

Michael and Jessica Sipe, 60 Wolf Lane

Request for Redress of PRESUB2025-05

27 MAY 2025

Michael and Jessica Sipe are respectfully requesting DRB reconsideration pursuant to 24 V.S.A. §4470

- This decision by the DRB is a hardship for our family, our businesses and our community with whom we live and do work with. Without the town's support it is likely that we will have to move from our current property.
- This being the first time the zoning administrator had implemented the Stowe Highlands Analysis, it created confusion rather than clarity. His limited understanding and application of the Stowe Highlands Analysis led to a misrepresentation of our project analysis. He did not supply the board with the proper information and materials to help facilitate this legal analysis.
- The zoning officer championed his own agenda rather than facilitated a conversation between the DRB and ourselves. He let us know that we had failed his analysis of the Stowe Highlands test before we had presented our plan to the members of the DRB.
- In practice, applying The Stowe Highlands Analysis to our application gives the DRB the same authority as the Environmental Court on appeal. A tool to be used at the direction of town boards in weighing flexibility against finality on a case by case basis.
- Our community faces a housing crisis. Our proposal opens up housing stock and increases the tax base without building any new housing. Our neighbors are in support of our proposal.
- We believe we are championing the town's goals as stated in the 2018 town plan.
- We respectfully request redress of our subdivision proposal.

Act 250 Rule 34(E): Stowe Club Highlands Analysis

(E) Balancing Flexibility and Finality of Permit Conditions: (Stowe Club Highlands Analysis)

(1) In reviewing any amendment application, the district commission shall first determine whether the applicant proposes to amend a permit condition that was included to resolve an issue critical to the issuance of the permit. This determination shall be made on a case-by-case basis.

(a) If the applicant does not propose to amend a permit condition that was included to resolve an issue critical to the issuance of the permit, the district commission's inquiry under this rule shall end, and it shall not weigh finality and flexibility pursuant to this rule or prior case precedent.

The permit condition #3 of the original HOA permit 05-057 which we seek to modify (one of 15 other conditions listed), was not critical to the original appeal to the Environmental Court that paved the way for the creation of the Wolf Lane HOA, lot 7 being only a small portion of the overall project. What was critical was whether or not the creation of the Wolf Lane Development was to be classified as a Planned Residential Development or not. The Environmental Court removed that restriction allowing the parties to then come to a settlement agreement.

Thank you for your consideration.

Michael & Jessica Sipe