

**Town of Warren
Development Review Board
Findings of Fact and Notice of Decision
Lincoln Peak Base Area Redevelopment Project
Application to Amend Permits #2002-14-PUD & #2002-01-CU
and #2002-14-PUD-AM & 2002-1-CU-AM**

Summit Ventures NE, LLC (d/b/a Sugarbush Resort) ("Applicant") seeks approval to amend Permits #2002-14-PUD/2002-1-CU and #2002-14-PUD-AM/2002-1-CU-AM issued by the Town of Warren Development Review Board on May 28, 2003 and April 30, 2004 approving the Lodge at Lincoln Peak ("Lodge"). The Lincoln Peak Base Area Redevelopment Project ("the Project") is submitted as an amendment to the previously approved Lodge project.

The Redevelopment Project generally consists of the construction of three new mixed use buildings, underground parking, associated ski facilities and services, replacement of the Gate House (base lodge), removal of "temporary" buildings, removal of a significant portion of the Valley House (base lodge), and redistribution of ski facilities and services. The Project is located on 57+/- acres off the Sugarbush Access and Sugarbush Village Roads in the Sugarbush Commercial and Vacation Residential Districts. Ancillary facilities are located on other property owned by the Applicant. The amended Project requires review under Article 5 - *Development Review* and Articles 6 & 7 - *Subdivision Review* and Article 8 - *Planned Unit Development Review* of the WARREN LAND USE & DEVELOPMENT REGULATIONS.

The Project proposes the phased construction of a total of 60 residential units (plus 40 lockout units) referred to as the Clay Brook Building; Building B-1 with 39 residential units (applicant seeks foot print approval only at this time); 614 pillows (includes sofa-pillows), 239 restaurant/bar/café seats, 75 conference seats, 18 new peak-day employees (83 employees located in Clay Brook includes 65 existing relocated employees) 3,612 sf of retail space, and 1,529 parking spaces (including 107 underground, and the Village Parking Lot). Additionally, the project includes the construction of a Family Center and the replacement of the Gate House base lodge with minor expansion.

The existing permit that was granted for The Lodge, included 141 residential units (plus 60 lockout units), 740 pillows, 340 restaurant/bar/café seats, 244 conference seats, 90 new peak-day employees, 2,138 sf of retail space, and 1,619 parking spaces (including 139 underground and the Village Parking Lot). All other elements of the previously approved Lodge project that remain substantially equivalent to the proposed site plan include: construction of new water supply and wastewater treatment facilities, construction of fire protection distribution lines and hydrants, reconfiguration of surface parking lots, redesigned road alignments, updated stormwater collection and treatment systems, updated landscaping and site lighting, improved pedestrian path and sidewalk network, a stream restoration project, realignment and replacement of the Village Chair ski lift, improved beginner ski/ride terrain with associated surface lifts, and amendments to the three-lot subdivision.

Eliminated from this project is the relocation and replacement of the existing Warren Fire Station; expansion of the snow making control building (CB1); and the relocation of a portion of the Sugarbush Village Road as permitted under LUP#5W1045-15C.

An informal discussion took place on October 13, 2004 at an open meeting of the Development Review Board. A duly warned meeting was held on February 23, 2005 in compliance with Article 6, Section 6.3(B). An additional duly warned public hearing was convened on March 23, 2005 in compliance with Article 6, Section 6.4(B). At the aforementioned hearings, the Board Members reviewed application submittals along with comments from the public.

TOWN OF WARREN, VT

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Members present October 13, 2004: Peter Monte, Eric Brattstrom, Lenord Robinson, Chris Behn, and David Markolf.

Others present: Trafton Crandall, Laura Crandall, Peter Lazorchak, Virginia Roth, John Roth, Matt Sargent, Ron Zschaler, Bob Ackland, Jason Lisai, Karen Van Gilder, DRB/PC Assistant.

Members present February 23, 2005: David Markolf, Eric Brattstrom, Lenord Robinson, Chris Behn, Virginia Roth, Peter Monte.

Others present: Shelia Getzinger, Eric Haskin, Donald Whitman, Ron Zschaler, Jim Halavonich, Michael Cunningham, Jason Lisai, Bob Ackland, Margo Wade, Miron Malboeuf, Zoning Administrator and Ruth Robbins, DRB/PC Assistant.

Members present March 23, 2005: David Markolf, Lenord Robinson, Eric Brattstrom, and Virginia Roth.

Others present: Jason Lisai, Bob Ackland, Margo Wade, David Blythe, Ron Zschaler, Miron Malboeuf, Zoning Administrator and Ruth Robbins, DRB/PC Assistant.

Findings of Fact & Conclusions of Law

I. General Findings

IN ADDITION TO ALL EXHIBITS SPECIFICALLY REFERENCED BELOW, THIS DECISION WILL BE BASED ON ALL OTHER INFORMATION AND EXHIBITS PRESENTED BY THIS APPLICANT FOR THIS APPLICATION AND THE PREVIOUS APPLICATION ENTITLED *THE LODGE AT LINCOLN PEAK*, AS WELL AS THE EXHIBITS AND INFORMATION SUBMITTED BY THE AMERICAN SKI COMPANY FOR IT'S APPLICATION ENTITLED *THE GRAND SUMMIT HOTEL*, APPLICATION (TOWN #) AND ANY ACT 250 SUBMITTALS PERTINENT TO THIS APPLICATION.

1. The Applicant submitted the following materials:

- a) Zoning/PUD Permit Applications along with applicable fees;
- b) Project Description dated February 16, 2005
- c) Conditional Use/Subdivision/PUD Worksheet
- d) Abutter notification and proof of mailing, dated February 4, 2005.
- e) Exhibits:
 - 1) Site Plan of Stormwater Ponds #4 & #5 (02/24/05)
 - 2) Site Plan of Building "CB1" & Parking Lot G (02/24/05)
 - 3) Site Plan of Lots A through F and Building B1(02/24/05)
 - 4) Site Plan of Village Parking Lots (02/24/05)
 - 5) Site Plan of Village Lift Area (02/24/05)
 - 6) Site Plan of Buildings A1 through A4 (02/24/05)
 - 7) Erosion Control Plan Parking Lot G (02/24/05)
 - 8) Erosion Control Plan Lots B through F & Building B1(02/24/05)
 - 9) Erosion Control Plan Buildings A1 through A4 (02/24/05)
 - 10) Stormdrain System & Stormwater Pond Details (02/24/05)
 - 11) Erosion Control Details (02/24/05)
 - 12) Site & Erosion Plan of Parking Lot H & I (03/19/03)
 - 13) Overall Site Grading Plan of Buildings A1-A4 & B1 (02/16/05)
 - 14) Overall Site Grading Plan of Parking Lots D through G (02/16/05)
 - 15) Landscape Plan, Sheets L1.0,L1.1, & L1.2 (02/16/05)
 - 16) Lighting Plan, Sheets L2.0, L2.1, & L2.2 (02/16/05)
 - 17) Base Lodge Drawings #'s A-200,A-201,A-202, A-203, A-400, A-401, A-500, A-501(all dated 2/3/05)
 - 18) Clay Brook Drawings #'s A-150, (dated 2/8/05) A-201, A-202, A-203,A-204, A-205, A-206, (dated 1/26/05) A-400, A-401, A-402, A-501(dated 2/1/05)

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- 19) Family Center Drawings #'s A-150, (dated 2/8/05) A-201, A-202, A-203, A-204, A-400, A-401, A-450, A-451, A-500 (dated 1/24/05)
 - 20) Project Comparison Matrix; Lincoln Peak Base Area Redevelopment vs. Lodge at Lincoln Peak vs. Existing Conditions (dated 2/9/05)
 - 21) Permit #2002-14-PUD/2002-01-CU and Permit #2002-14-PUD-AM/2002-01-CU-AM, dated February 28, 2003 and April 30, 2004 issued by the Warren DRB
 - 22) Traffic Impact Study Addendum for Lincoln Peak Base Area Redevelopment Plan prepared for Sugarbush Resort prepared by RSG, Inc. dated February 28, 2005
 - 23) Memo to Sugarbush Resort from Daniel C. Redondo of Pioneer Environmental Associates, LLC, regarding Act 250 Filing, Hotel Brook Relocation, dated February 24, 2005
 - 24) Study titled "Municipal Impact of the Lincoln Peak Base area Redevelopment Project of Sugarbush Resort" prepared by Richard W. Heaps of Northern Economic Consulting, Inc. dated February 22, 2005
 - 25) Context Plan prepared by SE Group
 - 26) Declaration of Condominium for Clay Brook at Sugarbush Condominium, DRAFT, prepared by Gravel and Shea, dated March 16, 2005. (NOTE: Exhibit "E", Association Bylaws to be attached)
- f) Copy of Act 250 Amendment Application LUP#5W1045-15 & LUP#5W1045-15C submitted by Summit Ventures NE, LLC February 28, 2005
2. The following submittal material, previously presented for the Lodge project, is also being considered with this application and only includes material that was not superceded by more current material.
- a) Zoning/PUD Permit Applications along with applicable fees;
 - b) Request to temporarily waive the submittal requirement that relates to utility locations, rights-of-way and/or easements, dated November 20, 2002;
 - c) PUD Worksheet;
 - d) Abutter notification and proof of mailing, dated November 4, 15 & 26, 2002;
 - e) Exhibits:
 - 1) Overall Mater Plan by SE Group, dated November 11, 2002
 - 2) Zoning Districts by SE Group, dated November 7, 2002
 - 3) Conservation Resources by SE Group, dated November 7, 2002, last revised November 19, 2002.
 - 4) 57 Acre Proposed Use of Space by Sugarbush Resort, dated December 18, 2002
 - 5) Overall Master Plan Showing Sugarbush Parcels by Se Group, dated January 15, 2003
 - 6) Lighting Specifications by SE Group
 - 7) AOT Correspondence, dated December 24, 2002
 - 8) Preliminary Traffic Study results from Resource Systems Group, dated January 29, 2003
 - 9) Final Traffic Analysis from Resource Systems Group, dated March 7/2003
 - 10) Sugarbush Water Quality Plan from Pioneer Environmental Associates, dated 1/29/03
 - 11) Erosion Control and Construction Narrative by Charles Grenier Consulting Engineers, dated March 6, 2003
 - 12) Stormwater Management Narrative by Pioneer Environmental Associates, LLC
 - 13) Economic & Fiscal Impact Analysis by Northern Economic Consulting, Inc., dated February 27, 2003
 - 14) Village Parking Lot Car Count by Sugarbush Resort

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- 15) Parking Calculations by SE Group and Sugarbush Resort, dated March 10, 2003
- 16) Preliminary Signage Plan by Burley Partnership from the GSH Application
- 17) Sugarbush Village Parking Lot by SE Group & Sugarbush Resort, 3 pages, dated April 3, 2003
- 18) Proposed Traffic Management Plan by Sugarbush Resort, dated 4/4/2003
- 19) Signage Plan by Sugarbush Resort
- f) Indirect Discharge Permit # ID-9-0260 & Wastewater and Disposal permit # WW-5-0938, dated March 7, 2003.
- g) Correspondence between Sugarbush and the DRB (during the Lodge application):
 - 1) Letter to DRB regarding applicable regulations that were not in place during the Grand Summit Hotel review process, dated 12/18/02, 1 page.
 - 2) Letter from the Resource System Group to Mr. Lisai regarding the changes in traffic flow from the 1996 Grand Summit Hotel review process, dated 12/18/02, 3 pages.
 - 3) Memorandum from James A. Caffry, Esq., attorney at law, regarding the scope of Warren Development Review Board authority to reinstate the expired permit #2000-09B-MM, dated 12/18/02, 1 page.
 - 4) Review of Conditions that differ in the PUD versus the Site Plan, submitted 01/13/02, 2 pages.
 - 5) List of Existing Conditions Summit Ventures, NE, LLC wish to retain, going forward with this proposal, submitted 01/13/03, 10 pages.
 - 6) Letter to the DRB regarding the Chemical Delivery to the Wastewater Treatment Facility, submitted 01/15/03, 1 page.
 - 7) Memorandum from the Resource System Group regarding the 5-year traffic evaluation, submitted 01/15/03, 2 pages.
 - 8) Memorandum from Pioneer Environmental regarding the Static water Level at Hotel Wells 1,2,3 & 4, Submitted 04/07/03, 2 pages.
 - 9) Applicants Proposed Finding of Facts and Notice of Decision, received 03/19/03, 16 pages.
 - 10) Spreadsheet submitted by Sugarbush listing the items the board has left unresolved during the hearings, dated 3/27/03, 2 pages.
 - 11) Memo to DRB regarding Amendments to the Proposed 03/19/03 Draft Finding of Fact and Notice of Decision PUD and Conditional Use Review, submitted 04/07/03, 5 pages.
 - 12) Right of Way and Easement Deed for the Sugarbush Access, Inferno and Village Roads, received 04/18/03, 5 pages and 1 map.
 - 13) Memo to DRB from Mr. Lisai regarding proposed condition for the bond issue dated 4/18/03, 1 page.
 - 14) Memo to DRB from Mr. Lisai regarding Chez Henri & Backroom Lounge Health Department Licenses, dated 5/8/03, 2 pages
 - 15) Correspondence between the Warren Fire Department and Sugarbush dated May 1, 2003 & May 12, 2003 from Mr. Lisai to Mr. Hartshorn & April 14, 2003 from Mr. Hartshorn to Mr. Lisai.
 - 16) State of Vermont, Board of Health License to Operate Chez Henri restaurant at a maximum capacity of 140 people.

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- h) The Board also received the following materials from other sources during the Lodge application process:
 - a) Letter from Ron Zschaler, dated 03/25/03, 3 pages of text, and 11 pages of attachments.
 - b) Memorandum from David J. Blythe titled "Lodge at Lincoln Peak Project, Sugarbush Village Real Estate's Comments on Applicants Proposed Permit Conditions Relating to Parking and Signage", dated 03/27/03, 3 pages.
 - c) Memorandum from David J. Blythe dated March 27, 2003 titled "Lodge at Lincoln Peak Project, Mountainside Condominium Association's Proposed Permit Conditions Relating to Ski-Over Access", 1 page.
 - d) Letter from Henri Borel regarding the ski access to and from Sugarbush Village, dated 03/27/03, 1 page.
 - e) Letter from the Friends of the Mad River regarding their review of the Sugarbush Lodge Plans, dated 04/04/03, 1 page.
 - f) Memorandum from Ron Zschaler regarding the Sugarbush Proposed Traffic Management Plan and Exhibit #26, dated 04/21/03, 2 pages, 12 pages of attachments.
 - g) A letter of support for the Lodge at Lincoln Peak project and its associated infrastructure from the Warren Fire Department Dated May 14, 2003.
 - h) Memorandum from David Blythe dated May 27, 2003 titled Lodge at Lincoln Peak Project; Mountainside Condominium Association's Proposed Permit Condition Relating to Ski-Over Access; 1 page.
 - i) Memorandum from David Blythe dated May 27, 2003 titled Lodge at Lincoln Peak Project; Sugarbush Village Real Estate's Comments on Applicant's May 15, 2003 Proposed Permit Conditions Relating to Parking and Signage
3. In addition to the application submittals, the following documents were presented in regards to this application:
- a) Act 250 Notice of Application and Hearing dated March 8, 2005.
 - b) Letter to Mr. Monte, Chairman, Development Review Board, Town of Warren, from Mr. Donatelli, Village Edge Condominium owner, dated March 8, 2005, regarding the use of the Sugarbush Village Parking Lot.
 - c) March 9, 2005 letter to Peter Monte from the Applicant (mistakenly dated March 27, 2003) addressing outstanding items identified at the February 23, 2005 hearing and outlining additional submittals.
 - d) Letter to Development Review Board from Henri Borel of Chez Henri Inc., dated March 15, 2005, stressing the importance of incorporating Sugarbush Village in the development plans.
 - e) Letter to Mr. Monte, Chairman, Development Review Board, Town of Warren, from Mr. Zschaler, dated March 16, 2005, regarding adjacent property interest: Village Edge Condominiums #3 & #4 and the parking and traffic as it relates to the Sugarbush Village Parking Lot.
 - f) Letter to Mr. Monte, Chairman, Development Review Board, Town of Warren, from Mr. Milanette, Village Edge Condominium owner, dated March 16, 2005, regarding the Sugarbush Village Parking Lot.

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- g) *Memorandum of Decision* from the State of Vermont District 5 Environmental Commission regarding the applicant's request to waive the full filing fee, dated March 15, 2005.
 - h) Minutes/notes from the meeting between Jason Lisai of Sugarbush Resort and members of the Town of Warren Fire Department, dated March 22, 2005.
 - i) Letter from Jason Lisai of Sugarbush Resort, to Alan Hartshorn, Chief, and Adam Cook, President, Warren Fire Department, dated April 4, 2005.
 - j) *Memorandum of Agreement and Resolution of Conservation Flow Issue* from the State of Vermont District 5 Environmental Commission dated April 5, 2005.
 - k) Letter to Mr. Stanak, Agency of Natural Resources, from Mr. Walsh, Senior Planner, Central Vermont Regional Planning Commission, regarding CVRPC's Act 250 Review Committee's findings on the Lincoln Peak Base Lodge Redevelopment Project, dated April 11, 2005.
 - l) Copy of email from Mr. Lisai of Sugarbush Resort to Mr. Malboeuf, Zoning Administrator, Town of Warren, with proposed changes to previous permit for the Lodge, for consideration by the DRB for the new permit for the Base Area Redevelopment, originally emailed April 8, 2005, and finally printed out April 13, 2005, after emailing to Ms. Robbins.
 - m) Copy of email communication from Mr. Zschaler to Mr. Malboeuf regarding suggested language for the DRB to consider in preparing the revised permit for the applicant, dated April 13, 2005.
 - n) Faxed copy of the above letter (item "h") with the correction of "Mount Ellen" being changed to "Lincoln Peak" dated April 15, 2005.
 - o) Faxed copy from Mr. Lisai of a memo from Mr. Cook, President, Warren Fire Department, regarding the Fire Department's initial review of the Lincoln Peak Redevelopment Project, dated April 14, 2005.
 - p) Memorandum regarding the Status of Review of Application 5W1045-15D, Summit Ventures: Lincoln Base Area Development, from the State of Vermont, District 5 Environmental Commission, dated April 18, 2005.
 - q) Copy of letter to Mr. Stanak, District 5 Environmental Commission, from Ms. Wade, Resort Planner, Sugarbush Resort, regarding the updated Traffic Plan and a copy of the Warren Fire Department letter (see item j), dated April 18, 2005.
4. A site visit was conducted for the previous application known as the Lodge. No site visit was conducted in relationship to this application.
 5. In 1998, the Applicant's predecessor, Sugarbush Resort Holdings, Inc. ("SRHI") received the required permits from the Warren Planning Commission and Warren Zoning Board of Adjustment to construct a project referred to as the Grand Summit Hotel ("GSH"). SRHI had previously received all necessary permits from the Town in 1997. The 1997 permits were appealed. SRHI revised and resubmitted plans for the GSH project in January 1998. The Planning Commission reviewed and granted Site Plan and Planned Unit Development permits for the GSH project in February 1998.
 6. The current Project as applied for is similar to the Lodge project in terms of certain impacts relevant to the Board's consideration.
 7. Pursuant to 24 V.S.A. § 4462(b), 24 V.S.A. § 4467, 24 V.S.A. § 1206, 1 V.S.A. § 810(4), V.R.E. § 201 and the Board's Rules of Procedure, the Applicant requested that judicial notice be taken of the application materials and decisions issued for the final SHRI project in 1998, Under V.R.E. § 201(d), the Board takes judicial notice of those aspects of the Applicant's Project that remain unchanged from the previously approved GSH project which have conveyed to the Lodge at Lincoln Peak so amended herein. .

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8. The following aspects of the Applicant's Project are substantively THE SAME as the previously approved hotel project:
- a) There will be 60 residential units in the Clay Brook Building and a potential 39 units in Building B1 with both whole and/or quarter share ownership
 - b) the wastewater treatment facility is unchanged;
 - c) the impacts on the community are expected to be the same or less than the previous hotel project ;
 - d) applicant proposes a maximum building height of 73 feet from average grade, pursuant to Section 3.6 (B) of the Town of Warren Land Use & Development Regulations;
9. The following aspects of the Applicant's Project are substantively DIFFERENT from the previously approved hotel project:
- a) the Project now incorporates upgrading of the base area facilities and the building envelope has been relocated to base area;
 - b) the water supply wells as developed for the Lodge will be connected to the existing Mt. Water Company system rather than creating a new system;
 - e) overall density of the Project does not exceed the Town's requirements as demonstrated in the application;
 - f) The Village lift will be replaced with minimal realignment. Surface lifts (i.e. magic carpet) will be installed to improve adult and kids beginner facilities;
 - g) the project does not propose an increase in the approved comfortable carrying capacity (CCC) for the Resort's skiers of 7620;
 - h) storm water treatment for the project has been upgraded to comply with 2002 State regulations;
 - i) the upper parking lots, lots G (formerly lot F), H and I remain substantively the same with the exception of updating design to accommodate new storm water regulation;
 - j) the pedestrian path and sidewalk network remain predominantly unchanged;
 - k) The Project continues to include underground parking 68 (Building A2/A3) and a potential 39 (Building B1) vehicles.
 - c) the architects have redesigned the architecture and building program of the Project;
 - d) the Village Road will not be relocated.
10. The Applicant wishes to commence construction in the spring of 2005 and complete construction by December 2006.
11. The applicant did not provide any expert testimony regarding the technical aspects of the project, its environmental impacts and structural qualities with this application request. They did however, provide an updated report from the previous experts/professionals in the area of traffic impact. In its findings the DRB relies on the evidence presented by these experts, who testified on the previous applications. The DRB lacks the technical resources to evaluate certain aspects of the project with full confidence including adequacy of erosion control plans, sufficiency of structural elements for support, etc. The DRB is aware, however, that the project will be subjected to rigorous review by the State's Department of Labor and Industries (for public building permit and review by the fire marshal) and by the State Agency of Natural Resources for Agency permits, including a construction general permit, and individual permit, and indirect discharge permit, and as a party offering comments on relevant criteria during the Act 250 Land Use Permit processes. Under present practices, the State will provide the Town with copies of any notices of violation of State permits, so the Town will have the ability to monitor applicant's compliance. The DRB will rely on the State Agency's technical expertise and the rigorous State's Agency review of this project for assurance on certain findings and conclusions stated below.

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12. \$400,000 is the maximum cost that the Town would bear to restore or complete aspects of the project of a public interest including intersections, landscaping, pedestrian path network, storm water management, and utility lines. The Applicant shall post a bond or revocable letter of credit in corresponding amount prior to commencement of construction effecting these identified improvements of public interest. On Applicant's motion, from time to time, the Zoning Administrator may alter the amount of the bond as portions of the work are commenced and/or completed to alter the amount of the bond or letter of credit outstanding at any time to an amount sufficient to protect the public interest without imposing an excessive burden on the Applicant. Any decision of the Zoning Administrator to alter the amount of the bond or letter of credit shall not take effect for 30 days after mailing of notice of the change to all interested parties of record and to the DRB. Within the 30 day period, on the DRB's own motion, or on request of any interested party, the DRB may review and revise the Zoning Administrator's decision.

II. Wastewater Disposal, Water Supply & Utilities

13. The Applicant's predecessor, SRHI also applied for and received a permit for the construction of the wastewater treatment facility associated with the GSH project in 1997 and 1998 from the Warren Planning Commission and the Zoning Board of Adjustment. Those approvals expired in March of 2002. The Applicant submitted a new application on November 20, 2002 for the wastewater treatment facility. The wastewater facility has no material changes from the 1997 and 1998 applications and complies with all current conditional use regulations in Article 5 of the Town of Warren Land Use & Development Regulations.
14. On January 29, 2003 the Board issued Conditional Use Review Permit #2002-02-CU/2002-90-ZP for the approval of a 66,000 gallon-per-day ("gpd") wastewater treatment facility, associated wastewater disposal fields with a permitted disposal capacity of 38,500 gpd, mechanical building, and parking lots H and I, located on 22+/- acres off the east side of Inferno Road in the Vacation Residential District. The wastewater treatment and disposal system has been approved by the Vermont Agency of Natural Resources under Permit #ID-9-0260-1, and will be amended only to relocate collection lines. The approvals for the wastewater treatment facility located on the 22-Acre site remain in effect. No material changes have been made to this aspect of the project as approved under Conditional Use Permit #2002-02-CU/2002-90-ZP issued January 29, 2003 for the approval of a 66,600 gallon-per-day ("gpd") wastewater treatment facility, associated wastewater disposal fields with a permitted disposal capacity of 38,500 gpd, mechanical building, and parking lots H and I, located on 22+/- acres off the east side of Inferno Road in the Vacation Residential District. The wastewater treatment and disposal system has been approved by the Vermont Agency of Natural Resources under Permit #ID-9-0260-1, and will be amended only to relocate collection lines. Should any of the above change significantly in the judgment of the Zoning Officer, this permit will subject DRB review.
15. The potable water supply sources remains unchanged from the Lodge project, which was unchanged from the prior GSH. The applicant is in the process of amending applicable State permits to allow connection of the Lodge wells to the existing Mt. Water Company system rather than creating a new and separate water system to supply water to the new residential buildings. The Mt. Water Company currently services the existing base area facilities. Relocation of those skier services into the new Family Center (Building A4) and rebuilt Gate House base lodge (Building A1) necessitates minor updating of existing water supply State permits.

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16. All utilities for the Project will be located underground, including power, propane supply lines, telephone, fiber optics and television cable. Electrical power and telecommunications will be coordinated with Green Mountain Power and Waitsfield Telecom. Wherever feasible, utility corridors will be shared with other utilities, roads and parking lots so as to minimize unnecessary clearing. The water supply line corridors will also serve as pedestrian nature trails.

III. Parking, Traffic, Roads & Pedestrian Access

17. The Applicant's traffic consultants have determined that the Project will result in lower traffic impacts in comparison with the Lodge project.
18. All traffic mitigation measures recommended by the traffic consultant in both the 2003 report and 2005 addendum will be incorporated into the project.
19. The current Project proposes 1529 total base area parking spaces, of which 68 are located under the Clay Brook Building and 39 are located under the proposed Building B1. The Lodge project proposed 1619 total base area parking spaces, of which 139 were underground. The DRB believes that the overall amount of parking provided is sufficient and that the layout of the parking is well designed given the site limitations.
20. Condition #4 in Conditional Use Review Permit #2002-02-CU/2002-90-ZP requires that the delivery of chemicals to the new wastewater treatment facility be coordinated with similar deliveries to the existing Mountain Wastewater Treatment facility and in accordance with the traffic safety conditions of Land Use Permit #5W0103-3.
21. The main roads, major parking lot ingress/egress routes and the Village Parking Lot will be paved, all other parking lots and roadways will remain crushed stone (slate, granite) and gravel.
22. The Village Parking Lot is not included in the present Subdivision therefore the Applicant will remain the owner of the lot and be responsible for the maintenance.
23. Shuttle service will be provided for employees and customers parking in Lots G, H and I during all shifts when employees and/or guests are directed to use these lots.
24. The recreation/pedestrian pathways are set forth in Exhibits #1 and #2. Pedestrian pathways on the applicant's property will link the Sugarbush Inn/Club Sugarbush complex to the Lincoln Peak pathway network as depicted on the plans. A pedestrian pathway will be constructed to accommodate pedestrian traffic from lots H and I to the base area. Path material will be a combination of wood chip, surepack, gravel, packed snow and concrete depending on use and location. The Applicant will allow and encourage abutting property owners to connect to the proposed network, at the expense of the abutting owners. The project's pathways, and the allowance for connection with other properties, will provide for safe and improved pedestrian traffic in the project area and surrounding neighborhood, and will establish a new and valuable recreational amenity for the public.
25. A pedestrian pathway will be constructed through the center of parking lots A-C to facilitate safe pedestrian movement throughout the ski area parking lots.
26. The intersection of Inferno Road, Sugarbush Access Road and Sugarbush Village Road will be re-configured to improve traffic flow and minimize congestion. Resources Systems Group has analyzed this proposal (see Lodge Exhibit #14a). An addendum to the report was submitted as Exhibit #8 evaluating traffic considerations based on the current Project. Both the 2003 report and the 2005 addendum considered the ski season

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traffic for 2002 traffic data, the build year (2005), and five years subsequent to the build year (2010). Both the 2003 report and the 2005 addendum demonstrates that the project's roadway designs conform to the general design and analysis procedures documented in the Highway Capacity Manual, the Vermont Agency of Transportation's (VTrans) Traffic Impact Study and Review Guide, the Vermont Pedestrian and Bicycle Facility Planning and Design Manual, and A Policy on Geometric Design of Highways and Streets.

27. It is expected that the current Project will generate 52 net new trips in the PM peak hour of the ski season. The proposed roadway network and the existing public highway connections have sufficient capacity to accommodate traffic during peak ski periods.
28. The applicant will retain a ski trail to connect the Village Lot and ski area, and to traverse the Hotel Brook, as shown on the approved plans.

IV. Landscaping, Lighting & Signage

29. The landscaping and lighting plans is set forth in Exhibits #2 and Lodge Exhibit 11b.
30. The proposed lighting for the Project is reduced from the Grand Summit Hotel project and complies with §3.9, Outdoor Lighting Standards of the Warren Land Use & Development Regulations.
31. Directional and/or informational signage will be located at the Village Road/Main Parking Lot intersection and the Village Road/Village Parking Lot intersection and will replace and/or supplement existing signage. (Lodge Exhibit # 30)
32. The Applicant will allow the existing sign at the bottom of the Village Parking Lot to remain in place on the Applicant's property. Maintenance responsibility for the sign will remain with the Village businesses that utilize the existing sign.
33. Project signs are a part of the comprehensive base area signage plan. All signs are consistent in design and materials using natural materials of stone and wood. The signage within the project receives consistent treatment to make a harmonious presentation, and will contribute to safe and efficient traffic flows.

IV. Stormwater Control, Erosion, & Natural Resource Protection

34. The current Project will impact 0.75 acres of Class III wetlands. The Lodge project proposed to impact 0.93 acres of Class III wetlands. The Agency of Natural Resources and the District #5 Environmental Commission will address these impacts in the approval of the current Project.
35. The Applicant will maintain a 50-foot wide undeveloped/vegetated buffer along Clay Brook. The Rice Brook buffer will remain unchanged from the GSH project and varies in width.

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36. Applicant will maintain vegetated buffers of 75-feet on the north side and 90-feet on the south side along the Sugarbush Access Road up to entrance to Parking Lot G and Inferno Road respectively.
37. Applicant has been working with the Agency of Natural Resources to develop a Water Quality Remediation Plan for the entire Sugarbush Resort with the intent to remove Rice Brook and Clay Brook from the State of Vermont's listing of impaired streams in this particular watershed. Sedimentation caused by runoff into these brooks from the existing parking lots at the Resort is the major cause of impairment to these streams. The present project design includes increasing setbacks from the streams (compared to the existing lots) and use of new vegetative drainage swales, and improved storm water retention basins. These parking lot improvements will significantly diminish the sedimentation runoff, and therefore, it is expected to significantly improve the quality of these streams.
38. A Snow Management Plan has been outlined in the Stormwater Management Narrative by Pioneer Environmental Associates in Lodge Exhibit #16b, which remains substantially unchanged under the current Project.
39. The State of Vermont standards for regulation of stormwater pollution have become more stringent since the Grand Summit Hotel project was permitted in 1998. The current Project will meet the new stricter standards. The Applicant has received the final Stormwater Discharge Permit #1-1581, dated May 7, 2003. Based on the scope of changes to the stormwater plans, the ANR has determined the current Project does not result in sufficient changes to require an amended Stormwater Discharge Permit.
40. The Applicant has submitted updated plans for the Construction General Permit (NOI#1069/CGP#3-9001) and the Individual Stormwater Discharge Permit (#CP105) from the Agency of Natural Resources. The ANR has determined that the project may progress as permitted under the CGP and determination on the CP should be made shortly. The Applicant has submitted the updated plans to the Army Corps of Engineers.
41. The Applicant proposes to restore an approximately 793 foot section of the so-called Hotel Brook, including 420 feet that are currently running through a culvert. The restored stream section will be crossed by either bridges or bottomless arch culverts to provide a natural stream channel. Stream buffers will be incorporated into the restoration plan. The updated plans for the Hotel Brook restoration plan will be reviewed and approved by the Agency of Natural Resources and the District Environmental Commission prior to construction.

V. Building Design, Fire Protection & Municipal Services

42. Building A2/A3 (Clay Brook) will include an underground parking garage accommodating 68 vehicles. The proposed Building B1 will include an underground parking garage with the potential of accommodating 39 vehicles.
43. Buildings A-2 & A-3 will be fire rated as Type 2-B structures; combination of steel and concrete, non-combustible construction and fully sprinkled. Building A-4 is a type 2-C structure due to the location of the daycare facility. The Gate House will be an all new, fully sprinkled, wood frame building.
44. The buildings will have a sprinkler system throughout all floors, parking garage and attic spaces. Control valves for the sprinkler system will be accessible by the fire department.

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- There will be standpipes within the building as shown in the plans. If the applicant cannot have hoses stationed at each standpipe location, then the applicant will provide adequate storage adjacent to the standpipes for the Warren Fire Department to store fire hoses.
45. The water supplies for the sprinkler system employs a large storage facility that feeds both domestic water and fire protection water. The storage and flow requirements for fire protection meet or exceed the requirements of the VT Department of Labor and Industry. Locations of HydrThere will be a mechanism to access the snow making water system in the event of a fire. There is adequate water for fire protection and domestic water use.
 46. Fire hydrant locations have been identified as per the Warren Fire Department's recommendations and will be incorporated into the plans. A total of six hydrants will be located within the redeveloped base area. Four hydrants will be supplied by the domestic water system and two hydrants will be supplied by the snowmaking/Clay brook system.
 47. In accordance with code, two means of egress are provided once persons exit a unit. The primary safety design focus is getting people out of the building with a secondary focus on protection of the property. Multiple sets of fire stairs will be provided as means of egress.
 48. The DRB requests but expressly does not impose a condition that the applicant will provide the Warren Fire Department with the ability to have radio equipment up at the mountain as the Department requests.
 49. Upon completion of the project, the applicant will designate various employees to undergo training supplied by the Warren Fire Department and will assure that this training is passed on to future employees.
 50. Not later than the completion of the project, the applicant will provide the Warren Fire Department with their emergency management/evacuation plan.
 51. Before beginning construction of the Clay Brook Building, Applicant must file with Warren Fire Department, plans for the Clay Brook Building that show that the parking garage can be isolated and that pedestrian passage to and from the locker room does not require passage through the garage area in case of emergency.
 52. Before beginning construction of the same, Applicant must receive the written approval of the Warren Fire Department for the final plans for the fire hydrants, sprinklers and any other safety measures. On motion of the Applicant, the DRB will hear and decide any disputes that the Applicant and Fire Department cannot resolve on these issues.
 53. The Warren Fire Department has reviewed the project plans for compliance with fire safety requirements and has expressed their support for the project. A letter from the Warren Fire Department, dated April 14, 2005 is included as part of this finding.
 54. Services deliveries (laundry, food service, solid waste, etc.) are accommodated at the service area located on the south side of Building A2/A3. Distribution is handled internally.
 55. The height of the building(s) as measured in accordance with Article 3 §3.6 of the Warren Land Use & Development Regulations are as follows:
Building A1 (Gate House Lodge) = 43 feet
Building A2/A3 (Clay Brook) = 73 feet
Building A4 (Family Center) = 56 feet

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56. The following data outlines the breakdown of residential units:
Building A2/A3 (Clay Brook) – Unit Type and number of units:
- Studio – 2
 - One bedrooms – 10
 - Two bedrooms – 27
 - Three bedrooms – 15
 - Four bedrooms – 6
 - Total number of units – 60
 - Total Pillows – 386
- Proposed Building B1– Total of 39 units, mix of one to four bedroom units with an estimated total of 228 pillows including sofa-pillows.
57. The number of units approved for construction includes 60 hotel/condominium units and associated commercial units located in the Clay Brook building (a.k.a. Building A2/A3). Building B1 is approved for site plan and general location of building footprint only, which will include the potential for 39 units. The project is considered a Planned Unit Development under Article 8 of the Warren Land Use & Development Regulations. The total number of units added by this project does not exceed the maximum allowable density for the entire 57+/- acre PUD.
58. The building's exterior lighting will focus on areas of entrance, common space, emergency exits and areas of pedestrian travel within the base area. The plaza will incorporate low level and pedestrian scale lighting. The exterior lighting does not illuminate the entire exterior of the building or include spot lighting pointed at the building.
59. All lodging units will have gas fireplaces. All of the lodging units will have balconies; the balconies are not included in the number of the required egresses. The appropriate number of rooms will be handicapped accessible based on ADA code.
60. The current construction cost of the Project is estimated at \$45 million and would generate an estimated \$149,992 in municipal taxes. The municipal cost of services the project will demand from the Town of Warren is estimated at \$2,052. Therefore the proposed Project represents a net gain to the municipal budget estimated at \$147,940 (Exhibit #6).
61. The Economic & Fiscal Impact Analysis submitted for the Lodge project (Lodge Exhibit #20) review determined that through the year 2010, six school children are projected to be added to the school system as a result of the Lodge project. Based on the fact that Warren's school enrollment levels have been declining for many years the school has the physical capacity to absorb these students. Due to Act 68 and the new school funding laws, many school districts would be happy to see new students added to the system to offset the decline in local school enrolments. Because the current Project's scope is reduced in size from the Lodge project and because the basic demographic and economic conditions are essentially unchanged from 2003, Northern Economic Consulting has concluded the impacts of the current project will be less in scope than the estimates made for the Lodge project and easily accommodated by the Town of Warren and the region.
62. The applicant will construct all structures and infrastructure in compliance with all applicable Local, State and Federal codes for public buildings and public safety in effect at the time of construction.

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63. The Applicant has committed, as per agreement with the Mad River Valley Planning District Steering Committee, to contribute up to \$76,000 toward local affordable housing projects.

VI. Conclusions of Law

64. Pursuant to ARTICLE 3 – GENERAL REGULATIONS, based on the above Facts and Findings and subject to the conditions set forth below, the Board concludes:
- §3.2, 3.3, 3.5, 3.8, 3.16, (Conversion or Change in Use, Equal Treatment of Housing, Existing Small Lots, Noncomplying Structures & Nonconforming Uses & the Transfer of Development Rights) the standards are not applicable to the Project.
 - §3.1 (Access, Driveway and Frontage Requirements), the Project satisfies the standards.
 - §3.4 (Erosion Control & Development on Steep Slopes), the Project satisfies the standards.
 - §3.6 (Height & Setback), the Project satisfies the standards.
 - §3.7 (Lot & Yard), the Project satisfies the standards.
 - §3.9 (Outdoor Lighting), the Project satisfies the standards.
 - §3.10 (Parking, Loading & Service Areas), the Project satisfies the standards.
 - §3.11 (Performance Standards), the Project satisfies the standards.
 - §3.12 (Sign Requirements), the Project satisfies the standards.
 - §3.13 (Surface Water Protection), the Project satisfies the standards.
 - §3.14 (Storage of Flammable Commodities), the Project satisfies the standards.
 - §3.15 (Temporary Uses & Structures), the Project satisfies the standards.
65. Pursuant to ARTICLE 4 – SPECIFIC USE STANDARDS, based on the above Facts and Findings and subject to the conditions set forth below, the Board concludes:
- §4.1 - 4.9, 4.12 - 4.17, (Accessory Dwelling, Adaptive Reuse, Campers & Temporary Structures, Campgrounds, Day Care Facilities, Extraction of Soil, Sand & Gravel, Group Home, Home Based Business, Industry, Mobile Home Park, Ponds, Public Facilities, Salvage Yard, Special Events & Telecommunications Facilities) the standards are not applicable to the Project.
 - §4.10 (Lodging Facility), the Project satisfies the standards.
 - §4.11 (Mixed Uses), the Project satisfies the standards.
66. Pursuant to ARTICLE 5 – CONDITIONAL USE STANDARDS, based on the above Facts and Findings and subject to the conditions set forth below, the Board concludes:
- §5.3(A)(1)-(5) (General Standards), the Project satisfies the standards.
 - §5.3(B)(1)-(11) (Specific Standards), the Project satisfies the standards.
 - §5.3(C)(1) (Lincoln Peak Growth Center), the Project satisfies the standards.
67. Pursuant to ARTICLE 6 – SUBDIVISION REVIEW, based on the above Facts and Findings and subject to the conditions set forth below, the Board concludes:
- The proposed project satisfies the standards for subdivision review and the Board grants the Applicant's request to review the Project as a Planned Unit Development under Articles 7 and 8.

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68. Pursuant to ARTICLE 7 – SUBDIVISION STANDARDS, based on the above Facts and Findings and subject to the conditions set forth below, the Board concludes:
- §7.2(A)-(H) (General Standards), the Project satisfies the standards.
 - §7.3 (Protection of Conservation Areas), the Project satisfies the standards.
 - §7.4(A) & (B) (Open Space), the Project satisfies the standards.
 - §7.4(C) & (D), the standards are not applicable.
 - §7.5 (Stormwater Management), the Project satisfies the standards.
 - §7.6 (Community Services & Facilities), the Project satisfies the standards.
 - §7.7 (Roads & Pedestrian Access), the Project satisfies the standards.
 - §7.8 (Water Supply & Wastewater Disposal), the Project satisfies the standards upon receipt of all applicable State permits.
 - §7.9 (Utilities), the Project satisfies the standards.
 - §7.10 (Signs), the Project satisfies the standards.
69. Pursuant to ARTICLE 8 – PRD & PUD, based on the above the above Facts and Findings and subject to the conditions set forth below, the Board concludes:
- §8.4(C)(1) – (9) (General Standards), the Project satisfies the standards.
 - §8.4(D) (Lincoln Peak/Sugarbush Village Growth Center Standards), the Project satisfies the standards.

NOTICE OF DECISION AND CONDITIONS:

Based on the forgoing Findings of Fact and Conclusions of Law, the applications #2005-01-PUD & #2005-01-CU submitted by Summit Ventures NE, LLC (d/b/a Sugarbush Resort) seeking approval of the phased construction of three new buildings: Clay Brook at Lincoln Peak consisting of 60 residential units with 40 lockout units, underground parking and associated amenities; Building B1 consisting of 39 residential units and underground parking (foot print approval only); and the Family Center housing skier- and rider-related facilities and services. The project also includes the rebuilding the existing Gatehouse base lodge with minor expansion, the removal of “temporary” buildings located in the base area, the removal of a significant portion of the Valley House base lodge, and redistribution of ski facilities and services to the new and/or rebuilt buildings. All other elements of the previously approved Lodge project that remain substantially equivalent to the proposed site plan include: construction of new water supply and wastewater treatment facilities, construction of fire protection distribution lines and hydrants, reconfiguration of surface parking lots, redesigned road alignments, updated stormwater collection and treatment systems, updated landscaping and site lighting, improved pedestrian path and sidewalk network, a stream restoration project, realignment and replacement of the Village Chair ski lift, improved beginner ski/ride terrain with associated surface lifts, and amendments to the three-lot subdivision is hereby approved with the following conditions:

The project is subject to the following conditions:

I. GENERAL CONDITIONS

1. Except as expressly modified by this approval, the project shall be constructed and used only in accordance with the terms, plans, procedures and specifications stated in:
 - a. The application, as amended;
 - b. All exhibits, as amended, furnished by the applicant;
 - c. All findings of fact and conclusions stated above in this decision;
 - d. The Subdivision Plat to be filed by the applicant within 90 days after this notice of decision, and thereafter to be approved by the DRB.

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2. Applicant shall adhere to the detailed construction sequencing stated in the email message sent to Mr. Malboeuf from Mr. Lisai dated May 13, 2005, with only such revisions as are required to adjust to weather requirements or as are allowed by the project's general and individual construction permits from the State of Vermont, Agency of Natural Resources and acquisition of other permits (i.e. Act 250, ANR, etc.) Sequencing shall be coordinated with village businesses and events to minimize disruption. Any material changes to the construction sequence will be reported promptly to the zoning administrator in writing.
3. The applicant must obtain all Local, State and Federal permits required for the construction and use of the project.
4. Within 60-days of the issuance of this permit for the Project, the Applicant will provide to the DRB a bound volume that includes all written and drawn documents relating to this permit. The contents of this volume shall be initialed by at least two members of the DRB. Such approval is limited only to identification of documents and attachments to be included. Any proposed amendments shall be provided in a similar bound volume, the contents of which will be approved by the DRB.
5. Prior to commencement of construction, the Applicant, or appropriate entity, shall provide the Town a letter from the institution(s) providing financing, indicating that financing is in place for all of the construction of the Lodge, all of the wastewater treatment plant, and all improvements associated with the Project and related conditions.
6. Prior to commencement of construction of the following items, the Applicant shall provide the Town of Warren with a bond or irrevocable letter of credit [the "bond"]. The bond shall guaranty payment of all costs to complete construction of the following items of the project's infrastructure and public improvements to a safe and functional level: public intersections, landscaping, pedestrian path network, storm water management, and utility lines. The amount of the bond will be based on the cost of completion of any given item, as identified above, and shall not exceed \$400,000.
7. If the Zoning Administrator and the Applicant cannot resolve a dispute relating to the bond, the DRB will hold a hearing and resolve the issue.

II. WASTEWATER DISPOSAL, WATER SUPPLY AND UTILITIES

8. The wastewater treatment facility shall be constructed in accordance with Warren DRB Permit #2002-02-CU/2002-90-ZP and all applicable Agency of Natural Resources permits.
9. All utilities for the Project shall be located underground, including power, propane supply lines, telephone, fiber optics and television cable. The propane storage tank located adjacent to the Snowmaking Control Building will be above ground and screened by a fence. Wherever feasible, utility corridors will be shared with other utilities, roads and parking lots so as to minimize unnecessary clearing.

III. PARKING, TRAFFIC, ROADS AND PEDESTRIAN ACCESS

10. Applicant shall comply with all recommendations for safety maximization and congestion minimization contained in the March 7, 2003 Report and February 28, 2005 Addendum from Resources Systems Group which are incorporated herein by reference (see Exhibit #8 and Lodge Exhibit #14a).

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11. Applicant shall implement the traffic safety and monitoring recommendations contained in the Resource Systems Group traffic impact study that are incorporated herein by reference. (see Lodge Exhibit #14a, dated January 29, 2003 & March 7, 2003 and Traffic Impact Study by RSG dated February 28, 2005)
12. Applicant shall supply a copy of the Traffic Control Agreement by October 15th annually, to be used in contracting for traffic control at major Rt. 100 intersections, to the Mad River Valley Planning District.
13. The traffic control related conditions contained herein should not be construed as to supersede traffic monitoring and parking count requirements mandated by the 1998 Memorandum of Understanding as updated from time to time.
14. The following pedestrian paths and sidewalks shall be completed and shall be installed in conjunction with the Project completion:
 - the parking lots and Sugarbush Village lot area paths and/or sidewalks
 - the path from Sugarbush Village Road to the Warren House (f/k/a/ Sam Rupert's)
 - the Sugarbush Inn/Club Sugarbush complex paths
15. All pathways shall be open to the public. Directional signs shall be posted and maintained at appropriate places that designate location of pathways that parallel traveled roadways.
16. All crosswalks shall have appropriate signage and shall conform to VAOT Highway Design Standards.
17. Applicant shall provide to the public a map depicting the pedestrian pathway network.
18. All refuse associated with the operation of the Project will be contained within a gasketed and sealed compactor at the designated service area until removed from the base area.
19. Applicant will work in good faith to manage traffic in the Village Parking Lot to accommodate guests and employees of the Sugarbush Village businesses. With the exception of overnight parking, Sugarbush will allow public access to the Village Parking Lot to provide, to the extent available, space for traditional users in Sugarbush Village. Applicant will, to the extent possible, preclude day skiers from parking in the Village Parking Lot to maximize the number of spaces available to the patrons of the Village. This condition shall not interfere with any deeded parking rights to the Sugarbush Village Parking Lot, to the extent that any such rights legally exist. Signage will be installed prohibiting unauthorized day-skier, long-term and overnight parking. Managing the delivery schedules to the Sugarbush Village businesses will be the responsibility of those businesses.
20. An updated Traffic Management Plan will be submitted to the Town of Warren not later than the completion of the project.
21. The applicant will comply with State required 911 signage requirements.
22. Due to loss of parking space with the construction of this project that is scheduled to commence during the spring/summer of 2005 and continue through 2006, it is required that Parking Lot G be completed by the beginning of the 2005/2006 ski season.

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IV. LANDSCAPING, LIGHTING AND SIGNAGE

23. All site lighting will employ downward focused fixtures so as to reduce potential glare. Parking lot lights will be on timers and will be managed according to plans (see Exhibit #2 and Lodge Exhibit #11b).
24. The condominium association will have the continuing responsibility of maintaining all pathways; landscaping and providing for snow removal within their designated Parcel boundaries. Should the association fail to satisfy its responsibilities, the obligations shall revert to the Applicant. Condominium association maintenance shall be in accordance with all permits and approvals. A copy of the final association agreement will be submitted to the Town of Warren upon the completion of each residential structure.
25. All Landscaping will be completed in conjunction with completion of various components of the project. Upon completion of each project component, applicant shall promptly plant trees and shrubs of the size and species specified and in the locations as indicated on the approved plan. Applicant shall replace each of these required plantings if they die, are destroyed, or removed for any reason. Replacements shall be of the same size, species and location designated on the approved plan.
26. Additional landscaping will be added to the CB1 employee parking lot to screen the lot from the Access Road to the south.
27. In coordination with the Construction Sequence and before completion of the project all directional signage shall be installed in coordination with the construction sequence. This approval does not eliminate the applicant's obligation to get a zoning permit for signs as applicable.
28. Applicant shall provide a location for a USFS welcome sign.

V. STORMWATER CONTROL, EROSION, AND NATURAL RESOURCE PROTECTION

29. Applicant shall comply with stream protection and erosion control measures as indicated on the application submissions and State of Vermont Department of Environmental Conservation permits.
30. Applicant shall leave not less than 90% of the total buffer area uncut and in a natural state for all buffer areas shown on the approved plans.

VI. BUILDING DESIGN, FIRE PROTECTION, MUNICIPAL SERVICES

31. Applicant will allow the Fire Department access to the Project buildings and associated structures during construction to achieve maximum understanding of the physical and mechanical layout of the Lodge and associated structures.
32. Upon completion of the project, the applicant will designate various employees to undergo training supplied by the Warren Fire Department and will assure that this training is passed on to future employees.
33. Not later than the completion of the project, the applicant will provide the Warren Fire Department with their emergency management/evacuation plan.

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34. Before beginning construction of the Clay Brook Building, Applicant must file with Warren Fire Department, plans for the Clay Brook Building that show that the parking garage can be isolated and that pedestrian passage to and from the locker room does not require passage through the garage area in case of emergency.
35. Before beginning construction of the same, Applicant must receive the written approval of the Warren Fire Department for the final plans for the fire hydrants, sprinklers and any other safety measures. On motion of the Applicant, the DRB will hear and decide any disputes that the Applicant and Fire Department cannot resolve on these issues.

This Findings of Fact and Notice of Decision shall supercede #2002-14-PUD/2002-1-CU and #2002-14-PUD-AM/2002-1-CU-AM. Where aspects of the project have significantly changed updated findings and conditions have been included. Where aspects of the project have minimally changed associated findings and conditions have been modified. Where aspects of the projects have not materially changes associated findings and conditions have been incorporated into this document.

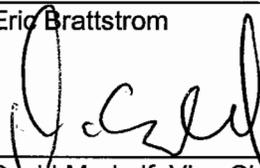
In accordance with Section 6.5 and the Act [§4416], within 90 days of the date of receipt of final plan approval under Section 6.4(C), the applicant shall file 3 copies of the final subdivision plat, **1 mylar copy and 2 paper copies**, for recording with the town in conformance with the requirements of 27 V.S.A., Chapter 17. Approval of subdivision plats not filed and recorded within this 90-day period shall expire. Prior to plat recording, the plat must be signed by at least two authorized members of the Development Review Board.

Approval shall become effective when this decision has been signed by at least three members of the Warren Development Review Board who participated in the final decision. Beginning with the effective dated of the decision, there is a 30-day period during which parties may appeal this decision to the Vermont Environmental Court.

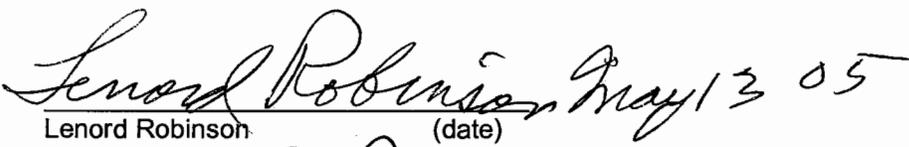
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DEVELOPMENT REVIEW BOARD

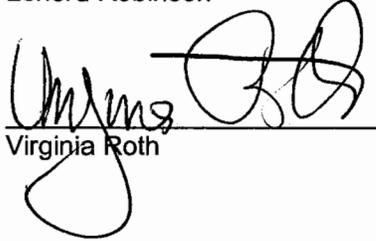
Eric Brattstrom (date)

 5/13/05

David Markolf, Vice Chair (date)

 May 13 05

Lenord Robinson (date)

 May 13 2005

Virginia Roth (date)