

Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Conditional Use Review
#2021-19-CU Sugarbush Mountain Resort, Inc.

Application #2021-19-CU submitted by Sugarbush Mountain Resort, Inc., is requesting a permit to upgrade and replace the snowmaking water withdrawal infrastructure on the Mad River which is adjacent to the Sugarbush snowmaking pond. This replacement project looks to remove or abandon the existing withdrawal infrastructure and install a new concrete foundation, new inflatable dam, new Parshall flume and one new intake structure and associated piping and buried utilities. The project, to be constructed in the Mad River, will be accessed from land owned by Sugarbush Mtn Resort at 446 VT Rte. 100, parcel id# 100000-401 and is in the Rural Residential District.

A duly warned hearing was held on Monday January 3, 2022 and attended by DRB members Chris Behn (Acting Chair), Devin Klein Corrigan (online) and Megan Moffroid. Others in attendance were: Ruth Robbins (ZA), Richard Czaplinski (Friends of the Mad River, online), John Hammond (Sugarbush), Eric Hanson (Sugarbush, online), Patrick Konvicha (Sugarbush), Shawn Patenaude (Sugarbush), Kinny Perot (Friends of the Mad River, online), Joel Rhodes (Sugarbush, online), David Slingluff (online), Duval Slingluff (online), Margo Wade (Sugarbush, online), and Carol Chamberlin (Recording Secretary, online).

Findings of Fact and Conclusions of Law:

1. The applicant submitted a complete application, site plans by Technicon, PC; Engineering “No-Rise” certification by Ripple Natural Resources LLC; VT State Land Use Permit and Stream Alteration permit; Riparian Buffer Management Plan; Letter from the Central VT Floodplain Manager, Ned Swanberg; notice to abutters and proof of mailing.
2. Ms. Wade stated that the project would do several things that would be an improvement over the existing system such as a reduction of intake structures from two to one; a larger, improved flume for measuring required data; and an inflatable bladder to allow for free flow of the river during high flow events. She noted that there will be no change in withdrawal rates, pond capacity, or pumping capacity. River stone will be used for any fill that is required. Work will be completed during the months of May – October.
3. The Board found that the standards under Table 2.14 Flood Hazard Overlay District items (1) and (2) are satisfied and that items (3) (a-d) and (4) are not applicable to this application.
4. The Board found that this project meets the standards outlined in Table 2.16 fluvial Erosion Hazard Overlay District Sec. A- K, as those standards are either satisfied or not applicable to this application.
5. The Board found that given that the project is for replacement of an existing structure with something similar in size yet has some protective features, Section 5.3(E)(1)(a) of the Conditional Use standards for the Flood Hazard Overlay District is satisfied.
6. It was found that based on the results of an evaluation of river rise impacts resulting from the project as proposed that the base flood elevation will not increase over what is currently in place.
7. The Board found that Section 5.3(E)(1)(b) is satisfied, as evidenced by Exhibit 007 [No-Rise Certification] of the application materials.
8. The Board found that Section 5.3(E)(1)(c) – (k) and 5.3(E)(1)(m) – (o) are not applicable to this application. Section 5.3(E)(1)(l) is found to be applicable and satisfied by the application.

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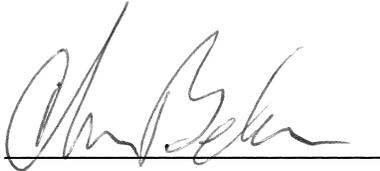
- 9. It was stated by the applicant that the impervious surface at the dam site will be decreased as a result of this replacement.
- 10. Section 5.3(E)(2)(a) and (b) have been discussed by the Board and are found to be satisfied by the application.
- 11. The applicant noted that there will be less than an acre of ground disturbance, so a State Stormwater Permit is not required, but that all associated best practices will be implemented.

Notice of Decision:

With the stated findings above, the Board approves the request for a conditional Use approval for the replacement of the weir [dam] with the following conditions:

- A. That the project be constructed as per the plans submitted and approved by the DRB;
- B. The applicant is required to submit to the Zoning Officer an Erosion and Sediment Control Plan within thirty days of approval;
- C. The applicant is required to utilize eco-friendly material where possible in the Erosion and Sediment Control plan, particularly any stabilization matting applied to the riverbank.

Development Review Board



Chris Behn Date 2/16/22



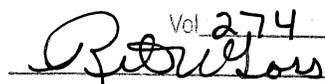
Devin Klein Corrigan Date 2/16/22



Megan Moffroid Date 2/16/22

TOWN OF WARREN, VT

Received for Record 319 2022
at 10 o'clock A M and Received in

Vol 274 Page 503-504


TOWN CLERK

VT Property Transfer Tax Return # _____