

AGREEMENT AND STIPULATION

This Agreement and Stipulation (the "Stipulation") is entered into by the following interested persons in connection with Project No. 7283 pending before the Town of Stowe Development Review Board:

Jeffrey Mitchell, as Trustee of the Jeffrey Mitchell Revocable Trust-2006, and Anne Mitchell, as Trustee of the Anne Mitchell Revocable Trust-2006 (the "Mitchell Trusts"); and

Douglas A. Gordon, as Trustee of the Douglas A. Gordon 2021 Qualified Personal Residence Trust and Toni S. Gordon, as Trustee of the Toni S. Gordon 2021 Qualified Personal Residence Trust (the "Gordon Trusts").

BACKGROUND INFORMATION

1. The Mitchell Trusts own Lot 14 of the Edson Hill Manor Subdivision Phase 2.
2. The Gordon Trusts own Lot 10 and Lot 15 of the Edson Hill Manor Subdivision Phase 2.
3. The Mitchell Trusts have filed an application with the Town of Stowe Development Review Board ("DRB") for issuance of a conditional use permit governing clearing, house site location, installation of a driveway, and other pre-development activities, (the "Project"), as shown on a plan entitled "Lot 14 Pre-Development Clearing Site Plan, Jeffrey & Anne Mitchell Revocable Trust, Spring Trail Road, Stowe" (the "Site Plan"). A copy of the Site Plan, including depiction of a hand drawn cross-hatched area as described hereinafter, is attached as Exhibit A. The application has been designated as DRB Project No. 7283.
4. The Gordons in their capacity as Trustees of the Gordon Trusts, have met on site with the Mitchells in their capacity as Trustees of the Mitchell Trusts to review the clearing plan on Lot 14. The purpose of the site visit was to identify certain trees within the cross-hatched area of the Site Plan that the Mitchell Trusts may cut and remove. The number of trees so identified is 14, each of which has been blazed with orange paint and marked by blue ribbons. No other trees may be cut, girdled, or removed without prior written consent by and among the parties except as contemplated by the ROW benefitting Lot 15 and Lot 10 for the construction of a driveway and underground utilities
5. A 50-foot wide right-of-way (the "ROW") proceeds across Lot 14 for the benefit of Lot 15 and Lot 10 for use in common by Lot 14, Lot 15, and Lot 10 for installation of a driveway and underground utilities. The Mitchell Trusts have agreed to relinquish all rights to use the ROW for those purposes.
6. The purpose of this Stipulation is to provide this information to the DRB for inclusion in the DRB's Findings of Fact & Conclusions of Law for the Project.

STIPULATION

1. The parties confirm and agree to the provisions set forth hereinbefore and request that said provisions be incorporated in the DRB approval as binding conditions of approval. Exhibit A shall be filed with the DRB as part of the application materials DRB Project No. 7283 and shall be incorporated into the DRB's approval.

2. In addition to the DRB approval, the parties agree that said provisions shall be included in the Land Use Permit 5L1323-6B-1 as necessary conditions of approval for the Project.

3. The parties may amend or modify the conditions and restrictions governing clearing, cutting, and removal of trees only by mutual agreement and written consent of the parties or their successors and assigns.

4. With respect to relinquishment of rights to use the ROW, the Mitchell Trusts shall prepare, execute, and record in the Stowe Land Records a Quitclaim Deed and accompanying Vermont Property Transfer Tax Return for that purpose. The Quitclaim Deed and Vermont Property Transfer Tax Return shall be subject to review and approval by the Gordon Trusts, such approval not to be withheld, delayed, or conditioned unreasonably.

5. The provisions hereof shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns. Copies of this agreement shall be provided to respective heirs, successors, and assigns.

Dated: 1/11/24

Jeffrey Mitchell
Jeffrey Mitchell, Trustee of the Jeffrey Mitchell Trust

Dated: 1/12/24

Anne Mitchell
Anne Mitchell, Trustee of the Anne Mitchell Trust

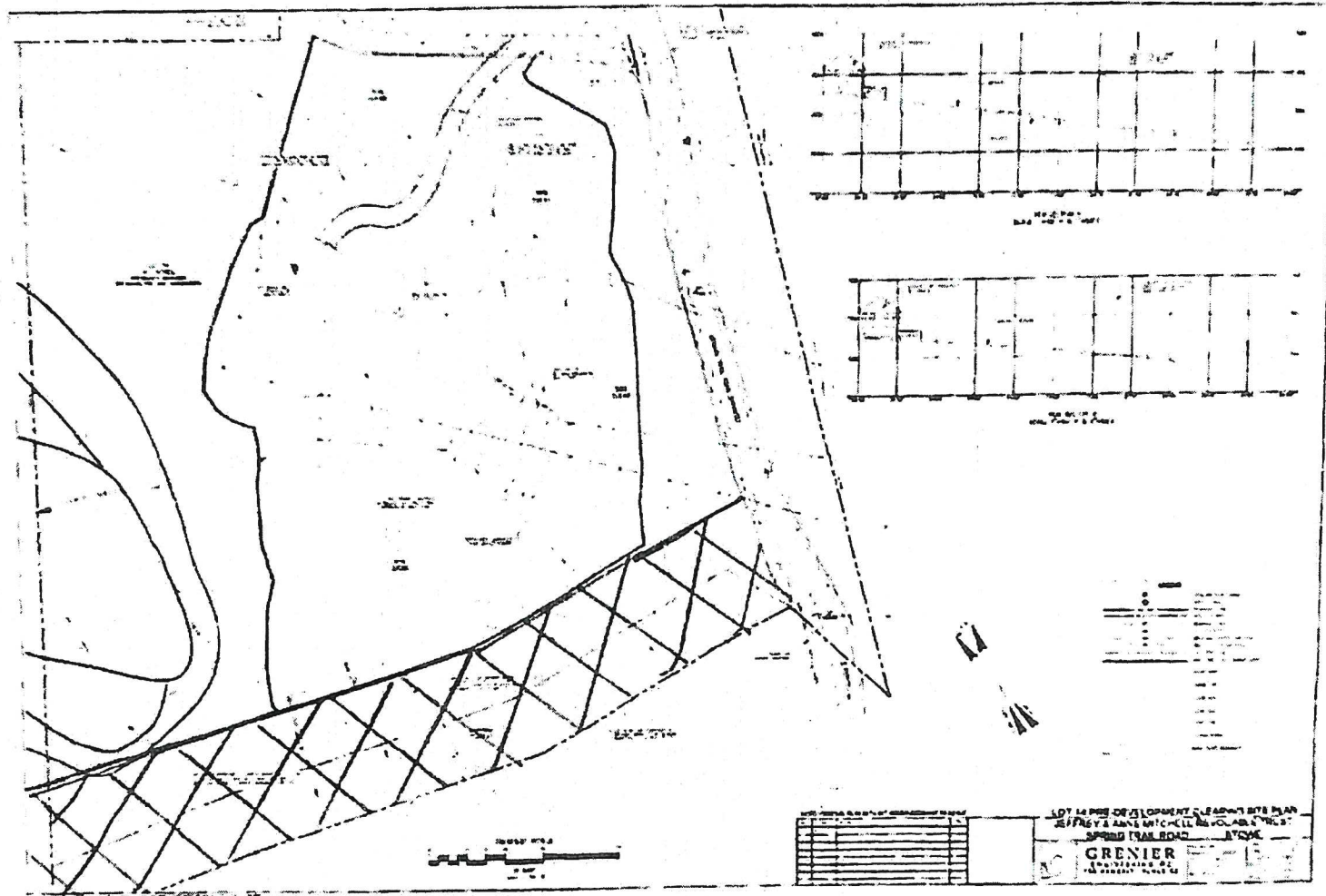
Dated: 1/11/24

Douglas A. Gordon
Douglas A. Gordon, Trustee of the Douglas A. Gordon
Qualified Personal Residence Trust

Dated: 1/11/24

Toni S. Gordon
Toni S. Gordon, Trustee of the Toni S. Gordon Qualified
Personal Residence Trust

EXHIBIT A



CROSS HATCHED AREA IS SUBJECT TO CUTTING AND CLEARING RESTRICTIONS PER AGREEMENT AND STIPULATION BY GORDON'S, GORDON TRUST, AND MITCHELL TRUSTS.

Notice of DRB Decision
Town of Stowe Zoning Office
PO Box 216
Stowe VT 05672

You recently received approval for the project listed below from the Development Review Board. Attached is a copy of the DRB decision for your records. Any conditions of approval required to issue a zoning permit have been met and your zoning permit will be issued without any further action required from you.

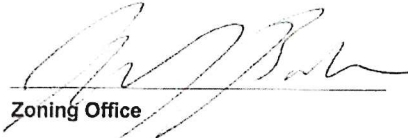
Please contact the Planning and Zoning Office at 253-6130 if you have any questions.

APPLICATION INFORMATION

Project Number 4534
Application Date 12/15/11
Physical Location LOTS 11 & 14, EDSON HILL MANOR SUBDIVISION — HOUSE ACCESS OFF MILL LANE
Map ID 11-029.010 **Tax ID** 30045
Project Description RHOD REVIEW FOR SINGLE-FAMILY DWELLING AND AMENDMENTS OF PREVIOUS CLEARING APPROVALS
Owner JANERIC PRODUCTS OF VT INC
Applicant C/O DARROW MANSFIELD JEFF & ANNE MITCHELL
Applicant Address PO BOX 173
STOWE VT 05672

APPROVALS ON RECORD

Action Taken	Date	End of Appeal Period	Expiration Date
DRB DECISION	01/24/12	02/23/12	02/23/14


Zoning Office 1/24/12
Date

Standard 3: This standard concerns pre-development clearing. The standard is not applicable to this project.

Standard 4: Development will not take place on fragile environments.

reference
to clearing

Standard 5: The existing cleared area and the proposed additional thinning will not be visible from off-site due to limited vantage points.

Standard 6: The clearing will not be visible from off-site due to limited vantage points.

Standard 7: Some existing trees will remain near the dwelling and will need to be protected during construction.

Standard 8: The driveway will not exceed 7 %.

Standard 9: The proposed building will not be visible from off-site due to limited vantage points.

Standard 10: The building will have earth tone colors and broken rooflines. The proposed building will not be visible from off-site due to limited vantage points.

Standard 11: Lighting will be downward lighted or shielded.

This is
major *

Standard 12: No development will take place on slopes over 15%.

Conclusion: The proposed clearing as submitted meets the RHOD standards and is approved as submitted.

DECISION

Based upon the foregoing Findings of Fact, in **RE: 4534 (RHOD) (Janeric Products of Vermont)**, the Board took the following action:

A motion was made by Mr. Walton and seconded by Mr. White to approve the application with the following conditions:

1. This project shall be completed according to the plans hereby approved. Any change to the plans or the proposed use of the property shall be brought to the Zoning Administrator's attention, prior to its enactment, for a determination if an amendment is required.
- *2. This approval supersedes any past clearing approvals for Lots 11 and 14. Any changes from the proposed clearing will require additional review under Section 9, RHOD guidelines.

Voting in favor: Mr. Collotta, Mr. Diender, Mr. Leven, Mr. Walton and Mr. White. Voting to deny: None. Absent: Mr. Beugnies and Mr. Clymer. Voting to abstain: None

The motion carries 5-0; the application is approved.

Dated at Stowe, Vermont this the 24th day of January 2012.

By: 

Brian Leven, Chair

Any interested person may appeal this decision to the Vermont Environmental Court within thirty (30) days in accordance with 24 V.S.A. § 4471.

Ryan Morrison

From: Chris Austin <chris@grenierengineering.com>
Sent: Tuesday, January 16, 2024 12:45 PM
To: Ryan Morrison
Cc: John Grenier
Subject: [EXTERNAL] RE: Spring Trail RHOD DRB tonight
Attachments: Rhodsubmission-rev-01.11.2012.pdf; DRB decision- Lot 11-14.pdf

Please see attached plans from last approval in 2012 and the DRB decision conclusion that states the decision and plans supersede past approvals and clearing limits for Lot 11 and Lot 14. It says any changes to be reviewed under Section 9 RHOD. Which is what we have applied to do.

Based on this we do not think a Stowe Club Analysis is required. Just review under RHOD standards for Lot 14 pre-development site clearing.

Please confirm.

Thanks,

Chris Austin

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



From: Ryan Morrison <rmorrison@stowevt.gov>
Sent: Tuesday, January 16, 2024 12:17 PM
To: Chris Austin <chris@grenierengineering.com>
Cc: John Grenier <john@GrenierEngineering.com>
Subject: Spring Trail RHOD DRB tonight

Hi Chris/John

After additional research, we are thinking that the project may be subject to the Stowe Club Test. Attached is an updated staff report with that section included... please be prepared to address this tonight. Thanks!

Ryan Morrison
Deputy Zoning Administrator
Town of Stowe
802-253-6141

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A
RH.1

SITE LOCATION MAP

PERMIT SET

REVISIONS	BY
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△	

The CUSHMAN DESIGN GROUP Inc.
 P.O. BOX 455, 100 NORTH MAIN ST., STOWE, VT 05672
 TEL: 802.253.2168 FAX: 802.253.2166 WEB: cushman-dg.com

A NEW RESIDENCE FOR
JEFF AND ANNE MITCHELL
 MILL LANE LOT #11
 STOWE VERMONT

PROPOSED
SITE LOCATION PLAN

Date 01.11.2011
 Scale 1"=2000'
 Drawn RJB
 Job 1106

Sheet
RH.1
 of 1 Sheets



REVISIONS	BY
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△	
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A NEW RESIDENCE FOR
JEFF AND ANNE MITCHELL
 MILL LANE LOT #11
 STOWE VERMONT

PROPOSED
SITE PLAN

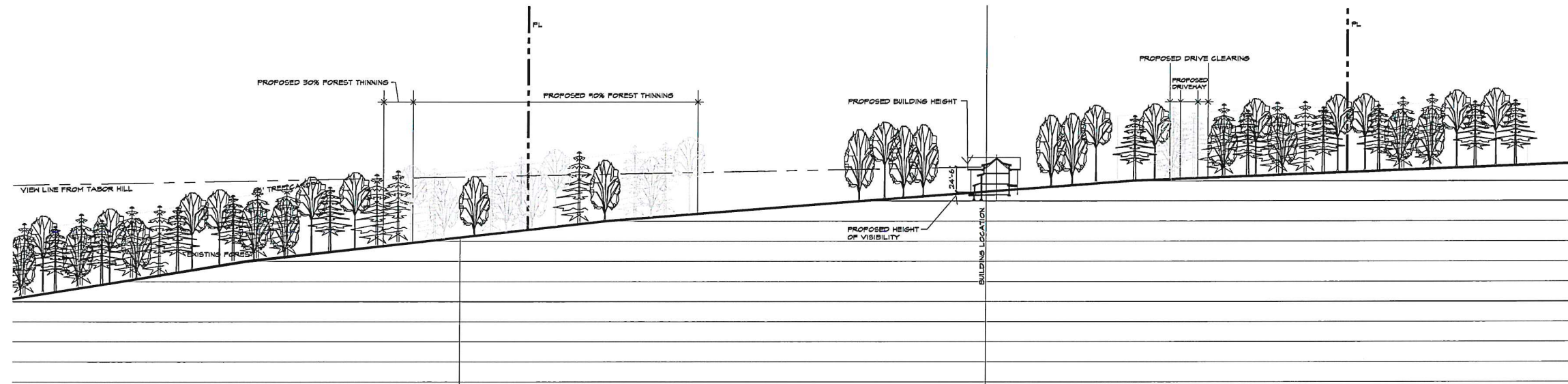
Date 01.11.2011
 Scale 1"=100'
 Drawn RJB
 Job 1106

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RH.2
 Of 2 Sheets

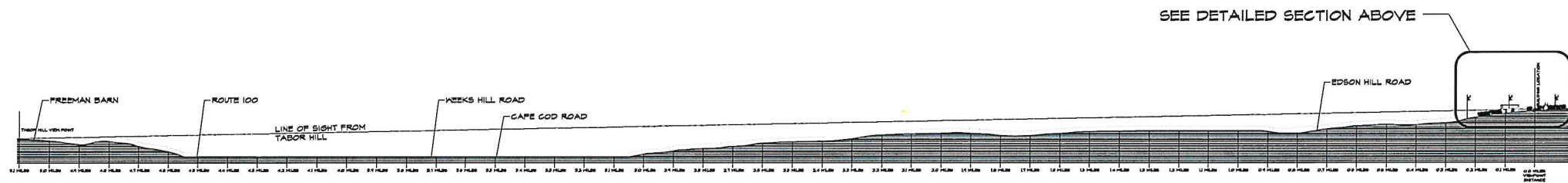
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A SITE PLAN MAP
 RH.2 SCALE 1" = 100'

PERMIT SET



B TABOR HILL SITE SECTION
 RH.3 SCALE 1" = 50'



A TABOR HILL ROAD SITE SECTION "C"
 RH.3 SCALE 1" = 1000'

REVISIONS	BY

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A NEW RESIDENCE FOR
JEFF AND ANNE MITCHELL
 HILL LAKE LOT #11
 STOWE VERMONT

PROPOSED
 SITE LINE SECTIONS

Date 01/11/2011

Scale AS NOTED

Drawn RJB

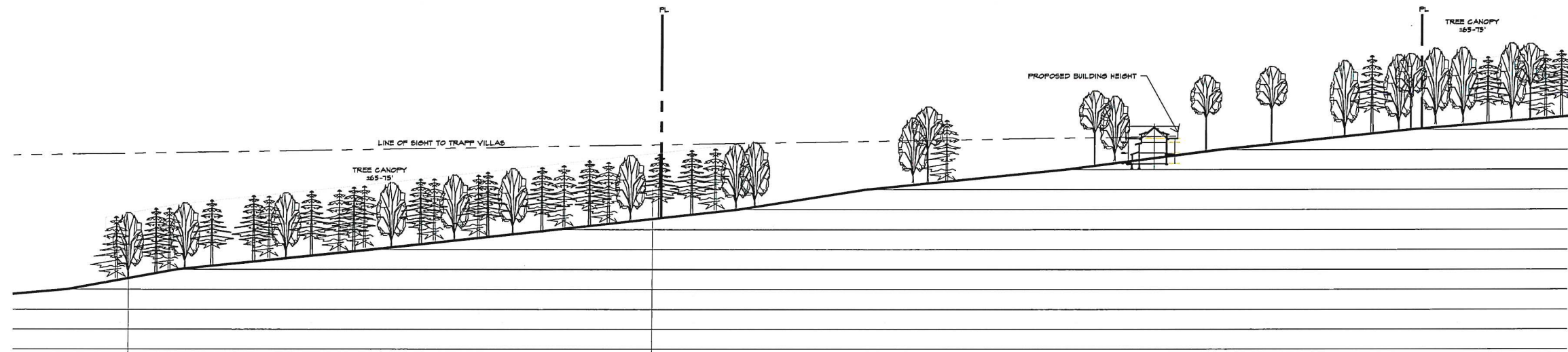
Job 1106

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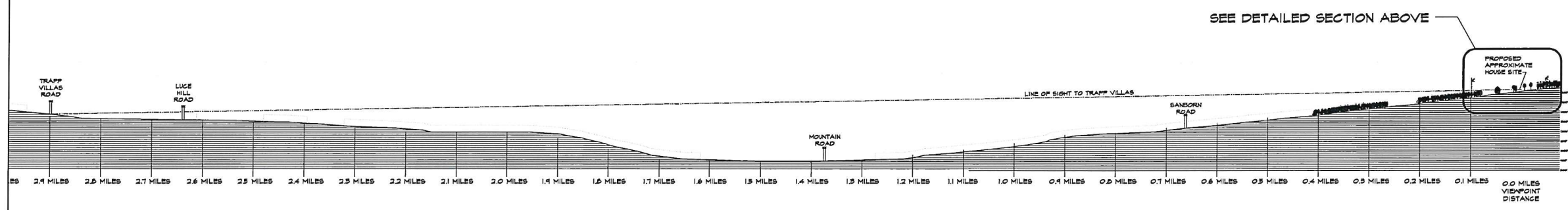
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PERMIT SET



B TRAPP VILLAS SITE SECTION
 RH.4 SCALE 1" = 50'



A TRAPP VILLAS SITE SECTION
 RH.4 SCALE 1" = 500'

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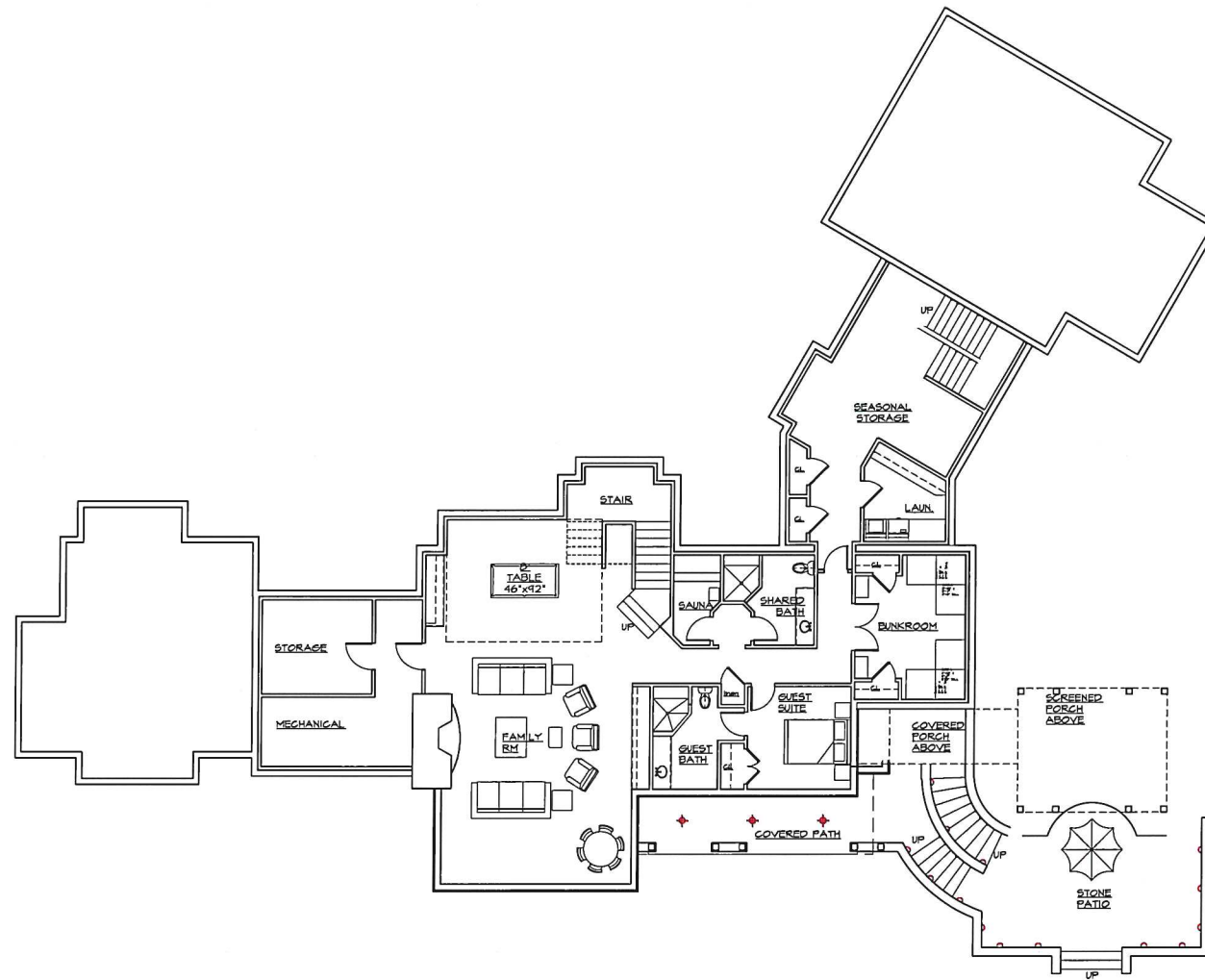
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 10 BODDERS LANE MOUNTAIN RD. STOWE, VT 05672
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A NEW RESIDENCE FOR
JEFF AND ANNE MITCHELL
 MILL LANE LOT #11
 STOWE VERMONT

PROPOSED
 SITE LINE SECTIONS

Date 01/11/2011
 Scale AS NOTED
 Drawn RJB
 Job 1100

Sheet
RH.4
 Of Sheets



PROPOSED
LOWER LEVEL PLAN
SCALE 1/8" = 1'-0"

FLOOR PLAN

SCALE 1/8" = 1'-0"

Jeff & Anne Mitchell Residence
Mill Lane
Stowe, Vermont

40 BOYKES FINE ARTS CENTER STOWE VT 05672
TEL: 877.253.3164 FAX: 802.253.2162
www.cushmananddesign.com

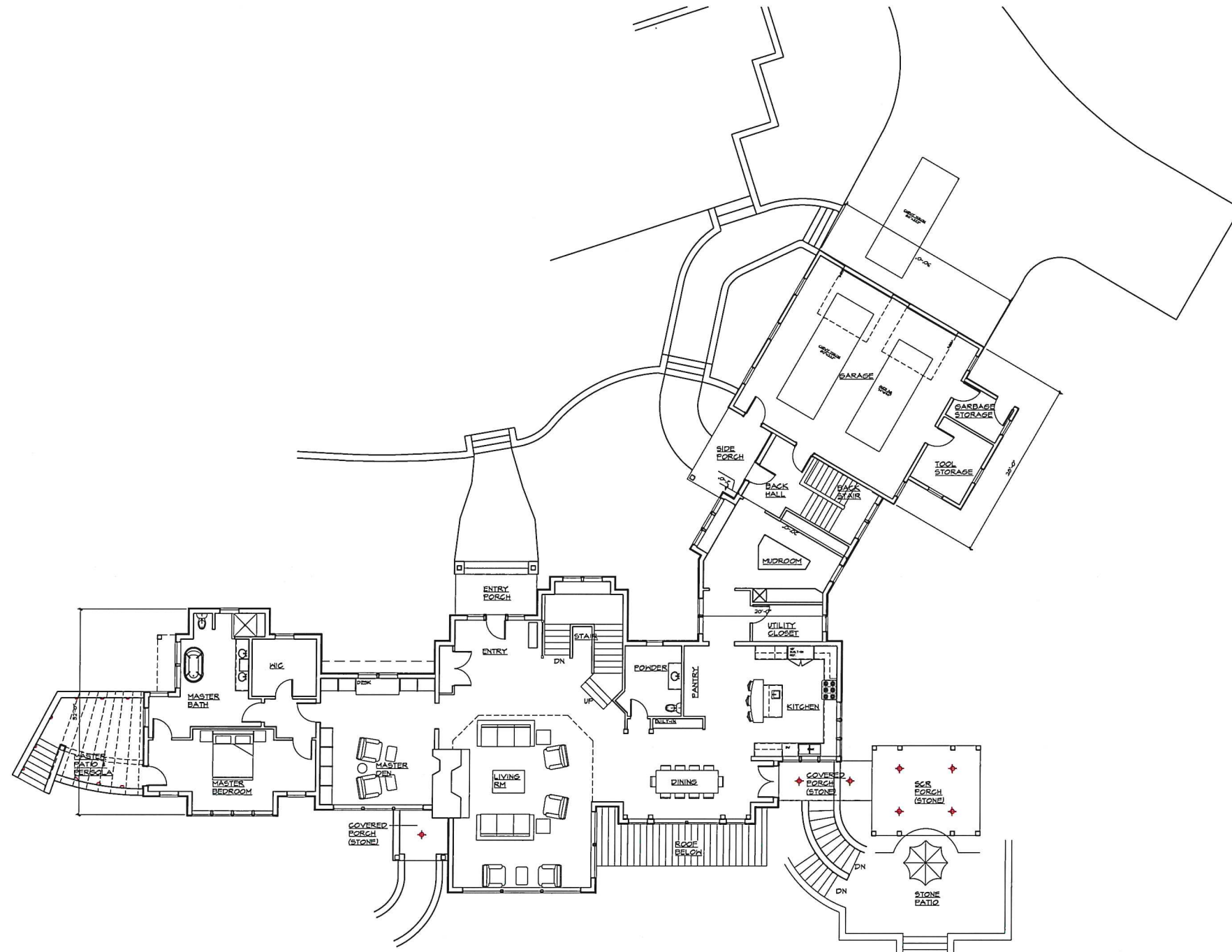
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PROPOSED
 MAIN LEVEL PLAN
 SCALE 1/8" = 1'-0"

FLOOR PLAN

SCALE 1/8" = 1'-0"

Jeff & Anne Mitchell Residence
 Mill Lane
 Stowe, Vermont

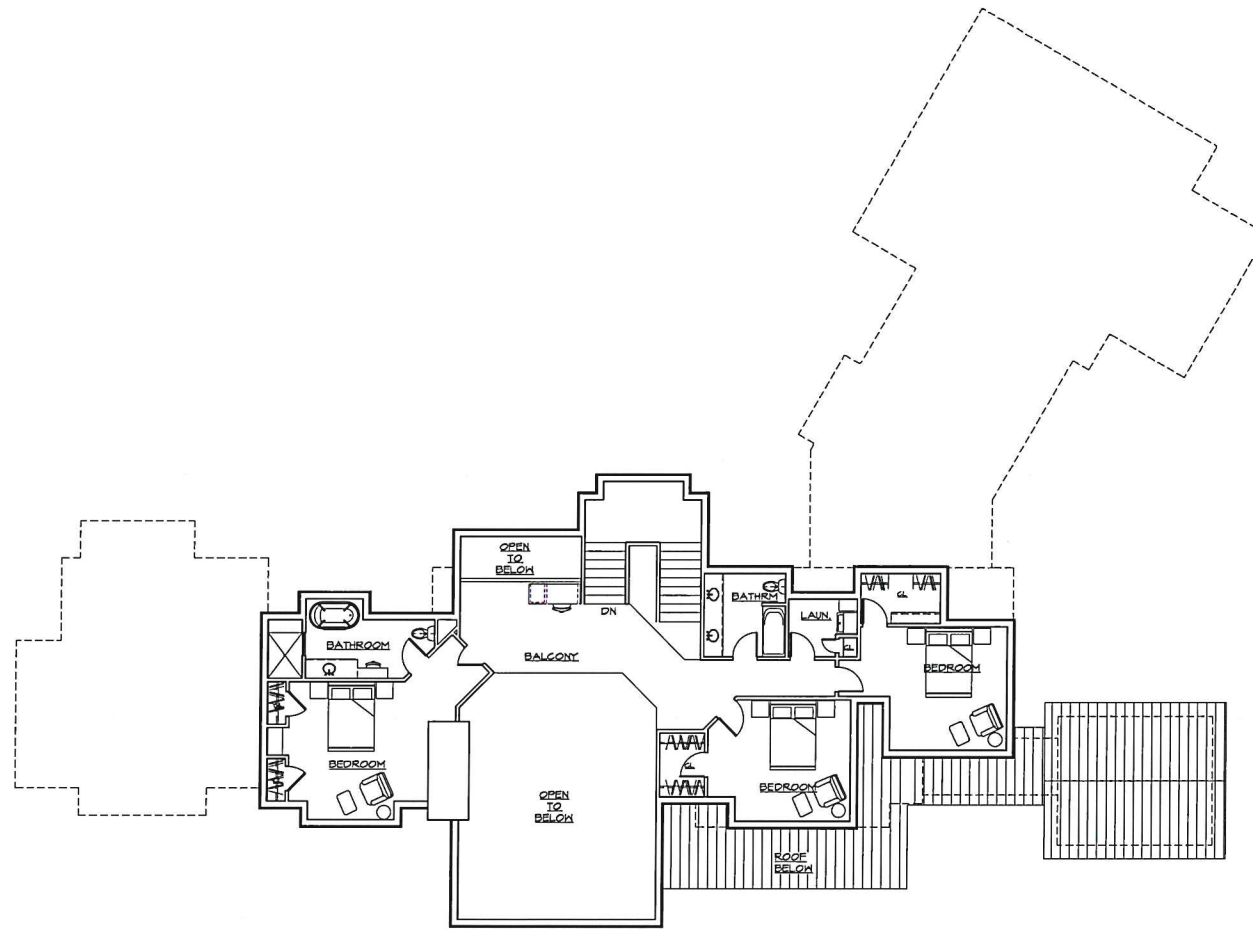
100 RICH RD. FERRISBURGH, VT 05647
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Sheet 2

01.11.2011



PROPOSED
UPPER LEVEL PLAN
SCALE 1/8" = 1'-0"

FLOOR PLAN

SCALE 1/8" = 1'-0"

Jeff & Anne Mitchell Residence
Mill Lane
Stowe, Vermont

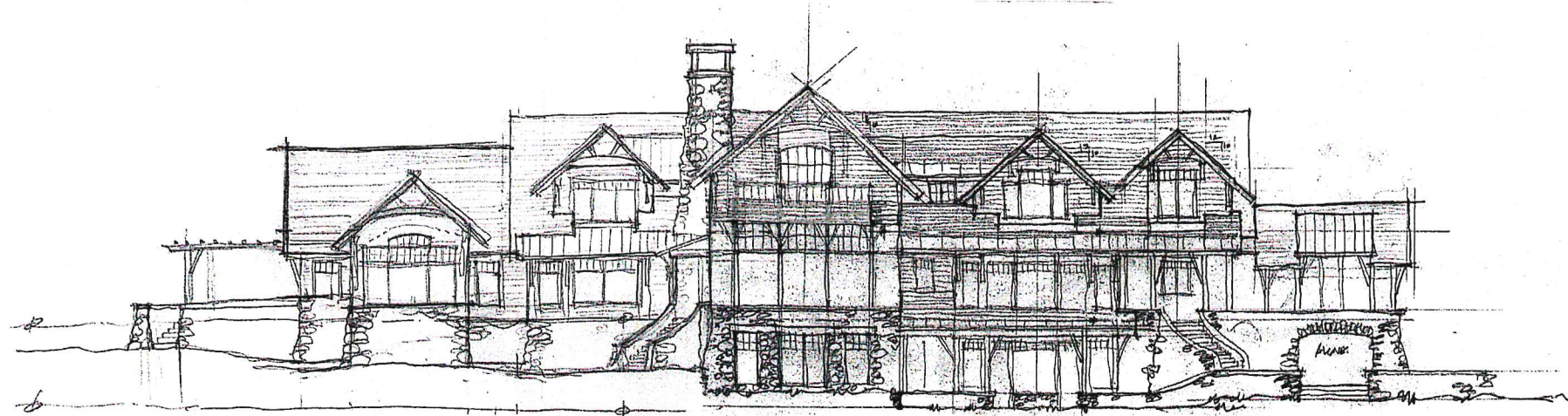
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Sheet 3

01.11.2011



ELEVATIONS

SCALE 1/8"=1'-0"

Jeff & Anne Mitchell Residence
 Mill Lane
 Stowe, Vermont

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Sheet 4
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