

**Town & Village of Waterbury  
Development Review Board  
Approved General Meeting Minutes  
Date: January 6, 2016**

**IN ATTENDANCE:**

Board Members Present: Jeff Larkin, Chair; Dave Rogers; Martha Staskus; Nat Fish

Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

The meeting convened at 6:30 pm.

**6:30 p.m.**     **Application #74-15-T, Paul Reed**, for a Zoning Permit and Ridgeline, Hillside, Steep Slope (RHS) Overlay District Permit to amend previously approved clearing limits on Lot 8 of the Bear Creek Lane Subdivision, Waterbury Center, VT 05677 (Tax Map #14-057.000).

See specific hearing minutes.

**APPROVAL OF PRIOR MINUTES:**

Dave Rogers moved and Martha Staskus seconded the motion to approve the general minutes of 12-16-15 and the hearing minutes for applications 33-15-V and 76-15-T from 12-16-15.

**MOTION:**

Vote: Passed unanimously.

The meeting was adjourned at

 , Chair

Date: 2-3-16

THESE MINUTES WERE APPROVED ON February 3, 2016

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. An appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

**TOWN OF WATERBURY  
DEVELOPMENT REVIEW BOARD  
Approved DRB Hearing Decision #74-15-T  
January 6, 2016**

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**IN ATTENDANCE 1/6/16:**

Board Members Present: Jeff Larkin, Chair; Dave Rogers; Martha Staskus; Nat Fish

Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

Application to amend previously approved clearing limits on Lot 8 of the Bear Creek Lane Subdivision, in the Conservation Zoning District and Ridgeline, Hillside, Steep Slope Overlay District.

Permit Application #:	74-15-T
Applicant:	Paul Reed
Landowner:	Louise Reed Living Trust
Location of Project:	Lot 8 – Bear Creek Lane Subdivision, Waterbury Center, VT

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Present and Sworn in:

Paul Reed, Applicant

**EXHIBIT LIST:**

Exhibit A Zoning Permit Application # 74-15-T  
Exhibit B Site Plan, dated 12/20/07  
Exhibit C Amended Site Plan, dated 12/8/15  
Exhibit D Photographs  
Exhibit E ANR Atlas maps of property  
Exhibit F Notice of Public Hearing, dated 12/17/15  
Exhibit G Notice to Adjacent Landowners, dated 12/15/15  
Exhibit H Louise Reed Living Trust property map  
Exhibit I Hunger Mountain Forestry letter dated 1/5/16

**Testimony:**

1. The applicant stated that he would not be coming close to meeting the cutting limits granted in the original permit.

### **Findings of Fact:**

The applicant is seeking to amend previously approved clearing limits for Lot 8 of the Bear Creek Lane Subdivision. The lot is 81.2 acres in size, and located in the Conservation (C) Zoning District and Ridgeline, Hillside, Steep Slope Overlay District, Waterbury Center, VT (Tax map # 14-057.000)

1. In 2010, the Waterbury Zoning Board of Adjustments granted approval for the creation of 4 new lots (Lots 5-8) within the Bear Creek Lane PUD Subdivision (Permits 78-09-T & 08-10-T). Lot 8, 134+/- acres, was the "remaining land" lot of the subdivision.
2. In 2014, the Development Review Board approved the 2-lot subdivision of Lot 8 into Lots 8 and 9 (Permit # 40-14-T). This left Lot 8 at 81.6 acres in size.
3. The applicant proposes to amend the previously approved clearing limits of Lot 8 – as approved under Permit # 08-10-T.
4. Exhibit B shows the previously approved clearing limits for Lot 8. The clearing plan approved a range of 70% to 50% cut areas in and around the building zone. The approved clearing area also extended into adjacent Lot 4.
5. The applicant states that some, but not all, clearing has occurred to date. The applicant now proposes to amend the clearing plan as represented in Exhibit C.
6. The amended plan proposes an increase to a 70% cut in a southward direction (toward the Mad River Valley), and extending the 50% cut further to the north (toward Mt. Mansfield).
7. The applicant also proposes to eliminate the approved clearing area the crosses into adjacent Lot 4.
8. The proposed final cut areas range in elevation from approximately 1,610' to 1,800' in elevation. Development and pre-development site preparation at or above 1,500 feet in elevation is considered "major" development.
9. The applicant has submitted photos showing where clearing has occurred, and what the offsite views look like.
10. Pre-development site preparation in the Ridgeline, Hillside, Steep Slope Overlay District is subject to review by the Development Review Board.
11. Excerpts of the RHS Review Criteria for 'major' projects apply – Article X, Section 1004.

### **Conclusion**

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 74-15-T for a Zoning Permit and Ridgeline, Hillside, Steep Slope (RHS) Overlay District Permit to amend previously approved clearing limits on Lot 8 of the Bear Creek Lane Subdivision, Waterbury Center, VT 05677 (Tax Map #14-057.000) meets the standards set in Article X, section 1004.

**Motion**

On behalf of the Waterbury Development Review Board, Nat Fish moved and Dave Rogers seconded to approve application 74-15-T with the following condition:

1. *The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;*

VOTE: Passed unanimously.

 \_\_\_\_\_, Chair

Date: 2-3-16

THESE MINUTES WERE APPROVED ON 2-3-16

**NOTICE:** *This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. An appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.*