

Agenda Summary October 9, 2024

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

Stowe Electric Garage SMAC Notice: The Vermont Department of Environmental Conservation issued a Site Management Activities Completed (SMAC) Letter for the Stowe Electric Garage, located at 90 Dump Road (Transfer Station), related to a 2013 diesel release from an aboveground storage tank (AST). The letter states, in part, that SMS is “not requesting any additional work in response to the reported contamination from the AST release at this time,” and “Any residual contamination remaining at the site does not pose an unacceptable risk to human health and the environment providing it remains undisturbed and the garage remains unoccupied.”

New Town Website (stowevt.gov): The Town of Stowe will soon be launching a new website, stowevt.gov. This is the result of a capital project approved by the voters at 2023 Town Meeting. The new website will consolidate the four websites currently used by Town departments and those websites will redirect: townofstowevt.org, dps.stowevt.gov, stowerec.org, and stowefreelibrary.org. Staff have already effectively utilized multiple aspects of the new website, including the communication platform for sending mass emails during the June and July flood events.

Home Rule Comparison: Following on the September 25 discussion about home rule - the Town of Vail, Colorado, is a home rule municipality which is similar to Stowe demographically and economically. Vail property owners pay approximately \$67 million in property taxes, of which \$8.5 million is directed to the Town of Vail. This is in comparison to Stowe’s \$71 million in property taxes with \$12 million being municipal. However, the Town of Vail has an additional approximately \$92 million in other revenues – primarily through sales taxes, compared to Stowe’s \$4.7 million in additional revenues.

Act 250 Notices: No notable Act 250 notices were issued since the previous Manager’s Report.

Minutes: Enclosed are the following minutes:

- Development Review Board – October 1
- Recreation Commission – September 10
- Historic Preservation Commission – October 2
- Electric Commission – September 24
- Energy Committee – August 22
- Housing Task Force – September 18
- BCA – August 19, August 22, August 27, September 10, September 14

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.

Waste Management & Prevention Division

One National Life Drive, Davis 1 [phone] 802-828-1138

Montpelier, VT 05620-3704 [fax] 802-828-1011

Site Management Activities Completed

Site Name – Town of Stowe Electric Garage**SMS # 20134432****Site Address****90 Dump Road****Stowe, Vermont****September 30, 2024****SPAN # 621-195-12928**

I. Purpose and Applicability

A Site Management Activities Completed (SMAC) designation is issued by the Vermont Agency of Natural Resources (VTANR), Waste Management and Prevention Division (WMPD), Site Management Section (SMS) to signify that based on current information, no additional work related to a release is required and all the requirements of § 35-1001(b) Investigation and Remediation of Contaminated Properties Rule (IRULE) have been met. This SMAC designation also serves as a Notice to the Land Record (NLR).

II. Description of Property Subject to SMAC

This SMAC is issued for the Town of Stowe Electric Garage property, SMS Site #20134432, located at the end of Dump Road, Stowe, VT. The site is a 6.91-acre property that has been improved upon by several buildings built on at-grade concrete slabs including a large maintenance garage on the south side of the parcel and other buildings located north of the garage that serve the Stowe Transfer Station activities of the Lamoille Regional Solid Waste Management District. A former dump exists under the transfer station. The site is in a mixed residential and commercial area, with commercial properties bordering the site to the west and open land surrounding the site to the south and east. The West Branch of the Little River forms the eastern property boundary and is located 100 feet east of the garage. The site and surrounding area are served by municipal water and sewer.

III. Site History

On September 26, 2013, a diesel release was reported from a 500-gallon aboveground storage tank (AST) located adjacent to the southwest side of the garage. The AST was filled three days before the release was detected. Approximately 100 gallons had been used to fuel vehicles. This left approximately 400 gallons unaccounted for. A small hole was discovered on the bottom of the 500-gallon AST near the filling hose.

Spill response included the excavation of approximately 85 tons of contaminated soil, though the full extent of soil contamination was not removed due to the constraints posed by the adjacent building and the excavator reach. The concentration of volatile organic vapor concentrations (VOCs) as measured by a photoionization detector (PID) ranged from 0.6 parts per million (ppm) to 463 ppm. During the excavation, the open-ended floor drainpipe from the southern section of the garage was discovered. The drainpipe terminated approximately 3.5 feet below ground surface (bgs) and beneath the AST. Dark stained soil/sludge was observed below the drainpipe and was excavated along with the contaminated soil.

The AST system was removed, and the floor drain system was sealed within the garage. The contaminated soil and sludge were transported to Environmental Soil Management, Inc of Loudon, New Hampshire for thermal destruction.

IV. Site Investigation and Corrective Action Activities; Documentation/Reports

The SMS has reviewed the following documents pertaining to this site and has determined the site is eligible for a SMAC designation.

- *Spill Response Report*- October 4, 2013- Ross Environmental Associates, Inc.
- *Initial Site Investigation* – January 14, 2014 – Ross Environmental Associates, Inc

These documents are available for review with the Department of Environmental Conservation, Waste Management and Prevention Division, Sites Management Section.

During site activities, contaminants identified on-site included the following:

- On November 26, 2013, seven soil borings were advanced to evaluate the extent of the contamination in soils and groundwater. A PID was used to detect any VOCs present in the samples collected. PID readings were below 3.0 ppm in all borings except for soil borings SB-6 and SB-7. In SB-6, PID readings peaked at 50 ppm at approximately 11 feet below grade but decreased with depth to levels below 3.0 ppm to the boring terminus as 16 feet below ground. In SB-7, PID readings peaked at 290 ppm at approximately 8 feet below grade but decreased to 0.0 ppm at the boring terminus of 20 feet below ground. Soil samples were collected and submitted for laboratory analysis from all boring except SB-3 that had a shallow refusal.
- VOCs detected above laboratory detection limits (LDL) included total xylenes, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, ethylbenzene, and toluene. All detections were below the Vermont Soil Standards - Resident Soil (VSS -RS), including the sample collected from a sample exhibiting elevated PID readings.
- Semi-volatile organic compounds (SVOCs) detected included 2-Methylnaphthalene and Di-n-butyl phthalate, which both lack a Vermont regulatory soil standard
- Resource Conservation and Recovery Act (RCRA) 8 metals detected included arsenic, barium, Chromium (III), and lead. All detections were below VSS-RS.
- Groundwater was not encountered during the advancement of the soil borings. The maximum depth the soil borings were advanced to was 25 feet below ground surface.

Corrective actions were implemented between September 2013 and November 2013. Following remedial activities, the following contaminants remain on-site:

- Approximately 85 tons of contaminated soil was removed and disposed of by thermal destruction. The full extent of the contamination could not be removed due to the limits of the excavator and the proximity to the garage. Following excavation, seven soil borings were advanced and soil samples collected for laboratory analysis. Soil analytical results indicated that petroleum contaminants remain at levels below standards and will degrade with time. No violations of soil standards related to the floor drain discharge were found for non-petroleum VOCs, SVOCs, or metals. The floor drain was permanently sealed.

A sensitive receptor survey was conducted. The following receptors were identified:

- Underground electric is present in the contamination portion of the property. Potential exposure through direct contact with soil by construction workers if excavation is performed in the affected area is likely.

- The area is served by municipal water with the nearest off-site supply well located approximately 1,000 feet northeast of the site. This well is not threatened by this release given the low-level residual source, the lack of a transport mechanism, and distance from the site.
- The West Branch of the Little River is located approximately 100 feet east of the former AST system. The likelihood of impact is low due to the lack of a mode of transport and the vertical and horizontal distance from the former AST system.
- Several Class 2 wetlands are located within one-half mile of the former AST system. The closest is located approximately 700 feet south of the former AST system. The likelihood of impact is low due to the lack of a mode of transport and the vertical and horizontal distance from the former AST system.
- The indoor air of the garage was not rigorously investigated due to it being used for vehicle storage and is not occupied. The risk of vapor intrusion is likely low given the low-level residual source and it has been 11 years since the spill occurred.

V. Determination

Based on the above information, the SMS has determined that the site has satisfied the requirements of Subchapter 10 § 35-1001 of the IRULE and the SMS is not requesting any additional work in response to the reported contamination from the AST release at this time. Therefore, the SMS is assigning a Site Management Activities Complete (SMAC) designation. This SMAC designation and attached site plan also serve as a Notice to the Land Records to document that residual contamination remains on this property. This SMAC designation and site plan will be provided to the current owner of the property and their environmental consultant, the Selectboard chair and/or Town/City Manager, municipal health officer, and DEC regional engineer. Any residual contamination remaining at the site does not pose an unacceptable risk to human health and the environment providing it remains undisturbed and the garage remains unoccupied. The SMS must be notified prior to conducting any subsurface work, excavation, or groundwater extraction in the vicinity of the above-described residual contamination. The SMS must also be notified if there is a change in occupancy of the garage to evaluate the risk of vapor intrusion. If a person fails to follow the use restrictions contained within this notice, the person may be liable for further site investigation, remediation, and penalties pursuant to the Vermont Waste Management Act, 10 V.S.A. Chapter 159.

This SMAC designation and site plan shall be recorded in the Municipal Land Record for this site within one week of receipt of the document. A copy of the recorded SMAC notice with the recorder's stamps must be provided to the Agency within 10 days of recordation; upon which time the SMAC designation will take effect. The SMAC designation does not release any property owners (past, current, or future) from any past or future liability associated with the soil contamination at this site resulting from the AST release. The Secretary may return the site to an active status if any of the criteria outlined in the IRULE are met.

Should you have any questions, please do not hesitate to call me; I may be reached at (802) 522-4627.

Signed: *Noelle Stroik*

Date: September 30, 2024

Noelle Stroik
Project Manager
Sites Management Section

Signed: _____


Date: September 30, 2024

Matt Moran
Environmental Program Manager
Sites Management Section



LEGEND

- Parcels (standardized)
- Parcels (non-standardized)
- Roads**
 - Interstate
 - Principal Arterial
 - Minor Arterial
 - Major Collector
 - Minor Collector
 - Local
 - Not part of function Classification S
- Waterbody
- Stream
- Town Boundary

1: 1,626
December 19, 2019

83.0 0 42.00 83.0 Meters
 WGS_1984_Web_Mercator_Auxiliary_Sphere 1" = 136 Ft. 1cm = 16 Meters
 © Vermont Agency of Natural Resources THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

NOTES

SMS Site #: 2013-4432. Area of 2014 spill excavation highlighted in purple and 2019 test pit shown in red



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Housing Task Force

Zoom Link

The Housing Task Force is an advisory body charged with collecting data and making recommendations on how to better support year-round residential housing at more affordable price points. The Housing Task Force will present a final report to the Selectboard in July 2025.

[Housing Task Force Charge Statement](#) (PDF, 343KB)

[Housing Needs Assessment RFP](#) (PDF, 241KB)

Minutes



Recordings



Appointed Officials

McKee Macdonald, **Chair**
Walter Frame, **Vice Chair**
Sarah Henshaw
Ken Braverman
Stefan Grundmann
Josi Kytte
Scott Coggins
Mila Lonetto (Non-Voting)

Staff

Charles Safford
Town Manager
csafford@stowevt.gov

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| Electric Commission | Energy Committee | Arts & Culture Council |
| Housing Task Force | Board of Civil Authority | Board of Abatement |
| Elections | Delinquent Tax Sales | LSSU / Stowe School District |

Past Meetings

62 Result(s) Found

- October 02, 2024 Historic Preservation Commission +
- October 02, 2024 Recreation Commission +
- October 02, 2024 Housing Task Force +
- October 01, 2024 Development Review Board +
- September 25, 2024 Selectboard +

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Resources**

Contact Us

Phone

[\(802\) 253-6145](tel:(802)253-6145)

Email

StoweFreeLibrary@gmail.com

Location

Stowe Free Library
90 Pond Street
Stowe, VT
05672
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Hours

Sunday	Closed
Monday	09:30 AM–05:30 PM
Tuesday	12:00 PM–07:00 PM
Wednesday	09:30 AM–05:30 PM
Thursday	12:00 PM–07:00 PM
Friday	09:30 AM–05:30 PM
Saturday	10:00 AM–03:00 PM

Our Team



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Town Clerk & Treasurer

The Town Clerk & Treasurer is responsible for providing a number of services to the public, including the receiving and recording of all land and vital records, administering elections, issuance of certified copies of birth, death and marriage certificates, and the issuance of civil marriage licenses and dog licenses. In addition to receiving, recording and issuing these documents, this office is responsible for the maintenance, indexing, and storage of all of these records as required by State law.

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Election
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Land Records

**Passport
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**Getting
Married**

Contact Us

Phone

[\(802\) 253-6133](tel:(802)253-6133)

Fax

(802) 253-6137

Email

townclerk@stowevt.gov

Location

Akeley Memorial Building
67 Main Street
Stowe, VT
05672-0730
[View Map](#)

Hours

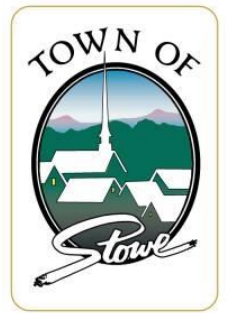
Sunday	Closed
Monday	08:00 AM–04:30 PM
Tuesday	08:00 AM–04:30 PM
Wednesday	12:00 PM–04:30 PM
Thursday	08:00 AM–04:30 PM
Friday	08:00 AM–04:30 PM
Saturday	Closed

Comparison – Stowe and Vail – Home Rule and Dillon’s Rule

	Vail, Colorado	Stowe, Vermont
Home Rule Municipality	Yes	No
Population	4,835	5,223
Households	2,370	2,468
Median Household Income	\$98,667	\$83,167
Average Home Value (Zillow)	\$1.7 million	\$981,000
Total Assessed Value	\$1.8 billion	\$5.3 billion
Square Miles	4.72	72.76
Assessed Value per Square Mile	\$381 million	\$73 million
Total Property Tax Rev.	\$66,845,118 (est.)	\$71,213,981
Municipal Property Tax Rev.	\$8,445,000	\$12,038,993
Other Municipal Revenue	\$91,894,103	\$4,728,619
Total Municipal Revenue	\$100,339,103	\$16,767,612
FT Employees	323	73
Total Employees	351	144
Miles of Roads Maintained	45 (100% paved)	100 (30% paved)

Vail is 4.7 square miles and about 10 miles long. To give a sense of what that would look like here, below is a 10-mile-long area of 4.7 +/- square miles overlaid on Stowe, in a pattern similar to Vail’s layout, along Rt. 108 and Rt. 100 (Moscow Road to Stowe Mountain Resort).





**Town of Stowe
Development Review Board
Meeting Minutes – October 1, 2024**

1
2
3
4 A regular meeting of the Development Review Board was held on Tuesday, October 1,
5 2024, starting at approximately 5:00 pm. The meeting was held at the Stowe Town Office
6 with remote participation using the “Zoom” application.

7
8 **Members Present:** Drew Clymer, Mary Black, Peter Roberts, Tom Hand, Patricia Gabel, Andrew
9 Volansky, David Kelly.

10
11 **Staff Present:** Sarah McShane- Planning and Zoning Director, Ryan Morrison - Deputy Zoning
12 Administrator, Kayla Hedberg- Planning & Zoning Assistant

13
14 **Others Present in Person:** [See sign-in attendance sheet]

15
16 Meeting Chair Clymer called the meeting to order at approximately 5:00pm.
17 The Board approved the amended meeting agenda.

18
19 M. Black motioned to re-open the hearing on Project # 7355- 782 Mountain Road for the purpose of
20 taking further evidence and testimony on Section 3.16(C)(3) – Circulation and Parking; the hearing
21 shall be warned and re-opened on December 3, 2024. The motion was seconded by P. Gabel. The
22 motion passed unanimously.

23 **Development Review Public Hearings**

24
25 **Project # 7380 (Cont. from 6/18; 7/16, 8/20 & 9/17)**

26 **Owner: Shaw Hill Farm LLC**

27 **Tax Parcel #:06-176.020**

28 **Location: 934 Shaw Hill Rd**

29 **Project: New Single-Family Dwelling in RHOD**

30 **Zoning: RR5/RHOD**

31
32 D. Clymer re-opened the hearing by reviewing the relevant standards and requesting testimony. T.
33 Looney and W. Looney were present and were sworn in by D. Clymer at approximately 5:03 PM.

34
35 T. Looney provided testimony regarding the recommended revisions and referred to the supporting
36 evidence provided in the email.

37
38 D. Clymer invited questions from the attendees.

39
40 Following the submission of testimony and evidence, M. Black moved to close the hearing and
41 instructed the Zoning Administrator to draft findings of fact in support of the application.
42 David Kelly seconded the motion. The motion passed with a vote of 6-0-1, with D. Clymer, M. Black,
43 P. Roberts, T. Hand, P. Gabel, and D. Kelly voting in favor, and A. Volansky abstaining.

44
45 The hearing was adjourned at 5:06 PM. The Development Review Board (DRB) will render a
46 written decision within forty-five days.

47

48 **Project #:7431**
49 **Owner: Extra Mile LLC**
50 **Tax Parcel #: 06-024.000**
51 **Location: 14 Barrows Rd**
52 **Project: Convert Two Cottage Buildings to Single Family Dwellings**
53 **Zoning: RR2/5**

54
55 Due to a defect in notice, Project# 7431 will be re-warned for future hearing.

56
57 **Project #: 7452**
58 **Owner: Dana T Jr & Peter E Percy**
59 **Tax Parcel # :07-017.000**
60 **Location: 281 Cape Cod Rd**
61 **Project: Final Review of 12 Lot PUD/Subdivision & Related Site Improvements**
62 **Zoning: RR2**

63
64
65 Applicant Matt Percy, along with Grenier Engineering Associates Chris Austin and Sarah Heneghan,
66 were sworn in at 5:07 PM.

67
68 C. Austin presented a revised site plan to the board, highlighting an additional note from the staff
69 review regarding the closure of an existing curb cut at the apartment building.

70
71 C. Austin explained that this hearing was for the final review of a 13-lot residential development,
72 which had already received preliminary subdivision approval.

73
74 D. Clymer inquired about the number of proposed lots. C. Austin clarified that there are 12 lots with
75 buildings and one lot containing the existing four-unit apartment building.

76
77 C. Austin confirmed that the plans remained unchanged since the preliminary hearing and that all
78 requested documentation, including HOA documentation and permits for water supply,
79 wastewater, and stormwater from the State of Vermont, had been submitted. The Act 250 permit is
80 still pending.

81
82 The landscaping plan and sidewalk access, which connects to the recreational path, were described
83 by C. Austin.

84
85 T. Hand requested clarification about the recreational path access. C. Austin described it as a gravel
86 trail off the sidewalk.

87
88 D. Clymer asked about setbacks. C. Austin reiterated that there were no changes from the
89 preliminary plans.

90
91 T. Hand expressed concerns about the building size in relation to the setbacks. C. Austin explained
92 that the building size was conceptual and demonstrated compliance with setback requirements. A
93 separate zoning permit will be required to develop each lot.

94
95 D. Clymer inquired about building coverage, use, density, protection of natural resources, and
96 landscaping.

97

98 C. Austin confirmed sufficient density and compliance with setback requirements. The landscaping
99 plan includes seven additional street trees, including Maple, Elm, and Oak, as depicted on the
100 landscaping map.

101
102 T. Hand inquired about the municipal impact of the proposed development in the area. M. Percy
103 responded, confirming that they have collaborated with Harry Shepard from DPW and secured all
104 necessary permits and allocations to support the project.

105
106 D. Clymer sought clarification regarding property conveyance and the turnover of the Homeowners
107 Association (HOA). C. Austin referenced Article 9 of the HOA documents, indicating that the HOA
108 will transfer control to the property owners upon reaching 66.67% ownership.

109
110 D. Clymer requested additional information about open space allocation. C. Austin clarified that the
111 development plan includes 2.6 acres of developed land, and 9.2 acres designated as open space.

112
113 D. Clymer asked for clarification regarding curb cuts. C. Austin explained that the subdivision
114 regulations limit the number of curb cuts allowed within a specified distance, prompting the
115 applicant to remove and close the smaller existing curb cut.

116
117 D. Clymer transitioned the discussion to stormwater management. S. Heneghan detailed that the
118 site naturally drains south of the river, and measures such as swales, catch basins, and a main
119 infiltration basin have been incorporated into the plans.

120
121 T. Hand raised a question about the integration of the stormwater system with the landscape plan,
122 specifically regarding the existing tree line, grading, and necessary cuts for development and
123 stormwater management.

124
125 D. Clymer inquired about the utilization of renewable energy sources. C. Austin explained that the
126 homes will be designed to be solar-ready, in accordance with HOA documentation and Act 250
127 regulations.

128
129 C. Austin presented the construction schedule. P. Roberts inquired about the timing and phasing of
130 the building schedule, including the process for selling and constructing the lots. M. Percy indicated
131 that there is already a developer interested in purchasing and commencing construction as early as
132 2025.

133
134 D. Clymer opened the floor for public comments.

135
136 Following the submission of testimony and evidence, A. Volansky moved to close the hearing and
137 directed the Zoning Administrator to draft findings of fact in support of the application. As a
138 condition, the Applicant will need to provide additional information to clarify the limits of tree
139 clearing.

140
141 The hearing was adjourned at 5:38 p.m. The DRB will issue a written decision within forty-five
142 days.

143
144 **Project #: 7325 (Cont. from 4/2; 6/4; 7/16; 8/6; 9/3)**
145 **Owner: Stowe Country Club LLC c/o Stowe Mountain Lodge**
146 **Tax Parcel #: 06-081.000**
147 **Location: 744 Cape Cod Rd**

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

150 **Zoning: RR2/RR3**

151

152 D. Clymer opened the continued hearing for Project 7325. The applicant, Sam Gaines, was present
153 along with Rob Apple, Dave Marshall, Attorney C. Roy, and Erica Wygonik from Wall Consultant
154 Group (WCG).

155

156 Before testimony began, S. Edwards, representing the Stoweflake Town Houses, inquired if they
157 would forfeit their right to a rebuttal if it was not submitted in time. S. McShane clarified that he
158 could submit additional information into the hearing record if desired.

159

160 D. Clymer then swore in all parties present, both in person and via Zoom, including Andrea Gellis
161 and James Dumont.

162

163 Testimony commenced with E. Wygonik providing a synopsis of the traffic study conducted. The
164 study observed traffic during two peak times: PM peak and Saturday midday. The study considered
165 both the planned recreational and restaurant use. D. Clymer inquired if residential use was also
166 considered. E. Wygonik confirmed and testified factoring in all elements, it was determined that
167 there would be 106 new trips during the average PM peak and 130 new trips during peak travel on
168 Saturdays.

169

170 E. Wygonik noted that seasonality was not considered, as the counts were conducted in May and
171 adjusted accordingly. The traffic study involved counting, adjusting those counts to reflect busy
172 conditions, and incorporating any additional factors not initially reflected. The project is then added
173 to assess the impact with and without it. E. Wygonik emphasized their conservative approach to
174 estimating anticipated traffic to be generated by the project.

175

176 T. Hand questioned why the traffic counts were taken in May. E. Wygonik explained that counts
177 were done at the beginning of a project. S. Gaines added that it was needed for the preliminary
178 application.

179

180 D. Clymer requested clarification regarding the intersection study. E. Wygonik stated that the Cape
181 Cod /Mountain Road intersection poses a potential issue, with all PM conditions rated as service
182 level F, indicating poor functionality. Although a left turn lane is warranted based on the analysis, E.
183 Wygonik explained that she does not recommend it due to the recreational path crossing on
184 Mountain Road and Cape Cod. E. Wygonik clarified that this is an existing problem, not one created
185 by the proposed development.

186

187 P. Roberts asked if a traffic study had been conducted on Weeks Hill Road and Cape Cod. E. Wygonik
188 indicated that the study did not consider or evaluate that intersection. It was noted that this area
189 serves as a detour for locals and anyone using GPS to avoid excess traffic.

190

191 E. Wygonik stated that one of their primary concerns, regardless of the project size, is safety. They
192 consistently evaluate factors such as site distances and crash data. They measured the site distances
193 at all potential driveways for the project, ensuring they meet the required standards. This
194 guarantees that vehicles can safely enter and exit the project, and that other drivers can see these
195 movements and stop in time. They also reviewed crash data near these driveways and found no

196 patterns of accidents.
197
198 E. Wygonik noted that they observed delays of around 100 seconds when turning onto Mountain
199 Road from Cape Cod Road under current conditions. Beyond 100 seconds, the data becomes
200 unreliable.
201
202 D. Clymer then opened the floor for comments.
203
204 B. Aube from Stackpole and French inquired if special events were considered in the traffic study. D.
205 Reiser asked if the study accounted for the increased size and additional facilities. E. Wygonik
206 confirmed that these variables were not included.
207
208 A. Gellis asked about vehicular access to the facilities. S. Gaines responded that Cape Cod would not
209 be utilized from Sinclair Road. A. Gellis also questioned if the traffic impact study considered traffic
210 from the 70 existing homes along Sinclair Road and whether golf carts parking and crossing Sinclair
211 Road would cause disruptions. D. Marshall stated that the proposed crossing would remain on
212 Sinclair.
213
214 S. Smith asked why the morning rush to school was not considered in the traffic study, noting that
215 this is when more people cut through the private drive in Stoweflake.
216
217 D. Marshall provided a general synopsis of the Town Plan extension and its purpose. He reiterated
218 previous testimony, covering RR1-RR5 and the general natural scenic qualities. He also mentioned
219 that clustering the development into two pods would preserve the area's natural beauty.
220
221 S. Edwards argued that the project would be larger than any surrounding neighborhoods and that
222 this should be considered. He pointed out that the original application described the project as two
223 high-density clusters, whereas RR2 is designed for moderate density.
224
225 D. Marshall then discussed the ordinances in effect, acknowledging that the applicant is aware of
226 and will comply with all ordinances.
227
228 D. Reiser asked about plans for short-term rental units. D. Clymer stated that this is not within the
229 board's review scope.
230
231 Attorney C. Roy cited a Vermont Supreme Court case, In re Toor, which addressed concerns about
232 residential districts and short-term rentals. He explained that the court ruled that zoning should
233 focus on single-family dwellings and residential use, without micromanaging the type of family unit
234 or residential activity. The key question is whether the use is residential, regardless of the duration
235 of occupancy.
236
237 A. Gellis returned to the topic of traffic impact on Sinclair Road.
238
239 B. Aube emphasized that while the residential aspect is significant, their clients are more concerned
240 about the commercial elements, such as the golf course and restaurant.
241
242 D. Clymer then moved on to discuss renewable resources. D. Marshall stated that there would be no
243 impact on these resources.

244 D. Clymer transitioned the discussion to visual impact. S. McShane noted the standard is similar to
245 the criteria for requesting a double setback testimony.

246

247 T. Hand and D. Clymer concurred that the board had reached an appropriate stopping point for the
248 evening.

249

250 D.Clymer explained that the procedural order will be amended for the next meeting.

251

252 M. Black motioned to continue the hearing to a date and time certain of October 15, 2024, seconded
253 by A. Volansky. The motion passed unanimously.

254

255 **Other Business:**

256

257 None.

258

259 **Approval of Minutes:**

260

261 M. Black motioned to approve the minutes, seconded by A. Volansky. The motion passed
262 unanimously.

263

264 M. Black motioned to adjourn, seconded by A. Volansky. The motion passed unanimously.

265

266 The hearing adjourned at 7:27 p.m.

267

268 Respectfully Submitted,

269 Kayla Hedberg

270 Planning and Zoning Assistant

**TOWN OF STOWE
RECREATION COMMISSION
Meeting Minutes
September 10, 2024**

The Stowe Parks and Recreation Committee Board met Tuesday, September 10, 2024, at the Stowe Arena starting at 5:00 pm.

Members present: Lyn Goldsmith, Bill Scudder, Matt Frazee, Ryan Thibault, Deb Drinkwater.

5:10 pm called to order by Ryan Thibault. Agenda Approved. July meeting minutes approved.

1) Bridge Between Mayo A/Rec Path:

Bridge #1 damaged - reset and repaired as of 9/10

Bridge #2 washed out - replaced with squash culvert in late August

Bridge #4 washed out - The “floating bridge” was washed out during the flooding. The bridge crossed a stream and is located within flood plain, so new designs would require a permit. DNR will want to know if there is an alternative, so a new location above the stream has been selected as suitable to avoid wetland impact. Work can be done this Fall in house at no cost, they have a culvert and the gravel cost is negligible.

MOTION: Recommend to Selectboard to replace floating bridge with a gravel land bridge over a culvert which crosses a drainage swale.

- Action step: Matt to notify the committee when he can place this the Selectboard’s upcoming meeting agenda to change the floating bridge to a culvert land bridge concept. Members are encouraged to attend or zoom in.

2) Wetland delineation for Mayo Fields J and K:

Matt Frazee has engaged Arrowwood Environmental to do a new wetland delineation study, proposed for this fall. Arrowwood conducted a prior wetland study in 2008 for the entire Mayo Farm Property. Studies are valid for 5 years. Goal of this new wetland delineation study would be to narrow scope fields J and K to reduce cost and narrow focus to the 16 acres designated for primary recreational use.

The cost of a limited study is \$3500 and will be funded out of the Parks recreation budget at no additional impact to the Town budget. The cost to study the entire Mayo Farm property would be \$25K, with a 1-2 year time frame to start. The narrow study can start this fall and is much less costly, so this approach is recommended by the Recreation Committee. The purpose of the Study will be to find out whether it is possible to develop fields on J and K.

State of Town Recreational Fields:

- Moscow Fields are in a flood plain and wash out repeatedly, repair work might qualify for FEMA funding, but the Volleyball courts are no longer usable and the League that plays there has given up on the location. The Town has also decided not to invest in this location.
- Fields ABC at Mayo are in flood plain and are not reliable for field usage. Primary usage is for community events.
- Field L is known to have clay soil and it also not reliable for recreational activities
- Memorial Park field contain class II wetlands require a wetland impact fees of up to \$500K to make the fields viable for the purpose of ball/playing fields
- Fields J and K represent the last best chance for the Town to use land it owns to invest in viable recreational, ball/playing fields. The purpose of the Study would be to help ensure that the Town investment is worthwhile. If J and K are found to be viable, then they provide a good location for sustainable athletic facilities in a location designated for primary recreational use.

Discussion of collaboration between Recreation and Conservation regarding Mayo Farm Management issues to understand the current conditions and what renewal means. MF to work with Sarah McShane at Conservation to identify issues which fall under Mayo Farm Management Plan and which fall under Deed restriction/easement conditions of use.

MOTION: MF to proceed with J&K Study.

- ACTION: Matt Frazee will update the committee on the results of the Fall Study and an approach to the Selectboard will be determined accordingly.

NEW BUSINESS:

- 1) The new bridge location near Mayo Farm Road needs to be flushed with gravel, or a step/ramp should be incorporated to address how steep it is. MF to investigate.
- 2) Invasive Burdock on the Quiet Path requires a strategy. MF to talk with superintendent and Conservation Commission about options
- 3) Amend the spreading of fertilizer/biosolids on Quiet Path/Cemetery field as it is very aggressive and limits public use. MF to investigate.
- 4) Bridge in Memorial Park needs to be fixed before it snows.

UPDATES ON OLD BUSINESS:

- Pickleball courts at Memorial Park revisited. At the 6/5 Meeting we discussed three options, and chose an approach that is now not feasible due to summer flooding. MF now pursuing:
 - exploring Field K as a potential location for new courts. other option would be to recommend selectboard to move forward with conceptual plan for Memorial Park with permitting and design. Fall back options for short-term are to reconstruct the courts in their existing location or have an asphalt overlay.

- Picnic Tables and Benches
 - MF not happy with quality of work from first vendor
 - One table in hand from a vendor he will not be using going forward; will go to Thompson Park
 - New company for future benches/tables with better warranty and design
 - New tables will have metal parts but the recycled plastic options do not have good reviews for durability

6:20 Meeting Adjourned



Town of Stowe- Historic Preservation Commission

Meeting Minutes – October 2, 2024

A meeting of the Stowe Historic Preservation Commission (SHPC) was held on Wednesday October 2, 2024, at approximately 5:15 pm.

Participation was online via Zoom.

Members Present: Sam Scofield, Shap Smith, Barbara Baraw, George Bambara, Tyson Bry, Cindy McKechnie (alternate) and Chris Carey (alternate).

Staff Present: Ryan Morrison

The meeting was called to order by Sam Scofield (vice chair) at 5:15pm.

Project #: 7474

Owner: The Point Properties LLC

Tax Parcel #: 10-204.000

Location: 11 Stagecoach Rd

Project: Replace front covered entry with a covered entry that is more in keeping with historic character of the building

Zoning: RR2/FHD

Mark Brooks presented the project. The project involves replacing the existing entry with a more historic looking entry. The covered entry will occupy the same footprint as the existing entry. While the top of the deck and steps will be of a composite material, the columns and roof will be wood. A metal handrailing will also be installed. The existing light fixture will remain as is. G. Bambara motioned to approve the project as presented, and S. Smith seconded. The motion carried. The project was approved as a minor.

Project #: 7442

Owner: Lisa Hagerty

Tax Parcel #: 11-202.010

Location: 2850 Mountain Rd

Project: Renovation of residential barn

Zoning: UMR

Alex Tolstoi presented the application. The application was heard by the HPC on August 7th and August 21st. At the last meeting, the HPC requested that the plans be revised to show window trims, exterior lights and screening for the exterior mechanical unit. Mr. Tolstoi presented plans showing 2” flat stock trim and 5/4” sill members. The screening for the mechanical unit will be metal fencing. C. Carey motioned to approve the project as presented, and B. Baraw seconded. The motion carried. The project was approved as a minor.

Project #: 7481

Owner: Robert C Foregger

Tax Parcel #: 7A-190.100

Location: 24 Sunset St

Project: Amend 6549 - Exterior alterations to both single family dwelling and barn/adu

Zoning: VC10/SHOD

Robert Foregger presented the project. The project amends Project #6549 which approved exterior alterations to the existing home and the reconstruction of the rear carriage barn. Changes proposed under this application include metal railings versus wooden railings on the main dwelling's front porch steps and the second level balcony. Changes to the carriage barn include a safety railing at the side entrance, additional exterior vents and an exterior heat pump unit, and not installing some of the window shutters as originally approved. T. Bry motioned to approve the project as presented, and C. McKechnie seconded. The motion carried. The project was approved as a minor.

Project #: Informal Review

Owner: Maple Corner Investments LLC

Tax Parcel #: 7A-029.000

Location: 48 South Main St

Project: Demolish existing building and construct a 3-story mixed-use

Zoning: VC10/SHOD

Andrew Volansky, Kelley Osgood and Peter Livaditis were in attendance to present the application. The proposal is to demolish the existing, non-contributing (per the National Register of Historic Places), building which contains a restaurant and construct a new, 3-story mixed-use building. The initial plan is for retail/mercantile at the main level, a restaurant at the second level, and two full time apartments at the upper level. The applicant will be seeking waivers to height and setback requirements. An engineer's assessment of the existing structure was provided which highlighted several deficiencies throughout. The assessment concludes that demolition, rather than restoration, is the most reasonable option given the amount of work/repairs necessary to simply restore the structure.

Rob Foregger was in attendance and stated that the building design is suitable for towns like Williston, but not the historic village of Stowe.

The Applicant was asked what sort of waivers they are seeking. Waivers sought include height and setback. A. Volansky stated that they meet the criteria for the height waiver in that the building will be mixed-use, it will have stepped back upper floors, and the residences will be for year-round tenants. When asked about the placement of exterior mechanical units, the Applicant responded that they are still working on that.

C. McKechnie stated that she did not like the design. While it may work in the outer reaches of town, the design is not a good match for the historic village. When asked what would help make the building fit in with other historic-looking buildings of the village, the Applicant responded that the building materials they will use will be materials that are commonly used on nearby village structures.

T. Bry stated that the 35' height will have a significant impact on the streetscape, and the design doesn't fit. He doesn't want a precedent set whereas approving this building would allow for the gradual change throughout the village of similar looking development. When asked, G. Bambara agreed with everyone's thoughts so far. S. Smith agreed and added that the proposed building is not suitable for the property and added that the amount of glass in the front is too much. B. Baraw agreed with everything so far, including the windows, and suggested that maybe the parking could be swapped to the other side of the building (east side). The Applicant responded that the parking should be where it is proposed due to the vehicular connector to the adjacent property to the rear, as well as the presence of utilities on the east side of the building.

In closing, the commission agreed that there is a strong possibility of a favorable recommendation to demolish the building. The Applicant said they will return in the future with a redesigned building.

Project #: 7487

Owner: Christian and Andrea Carey

Tax Parcel #: 07-260.000

Location: 33 Sylvan Park Road

Project: Construct a 400 sf addition to the existing single-family dwelling

Zoning: LVC/SHOD

Chris Carey presented the application. The project involves constructing a 20'x20' addition to his single-family dwelling. The addition will be slab on grade, with board & batten siding, asphalt shingle roofing, and additional wall sconce lighting. B. Baraw motioned to approve the project as presented, and T. Bry seconded. The motion carried. The project was approved as a minor.

Other Business: None

Review Meeting Minutes:

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

The meeting adjourned.

Respectfully submitted,
Ryan Morrison, Deputy Zoning Administrator

DRAFT Minutes: Stowe Electric Board of Commissioners' Meeting

September 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 and Mark Gilkey, Commissioner

STAFF: Jackie Pratt, General Manager, Brent Lilley, Director of Operations; Sarah Juzek, Director of Finance; Michael Lazorchak, Manager of Regulatory Compliance (via Zoom); Caroline Klosowski, Business and Communications Manager; Charlie Ansley, Clean Energy Innovator Fellow; and Amber Ives, Clerk of the Board

Call to Order: L. Lackey called the meeting to order at 8:32 am.

Agenda Approval:

L. Lackey moved to approve the warned agenda, M. Gilkey seconded, all were in favor, and the warned agenda was approved.

Approval of August 30, 2024, Meeting Minutes:

On a motion made by M. Gilkey and seconded by L. Lackey, the minutes of August 30th were approved.

New Personnel Introductions:

J. Pratt introduced both C. Klosowski and C. Ansley to the Board of Commissioners and welcomed them to the team.

Property Lines Update:

J. Pratt informed the Board of Commissioners that a tentative agreement had been reached with E. Carlson regarding an adjustment to the property line boundary between 435 Moscow Road and 539 Moscow Road, and that these boundary changes offer a fairly equal exchange of land while improving the parking plan for both 539 Moscow Road and Stowe Electric Department (SED). In addition, the extinguishment of the parking easement currently held by 515 Moscow Road, and the initiation of a new

parking easement for SED, will increase the available number of spots for SED staff and visitors.

M. Gilkey moved to approve the modifications to the property line boundaries as presented by J. Pratt. L. Lackey seconded the motion, and it was unanimously approved.

Strategic Planning:

J. Pratt notified the Board of Commissioners that she has engaged Jackson Jackson & Wagner (JJ&W) to facilitate development of a strategic plan for Stowe Electric Department. J. Pratt discussed the professional services that would be provided and explained that the strategic plan will help guide decision making and allocation of resources to best meet the goals of the utility.

L. Lackey confirmed that the strategic plan would be utilized by both the Board of Commissioners and SED Management to ensure that projects and decisions were in alignment with the goals of the organization, the Integrated Resource Plan (IRP), and the State of Vermont energy policy.

The Board of Commissioners and J. Pratt discussed the role and ability of Stowe Electric Department in advising and assisting Stowe Electric customers with efficiency and conservation measures.

Year End Financial Report:

The Board of Commissioners and SED staff discussed the financial health of the organization, budget planning resources, forecasting, inventory management, and the cost-of-service study currently being conducted by Power Line Models (PLM) Electric Power Engineering group and how the results of this study will impact future SED tariffs and rates.

B. Lilley exited the Board of Commissioners meeting at 9:50 am.

S. Juzek exited the Board of Commissioners meeting at 9:55 am.

General Manager Highlights:

J. Pratt and The Board of Commissioners discussed industry-related news, the status of the goat vegetation management program, the Service Quality & Reliability Plan

(SQRP), the relocation of the Alchemist II charger, and outages related to Hurricane Debby.

Executive Session:

At 10:25 am, L. Lackey moved to enter Executive Session to discuss personnel matters and invited J. Pratt to stay. M. Gilkey seconded the motion, and all were in favor.

J. Pratt exited Executive Session at 11:14 am.

Executive Session ended at 11:33 am.

There being no further business, the meeting adjourned at 11:34 am.

Respectfully Submitted,

Amber Ives
Clerk of the Board



Stowe Energy Committee August 22, 2024

Present:

Robi Artman-Hodge, Cap Chenoweth, Marina Meerburg

Absent: Catherine Crawley, Elizabeth Soper, Andrew Rianhard

Attendees:

Assistant Town Manager Will Fricke, Tori Hellwig (LCPC)

Call to Order

Vice Chair Robi Artman-Hodge called the meeting to order at 5:30pm.

Review & Approve Minutes

Tabled - Quorum not achieved

Planning for Sharing the Heat: A Workshop Exploring New Heating and Cooling Infrastructure for Stowe, 5:30-6:30 p.m., Thursday, Sept. 26, 2024

The date and time of the community workshop was noted, and it was also noted that it will be held at the Stowe Free Library. The workshop will take the place of the September Energy Committee regular meeting.

EV Charging Request to Selectboard

Assistant Town Manager Will Fricke noted that two of the potential options of a new location for the fast charger had logistical issues, but Thompson Park could be promising if there was infrastructure for it at that location. He also noted that if it was a significant expense it would need to wait for budget season to be considered as a capital project subject to voter approval. Robi Artman-Hodge said that there may be potential for a grant to fund the infrastructure if necessary. Will Fricke recommended the Energy Committee warn and hold a meeting before September 5 to formally advance their recommendation to the Selectboard

Town Plan Discussion

Tori Hellwig of LCPC showcased the Municipal Climate Change Vulnerability Indicators Tool, a mapping tool to help municipalities understand their vulnerabilities to climate change across several social, economic, and environmental factors.

Adjournment

There being no other business, Vice Chair Robi Artman-Hodge adjourned the meeting at 6:45pm.

Stowe Housing Task Force

Wednesday, September 18, 2024

Akeley Memorial Building
67 Main Street
Stowe, Vermont



Housing Task Force Members: MacKee Macdonald, Walter Frame, Sarah Henshaw, Ken Braverman, Scott Coggins, Josi Kytle, Town Manager Charles Safford (Ex-officio), Mila Lonetto (Ex-officio)

Absent: Stefan Grundmann

Attendees: Assistant Town Manager Will Fricke, Planning & Zoning Director Sarah McShane, Jed Lipsky, Jo Sabel Courtney, Heather Snyder

Call to Order

Chair Macdonald called the meeting to order at 9:00am.

Approve Agenda and Minutes

Sarah Henshaw moved to approve the agenda and minutes. Scott Coggins seconded. Motion carried (6-0).

Guest Speaker – Planning & Zoning Director Sarah McShane

Town of Stowe Planning & Zoning Director Sarah McShane joined the meeting. She presented on and discussed with the Task Force various topics, including the existing zoning regulations and zoning map, the Town of Stowe sewer service area, conserved land, the Downtown Designation program, the Stowe Town Plan, recent state legislation that affected housing including Act 47 and Act 181, Act 250, and recent zoning amendments. Jed Lipsky discussed challenges and opportunities of the legislature as they relate to housing development and affordability.

Housing Needs Assessment RFP Update

Will Fricke noted they have had some positive feedback to the RFP and expect at least two submissions. One potential responding consultant requested an extension to the deadline and noted that the delay would not threaten the ability to have the work completed on time.

Sarah Henshaw moved to delay the RFP deadline to November 11, 2024. Scott Coggins seconded. Motion carried (6-0).

Selectboard Quarterly Report

Will Fricke asked the Task Force for comments or edits on the written Selectboard quarterly report. No comments or edits were noted. Charles Safford said it would be beneficial to have an in-person report alongside the written report. McKee Macdonald said he would attend in person to provide the report.

Public to be Heard Non-Binding

No public comment.

Upcoming Meeting Agendas

Will Fricke said they have invited a representative from VHFA to present on October 2 and are working to confirm.

Adjournment

Chair Macdonald adjourned the meeting at 10:35am.

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>

Board of Civil Authority Hearing
Monday, August 19, 2024
Akeley Memorial Hall
Approved 10/3/2024

The Board of Civil Authority for the Town of Stowe met for the purpose of hearing tax appeals of the Listers assessments.

BCA Members present were: Leighton Detora, Tom Kastner, Richard Bland, Susan Connerty, Lyndall Heyer, Suzanne Clark, Lynn LaFleur Mary Black and Penny Davis

Also present were: Sam Gaines, Adele Walker, John Miller, Erika D. Senft Miller, Jeff Jackson, Paul Percy Tom Vickery, Tim Morrissey, Charles Safford and Jonathan Dutch via zoom.

Leighton Detora called the meeting to order at 9:00 am.

Agenda Changes/Additions

The motion was made, seconded and all in favor for the agenda to remain as is.

Approve Minutes

Jo Sable Courtney made the motion, Richard Bland seconded with all in favor to accept the minutes with one correction Penny Purge should read Penny purge.

Set Forth Interim Rules for Marking Exhibits

Discussion ensued regarding marking of exhibits. Richard made the motion, Mary Black seconded with all in favor of including the following rules for conduct of meetings and hearings on an interim basis to be reviewed by the Board for changes that may be determined to be necessary or desirable following the conclusion of the appeals process.

The parties shall pre-mark their documentary evidence sequentially for identification. Appellant(s) shall mark its documents alphabetically to be introduced in evidence as Ex. A, B, etc. Appellee(s) shall mark their documents numerically to be introduced in evidence as Exhibit 1, 2, etc. Copies of each Exhibit marked for identification and introduced in evidence shall be made available for each member of the Board of Civil Authority at the hearing on the appeal. (Any party or both parties may (but are not required to) submit any Exhibit(s) marked for identification to the Town Clerk and the opposing party within five (5) days of the hearing date; if any Exhibit is so submitted to the Town Clerk, the Exhibit(s) shall be promptly forwarded to the members of the BCA.)

Distribute Newly Enacted Code of Ethics

Discussion ensued regarding the newly enacted code of ethics. Penny stated the Town Manager Charles Safford says that the current Code of Ethics will be reviewed to make sure it adheres to the new law. If changes need to be made, the Selectboard will change the policy and at that time the BCA will receive them.

Tax Appeal Hearings

Leighton administered the tax appeal oath to all Board members following the verification that none of the Board members had a conflict of interest with the Appellant, nor have any of the members of The Board had any discussions outside of the meeting with anyone regarding the pending matter.

Tax Appeal – Spruce Peak Realty (Parcel #25080)

Leighton swore in all witnesses presenting testimony and explained the Burdens of Proof and Persuasion borne by the taxpayer in these proceedings.

Tim Morrissey introduced the property after having been sworn in.

Testimony:

Sam Gaines, President of Mt. Mansfield Company and Spruce Peak Realty and Adele Walker presented testimony on behalf of Spruce Peak Realty. They are grieving the land value for Lot 35 and 37 (inactive parcels 25080-030 and 25080-040). Both lots total only .26 acres and are assessed at \$1,060,000.00 each. The results in a combined land value that is \$8,153,846. They do not believe there is any justification for this value based on similar commercial operations in Stowe or based on Spruce Peak sales. They feel the total assessment should be reduced to \$13,534,600, a reduction of \$1.7 million.

In addition to the documents submitted with the appeal, they presented the following documents to the Board of Civil Authority to support their case.

Exhibit A – Lot 35 P&L – 2021 and 2022 showing a loss in operating income.

Tom Vickery previously having been sworn in, presented the following documents to the Board of Civil Authority to support assessment.

Exhibit 1

- Tax Map – Red Dot indicating the lot between 35 and 37 owned by VR US Holdings II LLC (Parcel #26000-036)
- Listers Card for Parcel #25080-030 Spruce Peak Realty
- Listers Card for Parcel #26000-036 VR US Holdings II LLC
- Listers Card for Parcel #25080-040 Spruce Peak Realty

Tom stated the red dot is a 3rd building owned by Vail. All three buildings are separate lots that can be sold. Tom feels the value of the grieved lots are in line with other properties at Spruce peak and Vail Properties.

The properties that are being grieved are lots that can be sold separately as individual lots and are assessed accordingly.

The BCA members were given the opportunity to ask questions to both parties.

Leighton stated that we need at least 3 BCA members to do an inspection. Leighton appointed Richard Bland, Susan Connerty and Mary Black to the inspection committee. Penny will reach out to Adele Walker to schedule the inspection.

The meeting was recessed and will reconvene within 30 days of the hearing to review the inspection committee report.

Tax Appeal Hearing – Stowe Country Club LLC (Parcel #27063)

All parties were still under oath from having been sworn for the prior hearing. The appellants had previously been advised of the Burdens of Persuasion and Production. Tom introduced the property.

Testimony:

Sam Gaines, President of Mt. Mansfield Company and Spruce Peak Realty and Adele Walker presented testimony on behalf of Stowe Club LLC. They are appealing the assessment of the parcel based on two factors. The first being the actual reassessment relative to other comparable golf clubs in their area. The average assessed value of these clubs is \$3.3 million based on the average acreage value of \$21,184. Stowe Country Club is currently reassessed at just under \$8.3 million – 223% above the average. Several of the other clubs used for comparisons have more elaborate and costly clubhouses and amenities. Prior to the reappraisal Stowe Country Club was assessed at \$3.9 million. Spruce Peak's original grievance to the Lister's reduced the reassessed value from \$12.5 million to \$8.3 million. The other factor for the appeal is increased land value due to the proposed new density rulings. They feel that since the Town has stated it does not have the capacity to serve water to this project, that the new density rulings are not applicable, and the assessment should be based on other regional golf courses in the area.

In addition to the documents submitted with the appeal, they presented the following documents to the Board of Civil Authority to support their case.

Exhibit A – Appraisal by National Valuation Consultants as of December 31, 2023. Stowe Country Club Valuation with comparable clubs in Vermont.

Exhibit B – Stowe Country Club LLC Comparison to other country clubs in Vermont.

Tom Vickery presented the following documents to the Board of Civil Authority to support their case.

Exhibit 1

- Stowe Country Club comparison 2023 to 2024
- Stowe Country Club LLC Comparison to other Country Clubs in Vermont with adjusted assessments according to that Town's CLA (Common Level of Appraisal)

Exhibit 2

- Listers Card for Stowe Country Club LLC

Tom itemized the changes to the assessment of the Stowe Country Club. He also mentioned that the assessed values listed on the country club comparisons would be much higher if you take into

consideration the CLA's of each town/city. He also mentioned that while the density of the units had been reduced from 100 to 70 units, the property still has increased value. The Listers' lowered with assessment during that grievance to account for it. He stated the property is appraised for development potential.

Sam Gaines stated that they do not have the approvals at this time and would cost a lot of money to develop.

The Board was given the opportunity to ask either party questions.

Leighton stated that we need at least 3 BCA members to do an inspection. Leighton appointed Richard Bland, Tom Kastner, Lynn LaFleur and Mary Black to the inspection committee. Penny will reach out to Adele Walker to schedule the inspection.

The meeting was recessed and will reconvene within 30 days of the hearing to review the inspection committee report.

The meeting was recessed until the next tax appeal hearing.

Tax Appeal Hearing – Erika D. Senft Miller Family Trust (Parcel #80006)

Inquiry was made of Board members whether any of its members had a conflict of interest with the Appellant in this matter or had ex parte communications. None did. Leighton swore in all witnesses presenting evidence at the hearing and explained the Burdens of Persuasion and Production borne by the taxpayer in this matter. All persons who were to testify were then sworn in.

Tom introduced the property.

Testimony:

John Miller and Erka Senft Miller presented testimony on behalf of the Erika D. Senft Miller Family Trust. They felt that the stated adjustment from \$3, 348, 100 to \$3,097,000 was made to all mountain cabin condos. They disagree with this unilateral valuation of all the mountain cabin condos as there are condos with better views and that many of the condos have been renovated with higher premium finishes. They feel their condo does not have good views and has not been renovated and still has standard economy finishes. They also stated that their hot tub has not been functioning for years.

The Millers did not present any other exhibits other than the initial document for the tax appeal.

Tom Vickery presented the following documents to support their case.

Exhibit 1

- Listers' card of the Erika D. Senft Miller Family Trust
- Listers' cards for four comparable properties
- Map of Nosedive Units

Exhibit 2

- Document of all Condominiums of the Town of Stowe including sale dates, price, LV, CLA, NC, New LV, LOA, Yr Built, SF Area, Beds, Bath and Condition. One document was provided for the Board Members to view and for Penny to have for the file.

Tom Vickery stated that the location of the Miller unit was taken into consideration. Tom presented the comparables and stated that he felt the Miller property was assessed properly. Tom stated that he was only able to do an exterior inspection. Tom stated that the Listers were getting several appeals for mountain lodge condos. Tom took a second look and made an adjustment across the board to these condominiums.

The Millers did state that their unit only has one fireplace instead of the four listed and that their hot tub has not been functioning for years. Upon inspection by the inspection committee an adjustment could be made.

The Board was given the opportunity to ask either party questions.

Leighton stated that we need at least 3 BCA members to do an inspection. Leighton appointed Richard Bland, Lyndall Heyer, Susan Connerty, Suzanne Clark and Mary Black to the inspection committee. Penny will reach out to John Miller to schedule to inspection.

The meeting was recessed and will reconvene within 30 days of the hearing to review the inspection committee report.

Tax Appeal Hearing – Jonathan Dutch and Emily Greenstein (Parcel #30059-010)

Inquiry was made of the members of the Board etc. Leighton explained the burdens of persuasion and production that are borne by the taxpayer All persons expected to testify were then sworn in.

Tim Morrissey introduced the property.

Testimony:

Jonathan Dutch presented testimony regarding the property. Mr. Dutch feels that his property is assessed for too much. Mr. Dutch did not submit any exhibits other than the documents initially submitted for the tax appeal.

Tim presented several documents to present his case. Since Jonathan Dutch was attending the meeting by zoom the decision was made to recess the hearing until August 27, 2024 @ 4:30 pm. This will give the appellant time to review the documents. Penny will scan the Lister's exhibits to Mr. Dutch tomorrow.

However, before the hearing was recessed, an inspection committee of Richard Bland, Mary Black, Suzanne Clark, Lynn LaFleur, Tom Kastner and Susan Connerty was appointed. An inspection date was arranged for September 30, 2024 @ 4:00 pm.

The meeting was adjourned.

Respectfully submitted,

Penny A. Davis

Board of Civil Authority Hearing
Thursday, August 22, 2024
Akeley Memorial Hall
Approved 10/3/2024

The Board of Civil Authority for the Town of Stowe met for the purpose of hearing tax appeals of the Listers assessments.

BCA Members present were: Leighton Detora, Tom Kastner, Richard Bland, Jo Sabel Courtney (Arrived at the after the Shapiro tax hearing), Susan Connerty, Lynn LaFleur Mary Black and Penny Davis

Also present were: Victoria Solms, Jessica Aupperlee, Ed Lacroix, Jeff Jackson, Adam Davis Tom Vickery, Tim Morrissey, David McCarthy via zoom, Claudine Safar, Esq via zoom, Jeff Teplitz via zoom, JP Hernandez via zoom.

Leighton Detora called the meeting to order at 1:00 pm

Agenda Changes/Additions

There was a request for a change to the agenda to engage in discussions regarding administrative matters when we have time. The motion was made seconded and all in favor.

Tax Appeal Hearings

Leighton administered the tax appeal oath to all Board members following the verification that none of the Board members had a conflict of interest with the Appellant, nor have any of the members of The Board had any discussions outside of the meeting with anyone regarding the pending matter.

Tax appeal hearing – Kevin and Danielle McCarthy (Parcel #25005)

Leighton swore in all witnesses presenting testimony and explained the Burdens of Proof and Persuasion borne by the taxpayer in these proceedings. Kevin said that while it didn't matter, he said he would prefer to be called David.

Tim Morrissey introduced the property.

Testimony:

David McCarthy provided testimony for Parcel #25005. David felt that the valuation of his property does not accurately reflect the current market value of his property. He felt that there was a disparity between his property and neighboring properties due to the shape and size of their lot. He also felt that his lot was not suitable for future development.

In addition to the documents submitted with the appeal, they presented the following documents to the Board of Civil Authority to support their case.

Exhibit A – Lot Prices for comparison

Exhibit B – comparison to neighboring properties

Tim Morrissey presented the following documents to the Board of Civil Authority to support assessment. He also provided testimony by reading statistics from the Federal Housing Finance Agency Report.

Exhibit 1 - Listers Card for Kevin and Danielle McCarthy's property.

Exhibit 2 - Tax map showing Kevin and Danielle McCarthy's property.

Exhibit 3 – Listers cards for five comparable properties.

The BCA members were given the opportunity to ask questions to both parties. All were asked if they had anything else and the answers were no

Leighton stated that we need at least 3 BCA members to do an inspection. Leighton appointed Richard Bland, Susan Connerty, and Mary Black to the inspection committee. Penny will reach out to David to schedule the inspection for September 16, 2024, sometime after 10:00 am.

The meeting was recessed and will reconvene within 30 days of the hearing to review the inspection committee report.

Administrative Matters

Discussion ensued regarding the dates and times of the reconvened hearings. Penny will let the appellants from this tax hearing and the hearing on August 19, 2024, know what their reconvened hearing date and time is.

Tax Appeal Hearing – Miller Mountain Turret at Stowe LLC (Parcel #82302)

The appellants are traveling abroad and have requested the hearing be rescheduled for any time after August 26, 2024. The motion was made by Richard Bland and seconded by Lyn with all in favor to recess the hearing until August 27, 2024, at 5:30 pm.

Tax Appeal Hearing – Lawrence & Pamela Shapiro (Parcel #16046)

Leighton swore in all witnesses presenting testimony and explained the Burdens of Proof and Persuasion borne by the taxpayer in these proceedings

Tim introduced the property.

Testimony:

Larry Shapiro presented testimony for Lawrence & Pamela Shapiro (Parcel #16046). He appreciated the decrease the listers did make in his assessment. However, he felt they had not done any additions or add ons to the home that warranted the increase in value. He also stated that the 3 bathrooms have not had any upgrades at all. He also mentioned that a kitchen in the lower level had been removed.

The Shapiros did not present any other exhibits other than the initial document for the tax appeal.

Tim Morrissey presented the following documents to support their case.

Exhibit 1

- Listers' card for Lawrence and Pamela Shapiro

Exhibit 2

- Tax Map of the Shapiro Property

Exhibit 3

- Listers Cards for three comparable properties

Tim also provided testimony from the Federal Housing Finance Agency dated May 2024 regarding statistics regarding the increasing property values in Vermont.

The Board was given the opportunity to ask either party questions. All parties were asked if there was anything else and the answers were no.

Leighton stated that we need at least 3 BCA members to do an inspection. Leighton appointed Richard Bland, Lynn LaFleur and Tom Kastner to the inspection committee. Discussion ensued regarding dates and times with Mr. Shapiro. The inspection will be August 27, 2024, at 9:00 am.

The meeting was recessed and will reconvene within 30 days of the hearing to review the inspection committee report.

Tax Appeal Hearing – Eastvail LLC (Parcel #47007.B00)

BCA member Jo Sabel Courtney joined the meeting and Leighton administered her the oath.

Claudine Safar, Esq and Jeff Teplitz were representing Eastvail LLC

Claudine requested that the hearing be recessed so that their appraiser can be present to explain the report.

Jo Sabel made the motion Richard Bland seconded with all in favor except Lynn LaFleur to recess the hearing until September 10, 2024, at 4:30 pm.

Tax Appeal Hearing – Michael Baer & Julia Rafal-Baer (Parcel #30216-010)

Leighton swore in all witnesses presenting testimony and explained the Burdens of Proof and Persuasion borne by the taxpayer in these proceedings

Tim Morrissey introduced the property.

Testimony

Michael Baer presented testimony for the Michael Baer and Julia Rafal (Parcel 30216-010). Michael Baer felt his current appraised value significantly overestimates the market value of the property. He presented an analysis of comparable properties in the area which focused on recent sales data. Based

on these comparable properties, the average assessed value to sale price ratio is approximately .935. He feels that if these same ratios were applied to his property a more accurate appraised value would be in the range of \$3,646,500.

The Baer did not present any other exhibits other than the initial document for the tax appeal.

Tim Morrissey provided the following documents to support their case.

Exhibit 1

- Listers Card Michael Baer and Julia Rafal Baer

Exhibit 2

- FHFA House Price Index Quarterly Report

Tim also provided testimony regarding other properties that had sold versus what the property was assessed out. He felt that the Listers build a model and try to keep it consistent and based on all this information the Baer property was properly assessed.

The Board was given the opportunity to ask either party questions.

Mr. Baer decided that he would like to withdraw the appeal and wanted to know what steps he would need to take in order to do that. Leighton instructed him to put it in writing and give it to Penny.

Tax Appeal Hearing – LaBella Vita LLC

Lynn LaFleur did not attend this hearing.

Leighton swore in all witnesses presenting testimony and explained the Burdens of Proof and Persuasion borne by the taxpayer in these proceedings

The appellants missed the deadline to appeal as they did not receive the notice from the listers regarding the results of their appeal and the instructions for appealing to the BCA. It appears to be a US Postal sorting issue as the address was correct. The Board made the decision based on this information; they would hear the appeal.

Tom Vickery introduced the property.

Testimony

Besides the initial tax appeal letter, the appellants presented the following documents to support their case.

Exhibit A – Appraisal report by Edward LaCroix

Exhibit B – Listings for five comparable properties.

Edward Lacroix explained his appraisal report. The appraisal was done for a lender for a family buyout. The appellants feel that their property has had minimal upgrades compared to others and should not be assessed as high as they are. They feel it should be more in line with Edward LaCroix appraisal report.

Tom Vickery provided the following documents to support their case.

Exhibit 1

- Listers Card for La Bella Vita LLC
- Listers Card for Brian Lesser Parcel (47006-A00)
- Listers Card for Nicholas Giacomakis (Parcel 47009-B00)
- Listers Card for Hadley Reilly 2021 (Parcel #47015-C00)
- Listers Card for Ramos Amanda Plunkett (Parcel 47011-A00)
- Stowe time adjustments since 2019

Exhibit 2

- Federal Housing Finance Quarterly Report

Tom presented testimony regarding comparable sales. The location factor for the La Bella Vita LLC property has not been taken into consideration with Ed LaCroix comparable properties. The value that is on this property reflects the sales that are coming in for this project. It's a valuable location.

The Board was given the opportunity to ask either party questions. All parties were asked if there was anything else and the answers were no.

Leighton stated that we need at least 3 BCA members to do an inspection. Leighton appointed Jo Sabel Courtney, Mary Black and Tom Kastner to the inspection committee. Discussion ensued regarding dates and times with the appellants. The inspection will be on September 9, 2024, at 11:00 am.

The meeting was recessed and will reconvene within 30 days of the hearing to review the inspection committee report.

Tax Hearing – Stowe Atlas LLC (Parcel #51003-029)

Lynn LaFleur did not attend this hearing.

The appellant missed the deadline to appeal. JP Hernandez had emailed Tim before the due date but Tim was out unexpectedly and it was not received. The Board made the decision based on this information that they would hear the appeal.

Leighton swore in all witnesses presenting testimony and explained the Burdens of Proof and Persuasion borne by the taxpayer in these proceedings. John Patrick prefers to be called JP.

Tom Vickery introduced the property

Testimony

JP feels that the Stowe Atlas LLC property assessment should be compared to the fractional villa assessment rather than be compared to the triplex villas. He suggests that an assessment of \$1.25 million be more appropriate.

Besides the initial appeal letter, JP presented the following documents to support the case.

Claim #1 from Stowe Atlas, LLC – The most relevant comps are the duplex fractional villas.

Exhibit A

- 12th Amendment to Villa Declaration (7/10/2009) - Appendix D shows villa 29 plans and Appendix E lists the square footage for the 18 fractional villas.

Exhibit B

- Villa Declaration (1/9/2024) – Appendix D shows plans for fractional villa duplexes.

Exhibit C

- TFL Property Map #1 – It shows villa 29 and 30 as duplex units.

Exhibit D

- TFL Property Map #2 – Is another map that shows villa 29 and 30 as duplex units.

Exhibits E and F

- Certificate of Occupancy Villa 29 & 30 and Villas 1 & 2 – The purpose is to demonstrate that the age of fractional duplex villas is similar to the age of villa 29.

Claim #2 from Stowe Atlas LLC - Stowe values a duplex fractional villa at \$800,000.

Exhibit G

- Villa Board Email re: fractional values from tax assessment

Claim #3 from Stowe Atlas LLC – Stowe agrees that the fractional villas are falling.

Exhibit G

- Villa Board email reducing the assessment of fractional villas.

Claim #4 from Stowe Atlas LLC – Recent sales suggest duplex fractional villas might be worth sharply less than depicted in the Stowe tax assessment. Our purchase of villa 29 occurred in 2021 for \$1.5 million and was appraised for similar value.

Exhibit H - Example of fractional sales values in 2024

Exhibit I - VT Property transfer tax Villa 29

Exhibit J - Villa 29 appraisal

Claim #5 from Stowe Atlas LLC – the appreciation in value of Villa 29 from 2009 to our purchase in 2021 was approximately 1% per year.

Exhibit K – Compound Annual Growth Calculation

Claim #6 from Stowe Atlas LLC – There are no other wholly owned duplex villas that have been bought/sold since 2021 and in the absence of such data the best proxy is likely the sales data for fractional duplex villas.

Exhibit G – Villa Board email regarding fractional assessments

Claim #7 from Stowe Atlas LLC – Significant decline in the quality and maintenance of the aging original villas (such as villa 29) makes a poor real estate value comparison to the brand-new luxury triplex units.

Exhibit L – Villa Quality Survey Metrics

Claim #8 from Stowe Atlas LLC – Putting all the data points together and weighting them according to their relative quality/relevance suggest a fair appraisal value for 29 around \$1.25 million.

Exhibit M – Villa 29 Valuation methodology

Tom Vickery presented testimony to support their case. He stated that the Town appraises the property, and we are trying to come in with a value that's looking at all the sales that have occurred in the villas and coming up with a value that is fair and equitable to all properties and your property. You paid \$1.5 million for it in 2021. Tom Vickery provided the following documents.

Exhibit 1

- Stowe Atlas LLC listers card which is noted with a time adjustment value since
- Stowe Time Adjustments since 2019 statement
- Listers card for Timothy J Gibson (Parcel #51003-609)
- Listers Card for John E Duplin 2020 Trust (Parcel #51003-618)
- Listers Card for Michael Temple (Parcel #51003-622)
- Listers Card for Mark Green (Parcel 51003-624)
- Listers Card for Nancy G Angell Living Trust (Parcel 51003-621)
- MLS Listing for Unit 621

Tom Vickery stated that by law we have to assess fractional units under certain guidelines. There have been court cases on how to appraise fractional units and we have to appraise them based on it. There is a different mythology for assessing fully owned units and fractional units. Tom Vickery feels that as a fully owned unit, the property is appropriately assessed.

The BCA members were given the opportunity to ask further questions and all parties were asked if there was anything else. The answers were no.

Leighton stated that we need at least 3 BCA members to do an inspection. Leighton appointed Jo Sabel Courtney, Mary Black Tom Kastner and Susan Connerty to the inspection committee. Discussion ensued regarding dates and times with the appellants. The inspection will be on September 9, 2024, at 9:00 am.

The meeting was recessed and will reconvene within 30 days of the hearing to review the inspection committee report.

The meeting was adjourned.

Respectfully submitted,

Penny A. Davis

Board of Civil Authority Hearing
Thursday, August 27, 2024
Akeley Memorial Hall
Approved 10/3/2024

The Board of Civil Authority for the Town of Stowe met for the purpose of hearing tax appeals of the Listers assessments.

BCA Members present were: Leighton Detora, Tom Kastner, Richard Bland, Jo Sabel Courtney, Susan Connerty, Suzanne Clark, Lynn LaFleur Mary Black and Penny Davis

Also present were: Jonathan Dutch via zoom, Lindsey Miller via zoom, Jeff Jackson via zoom, Tim Morrissey and Tom Vickery.

Leighton Detora called the meeting to order at 4:30 pm

Tax Appeal Hearings

Leighton administered the tax appeal oath to all Board members following the verification that none of the Board members had a conflict of interest with the Appellant, nor have any of the members of The Board had any discussions outside of the meeting with anyone regarding the pending matter.

Tax appeal hearing – Jonathan Dutch/Emily Greenstein (Parcel #30059-010)

Leighton swore in all witnesses presenting testimony and explained the Burdens of Proof and Persuasion borne by the taxpayer in these proceedings.

Tim Morrissey introduced the property.

Testimony:

Jonathan Dutch provided testimony for Parcel #30059-010. Mr. Dutch feels that his property should be assessed at fair market value based on true publicly available comparable market data. He feels that their property is not in Robinson Springs and is in the middle of the woods without any views. The property does not have modern amenities such as air conditioning or a pool. The property was built in 1963 and has not been renovated.

In addition to the documents submitted with the appeal, they presented the following documents to the Board of Civil Authority to support their case.

Exhibit A

- MLS Property Comparisons
- Result of Grievance Day Appeal
- Listers Card for their property
-

Tim Morrissey presented the following documents to the Board of Civil Authority to support assessment.

Exhibit 1 - Listers Card for Jonathan Dutch and Emily Greenstein

Exhibit 2 - Tax map showing Jonathan Dutch and Emily Greenstein property.

Exhibit 3 – Property Transfer Tax Return from Yuriko J. Anton 2012 Trust to Jonathan P. Dutch for 5 acres on April 30, 2021.

Exhibit 4 - Real Estate Appraisal of the Appellants property prepared by Larry D. Sands. This appraisal did not include the additional 5-acre parcel.

Exhibit 5

- Listers Card for Todd & Andrea Finard (Parcel 23055)
- Listers Card for Jacob & Olivia Webber (Parcel 31048-010)
- Listers Card for Andrew & Anne Pecora (Parcel 10013)
- Listers Card for Craig & Marla Mygatt (Parcel 03028-400)
- Listers Card for Patrick Pastella/Kanitha Burns (Parcel 10020-080)
- Listers Card for Jonathan & Regina Winslow (Parcel 30044)
- Listers Card for Robin Dobson/James Johnson (Parcel 27054-090)
- Listers Card for Daniel Clark Revocable Trust/Marcie B. Revocable Trust (Parcel 28007-080)
- Listers Card for Darren & Chelsea Orr (Parcel 13022)

Exhibit 6 - the Federal Housing Finance Agency Report House Price Index Quarterly Report.

Mr. Morrissey stated that prior to Mr. Dutch purchasing the property, it had been extensively renovated. He also stated the Listers were not able to have access to the property to perform an interior inspection. Mr. Morrissey feels the property is appropriately assessed.

The BCA members were given the opportunity to ask questions to both parties. All were asked if they had anything else and the answers were no.

Leighton stated that we need at least 3 BCA members to do an inspection. Leighton appointed Richard Bland, Susan Connerty, Susi Clark, Lynn LaFleur, Tom Kastner and Mary Black to the inspection committee. The inspection will be conducted August 30, 2024, at 4:00 pm.

The meeting was recessed and will reconvene within 30 days of the hearing to review the inspection committee report.

Tax Appeal Hearing – Miller Mountain Turret at Stowe LLC (Parcel #82302)

Leighton swore in all witnesses presenting testimony and explained the Burdens of Proof and Persuasion borne by the taxpayer in these proceedings.

Tom Vickery introduced the property.

Testimony:

Lindsey Miller presented testimony for Miller Mountain Turret at Stowe LLC (Parcel #82302). They appreciated the decrease the listers made in the assessment. However, they feel the value is still much higher than they could sell their unit given its unique characteristics compared to the rest of the lodge

two-bedroom units. Their unit has stairs which is considered a negative compared to being all on one level. It has one less bathtub and the unit is near the utility room for the building, and it can be quite noisy at times. It also does not face Mt. Mansfield. When “building C” is built in the next phase of Spruce Peak Master plan, what view they do have will be obstructed.

In addition to the documents submitted with the appeal, Lindsay presented the following documents to the Board of Civil Authority to support their case.

Exhibit A – email to Penny Davis dated August 20, 2024, regarding their property.

Tom Vickery presented the following documents to the Board of Civil Authority to support assessment.

Exhibit 1

- Listers card for Miller Mountain Turret Stowe (Parcel 82302)
- Listers Cards for five comparable properties

Exhibit 2

- The Federal Housing Finance Agency Report House Price Index Quarterly Report

Exhibit 3

- The Federal Housing Finance Agency Report House Price Index Quarterly Report
- Condominiums in Stowe Document

The Board was given the opportunity to ask either party questions. All parties were asked if there was anything else and the answers were no.

Leighton stated that we need at least 3 BCA members to do an inspection. Leighton appointed Jo Sabel Courtney, Mary Black and Tom Kastner to the inspection committee. The inspection will be September 9, 2024, at 12:30 pm.

The meeting was recessed and will reconvene within 30 days of the hearing to review the inspection committee report.

The meeting was adjourned.

Respectfully submitted,

Penny A. Davis

Board of Civil Authority Hearing
Thursday, September 10, 2024
Akeley Memorial Hall
Approved 10/3/2024

The Board of Civil Authority for the Town of Stowe met for the purpose of hearing tax appeals of the Listers assessments.

BCA Members present were: Leighton Detora, Tom Kastner, Richard Bland, Susan Connerty, Mary Black and Penny Davis

Also present were: Claudine Safar via zoom, Jeff Jackson via zoom, Tim Morrissey, and Tom Vickery.

Leighton Detora called the meeting to order at 4:30 pm

Tax Appeal Hearings

Leighton administered the tax appeal oath to all Board members following the verification that none of the Board members had a conflict of interest with the Appellant, nor have any of the members of the Board had any discussions outside of the meeting with anyone regarding the pending matter.

Tax appeal hearing – Eastvail LLC (Parcel #47007.B00)

Leighton swore in all witnesses presenting testimony and explained the Burdens of Proof and Persuasion borne by the taxpayer in these proceedings.

Tom Vickery introduced the property.

Testimony:

Claudine Safar provided testimony for East Vail LLC Parcel #47007.B00. Claudine feels that the property is over assessed. She feels that the quality grade should be less than what is listed on the lister's card. Claudine presented listings and pictures of properties on MLS via zoom. Claudine feels that the assessment should be in line with Ed Lacroix appraisal.

In addition to the documents submitted with the appeal, they presented the following documents to the Board of Civil Authority to support their case.

Exhibit A

- Listers Card for Eastvail LLC
- A note stating that Unit 8b is virtually identical to our unit 7B (764K appraisal 2.24) There was a sale of this from one family to another. Orig kitchen w/improvements.
- Listers Card for Brian Lesser (Parcel 47006-A00)
- Appraisal Report from Edward LaCroix
-

Tom Vickery presented the following documents to the Board of Civil Authority to support assessment.

Exhibit 1

- Listers Card for Eastvail LLC
- Listers Card for Brian Lesser (Parcel 47006-A00)
- Listers Card for Nicholas Giacomakis (Parcel 47009-B00) noted with time adjustment
- Listers Card for Reilly Hadley 2021 GST (Parcel 47015-C00) noted with time adjustment
- Listers Card for Amanda Plunkett Ramos 2020 (Parcel 47011-A00) noted with time adjustment
- Stowe Time Adjustment since 2019

Exhibit 2

- the Federal Housing Finance Agency Report House Price Index Quarterly Report.

Exhibit 3

- Condominiums in Stowe Document

Tom Vickery stated that condominium projects have neighborhood codes. Those codes are factored into the assessment. Eastvail LLC property has a neighborhood code of 27. The properties that Ed Lacroix used in his comparables have different neighborhood codes; Topnotch (neighborhood code 21), Stonybrook (neighborhood code 16), Notchbrook (neighborhood code 15). Tom stated that if these properties were located where Eastvail LLC is located, their assessments would be much higher.

The BCA members were given the opportunity to ask questions to both parties. All were asked if they had anything else and the answers were no.

Leighton stated that we need at least 3 BCA members to do an inspection. Leighton appointed Richard Bland, Tom Kastner and Mary Black to the inspection committee. The inspection will be conducted September 27, 2024, at 9:00 am.

The meeting was recessed and will reconvene within 30 days of the hearing to review the inspection committee report.

The meeting was adjourned.

Respectfully submitted,

Penny A. Davis

Board of Civil Authority Hearing
Thursday, September 14, 2023
Akeley Memorial Hall

BCA Members present were: Leighton Detora, Kermit Spaulding, Kaisa Lewia, Richard Bland, Jo Sabel Courtney, Susi Clark, Susan Connerty, Liz Lackey, Lynn LaFleur, Mary Black and Penny Davis

Leighton called the meeting to order.

Approve Minutes for Tax Appeal Hearings of July 20, 2023, August 17, 2023 and August 18, 2023.

Richard Bland made the motion to approve the minutes with the correction that Susan Clark name be changed to Susi Clark. The motion was seconded by Liz Lackey and passed unanimously.

Biennial Checklist Review – Challenging and Purging Voters.

Penny handed out four handouts for the BCA members to Review.

Penny generated a list from Vermont Elections Management System that indicated the voters that had been challenged prior to the 2020 general election and have not responded to us and have not voted for two General elections. This list was called the Challenged No Vote No Response after Two General Elections.

Kermit Spaulding moved the motion to have Penny purge the voters from the Challenged, No Vote, No Response after Two General Elections. Jo Sabel Courtney seconded and passed unanimously.

Over the summer several BCA members reviewed the voter checklist. From that review Penny created three lists that outlined their concerns.

The first list was highlighted in pink which meant BCA members were certain the voters no longer lived in Town. The BCA members reviewed the list. Leighton Detora said that Luca Deruzza was still a resident of Stowe. Mary Black stated that the voters marked deceased do not need to be challenged, Penny can remove them by verifying State records.

The motion was moved by Mary Black to approve challenging the voters on the pink list with the exception of Luca Deruzza. The motion was seconded by Susi Clark and passed unanimously.

The second list was highlighted in blue which meant BCA members believed the voters might no longer be a resident of Stowe. Penny noted it appeared that some voters might have been questioned because they needed to take the oath or needed their license verified. However, if members believe that these people do not reside in the Town we can challenge them. Antonia Rose Ennis Rocchio and Madeline Schaal were two voters that still needed to be challenged even though they were marked needing the oath. It was also stated Tyson R. McKechnie should not be challenged as he is still living in town.

The motion was moved by Richard Bland to approve challenging the voters on the blue list with the exception of Tyson McKechnie and to not challenge the voters marked needing to take the oath or NVD

with the exception of Antonia Rose Ennis Rocchio and Margaret Schaal. The motion was seconded by Kermit Spaulding and passed unanimously.

The third list was highlighted in yellow. This list contained voters that didn't have a street address, possibly moved to a different address in town and two voters which seemed to have duplicate records. BCA members reviewed the list. Efforts would be made to verify current addresses. Concerns were raised regarding a voter who was living in France. Mary Black felt that voters living overseas could stay on the checklist, while others believed voters need to be residents of the Town. Concerns regarding the duplicate records were raised. Penny stated she would check with the state to see if the voters with duplicate records could be merged together.

Motion was made by Liz Lackey to challenge Nicole Brock, Susan Everett and Genevieve Frey and to make an effort to verify the current street address of Mark Fucile and Tracy Lambert and to have Penny check with the state on merging the duplicate records of two registered voters. The motion was seconded by Kaisa Lewia and passed unanimously.

Organizational Meeting - Review Policy and Procedures for Tax Appeals.

Leighton stated with the reappraisal coming that we may have more tax appeal hearings and we should fine tune our policy and procedures particularly around exhibits. Discussion ensued regarding this tax hearing and what might work better. Leighton asked Richard Bland if he would be willing to draft procedures more suitable for a hearing so that we will be ready for next year. Richard agreed and will report back.

Another order of business was to elect a Board Chair.

Richard Bland made the motion for Leighton Detora to be Chair of the Board. The motion was seconded by Liz Lackey and passed unanimously.

Election Procedures

Penny stated the State of Vermont does not require us to have an exit checklist and if that is something we might want to consider doing. Many towns have gone away from the exit checklist. Discussion ensued regarding whether that might or might not be a good idea. Penny stated she wasn't asking for a decision tonight but something we should talk more about it in the future. Susan Connerty thought more research could be done as to why the exit checklist was required in the first place and then made later made it an option. Penny will do more research with the Secretary of State and other Town Clerks and report back at a later date.

Meeting was adjourned at 5:20 pm.

Respectfully submitted,

Penny A. Davis