the Stowe Board of Listers, was reduced to \$2,568,600 due to pond failure and decreased landscaping.
5. The appellants' position is that the retrospective opinion of market value of the property for June 2022 is \$2,540,000.00 which should then be reduced by applying Stowe's Common Level of Appraisal (CLA) of 78.35 to further reduce the value to \$1,990,090.00 as presented in the APPRAISAL OF REAL PROPERTY authored by Amanda Kole of Northern Vermont Appraisals, PC, and submitted by the appellants and presented at the hearing.
6. The report of the Inspection Committee details a very large well maintained home that is a work of art with both design and materials of high quality, containing vaulted ceilings,

several leaded stained glass windows throughout the house some of which were designed by the owner, by self-report; curved open staircases that appear to have been made by a skilled woodworker; spectacular views of the mountain chain; a pleasant exterior aesthetic with plantings, stone walls and a pond; and flooring that is a combination of wood and marble. (See August 3, 2023 report attached as Ex.1 and incorporated herein)

7. Consideration was given to all information and arguments offered by the respective parties but the Board of Civil Authority accorded little weight and credibility to the restricted appraisal report of Amanda Kole for the following reasons:
  - a. The CLA indicates that properties in Stowe are being sold at prices higher than their assessments. The Board of Civil Authority does not believe the CLA is a numerical divisor used for the purpose being applied against and reducing fair market value; and
  - b. The report recites that: "there were not comparable sales with this site size or larger" but does not explain the adjustments made by her because of that (Ms. Kole was not available at the hearing to respond to questions from the Board of Civil Authority about her report); and
  - c. The report states that "A true and complete copy of this report contains 25 pages, including exhibits which are considered an integral part of the report. The appraisal report may not be properly understood without reference to the information contained in the complete report." Only fourteen (14) pages of the restricted report were presented to the Board of Civil Authority.

There are evidentiary burdens in tax appeals, the burden of production and the burden of persuasion. The taxpayer always retains the burden of persuasion, that is, the burden to persuade the trier of fact, in this case the Stowe Board of Civil Authority that the totality of evidence presented favors the taxpayer's position. The Board of Civil Authority does not find that the Appellants have met their evidentiary burdens of production and persuasion. In addition, the Board of Civil Authority agrees with and hereby adopts the methodology and values used by the Listers to assess the subject property. By a vote of 5-0 the Board of Civil Authority denied the taxpayer's appeal to further reduce the assessed value of the subject property at \$2,568,600.

Board of Civil Authority

By its Chair



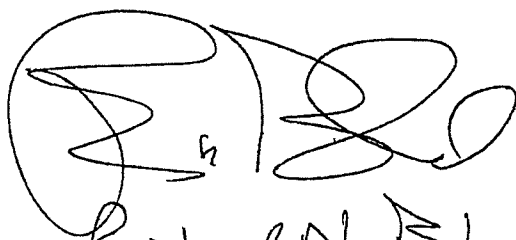
# Exhibit 1

4:00P.M., August 3, 2023  
124 Dish Lane, Stowe

Present were the owners of the property, Michael A. and Rosa Nissenbaum, with Britney Aube, a paralegal with Stackpole & French, legal representatives of the owners. Also present were the following members of the Board of Civil Authority Inspection Committee: Marina Meerburg, Lyndall Heyer, Jo Sabel Courtney, Susie Connerty, Susi Clark, Richard Bland, and Mary Black

Other than the large area of the failed pond, which is currently under re-construction, the grounds around the house are well maintained, with very well constructed stone walls, walkways, and patio areas and lovely gardens. The view is expansive and stunning, overlooking the valley and mountains. There is a significant amount of exposed ledge, which provides a dramatic background to the northerly (main entrance) side of the house, and is enhanced with plantings and sculpture at the top, level area of this ledge. There is a large, flat area of lawn, with a shed, to the westerly side of the house, above the driveway, which currently has soccer nets and has been used as a practice area by the owners' sons. This area could potentially be developed with another outbuilding, possibly including a small accessory dwelling (in-law suite) or additional storage/garage.

The house is a large, very well maintained, attractive, timber-framed dwelling. The owner stated that it was first constructed in Maine, and he deliberately designed it to enable dismantling and moving it to another location, which is what they did. So, in a sense, Mr. French was correct when he said that it was built of recycled materials, but they were not from other old houses. The interior is a work of art, with design and materials that are very high quality. The main level has a most impressive massive vaulted ceiling with exposed Douglas Fir beams and arches. There are several leaded stained-glass windows throughout the house, at least some of which were self-reported by the owner to be custom designed. There is a wall of windows to the main floor deck, opening to the spectacular views of the mountains. The flooring is a combination of wood and marble. The two stairways (one between main and 2<sup>nd</sup> level, and another between main and lower level) are both curved, open, and appear to be custom made by a highly skilled woodworker. There are fireplaces on the main floor and in the walkout basement level. The property record card indicates four bedrooms, but there are five: one on the main level and four, including the main suite with a private deck, on the second level. The second level also has a small sleeping loft accessed by a ladder, which was inaccessible at the time of our inspection. The fixtures in the (3 full, 2 ¾, and 1 ½) bathrooms were all very high quality, some appearing to be custom made. There is also a large sauna room and a home theater room on the lower level. There is access to a root cellar on the lower level, built under the main entrance, and a mud room next to the three-car garage.



Richard N. Bland  
On behalf of the Committee

**STOWE, VERMONT**  
**Board of Civil Authority**

**Rules for Conduct of Meetings and Hearings**

1. Meetings shall be chaired by the Chair of the BCA, or in his/her absence, by the Vice-Chair. In the absence of both the Chair and the Vice-Chair, the meeting shall be chaired by a chair pro tempore, to be selected by the BCA.
2. When hearing tax appeals, a majority of those present shall constitute a quorum, so long as there are at least three members present. 24 V.S.A. § 801. If a quorum is not present, the only action that may be considered is a motion for recess or adjournment.
3. When serving in an electoral capacity, a majority of those present shall also constitute a quorum, however official action may not be taken without the concurrence of at least three members of the BCA. 17 V.S.A. § 2103.
4. A member shall be disqualified from all tax appeals in any year in which he/she appeals their own taxes or has an interest in a property under appeal beyond the Board of Listers. 32 V.S.A. § 4404(d).
5. A *Conflict of Interest* shall be defined as a direct or indirect personal, familial, or financial interest by a BCA member or the member's spouse, business associate, employer or employee, in the outcome of a hearing that is greater than that experienced by a member of the general public, or a situation where a BCA member has publicly displayed a prejudgment of the merits of a proceeding. BCA members shall recuse themselves from proceedings where they have a conflict of interest. (Derived from 24 V.S.A. § 1984.)
6. *Ex parte communication* shall be defined as any communication regarding the merits of an appeal that occurs between or among members of the BCA or a member of the BCA and a party to an appeal that occurs outside of a duly warned hearing. Ex parte communication must be strictly avoided. Any ex parte communication that occurs must be reported in the public hearing and included in the minutes.
7. All business shall be conducted in the same order as it appears on the warning, except that by majority vote, the chair may alter the order of items to be considered and/or the time allotted.
8. All motions must receive a second before being voted on.
9. The chair shall have the same participation rights as any other member and shall rule on all questions or order or procedure.
10. The chair shall conduct the first tax appeal hearing on a matter in the following order:
  - A. Open the hearing.
  - B. BCA members are administered the tax appeal oath: *I do solemnly swear (or affirm) that I will well and truly hear and determine all matters at issue between taxpayers and listers submitted for my decision. So help me God. (or under the pains and penalties of perjury).* 32 V.S.A § 4405.
  - C. Request disclosure of conflicts of interest and ex parte communications.
  - D. Ask the appellant, his/her representative(s), and members of the Board of Listers to step forward and that the following oath: *Under the pains and penalties of perjury, do you solemnly swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth?*



- E. Ask the Listers to introduce the subject property on appeal.
  - F. Invite the appellant or his/her representative to present their appeal.
  - G. Invite the Listers to respond to the information presented by the appellant.
  - H. Invite questions from the members of the BCA.
  - I. Invite the Listers to present their valuation
  - J. Invite the appellant to respond to the information presented by the Listers.
  - K. Invite final questions from members of the BCA.
  - L. Appoint an inspection committee of at least three members. Explain to all present that the inspection committee must report back to the full BCA within 30 days and the BCA will issue a decision within 15 days of receipt of the inspection committee report.
  - M. Adjourn the hearing to a date and time certain.
11. The chair shall conduct the second and any subsequent hearings on a tax appeal in the following order:
- A. Open the hearing.
  - B. Invite the inspections committee to present their report.
  - C. Invite final comments from the appellant.
  - D. Invite final comments from the Listers.
  - E. Invite final questions from the BCA.
  - F. 1.) Either close the hearing and explain that the BCA will now enter a private, deliberative session and will issue a decision in writing within 15 days; or  
2.) Close the hearing, explain that the BCA will issue a decision in writing within 15 days, and begin to deliberate on the appeal. Though such deliberation may be conducted in public, the parties should not participate at this stage once the hearing is closed.
12. These rules may be amended by unanimous vote of the BCA, and must be readopted annually at the organizational meeting.
13. These rules shall be made available at all meetings and hearings.

Reviewed and approved at the Board of Civil Authority Meeting on September 14, 2023.

Attest: \_\_\_\_\_  
Town Clerk