

**WATERBURY DEVELOPMENT REVIEW BOARD**  
**General Minutes — October 17, 2018**

Board members present: David Frothingham (Chair), Tom Kinley, Rob Dabrowski, Bud Wilson, and Andrew Strniste. Staff present: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner) and Patti Spence (Secretary).

Dave Frothingham, Chair, opened the meeting at 6:30 p.m. in the Steele Community Room in the Municipal Center, 28 North Main Street, Waterbury, VT. The meeting was audio recorded. The agenda was approved as presented.

- 1) **#102-18: Edward Farrar Utility District (EFUD)** (owner/applicant)  
Site Plan and Design Review to remove a historic building and create a parking area at 51 South Main Street, Waterbury, VT (DC/DDR-HC/SFHA zoning/overlay/sub-districts)

The Board approved the project with conditions and will issue a written decision within 45 days.

- 2) **#104-18: Joseph and Judith Duffy** (owner/applicant)  
Subdivision and Ridgeline, Hillside, Steep Slope review to re-approve Lot E of 6.1 acres located on Wood Farm Road, Waterbury Center, VT and a revised building zone. (CNS/RHS zoning/overlay districts)

The Board approved the project with conditions and will issue a written decision within 45 days.

- 3) **#103-18: Dave Lachtrupp** (applicant) **Ripley Springs, LLC** (owner)  
Subdivision and Ridgeline, Hillside, Steep Slope review for a two-lot subdivision to create Lot 5 and re-approve house site #5 on Wood Farm Road, Waterbury Center, VT. (CNS/RHS zoning/overlay districts)

The Board approved the project with conditions and will issue a written decision within 45 days.

4) **Agenda items as scheduled:**

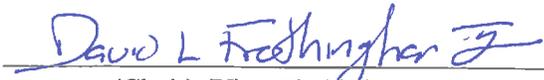
- Other business:  
—The board determined they need to reconsider application #94-18 due to the size the sign.
- Review of prior meeting minutes and decisions:  
Tom Kinley moved, and Bud Wilson seconded the motion, to approve the general meeting minutes from October 3, and the decisions for applications #94-18, #95-18, and #96-18, as amended. Vote carried 5-0.

**Next meetings:**

—Wednesday, November 7, 2018: *No applications scheduled, the Board will approve minutes and decisions via email.*

—Wednesday, November 14, 2018: *No applications scheduled, the Board will not meet.*

**Adjournment:** The meeting was adjourned at 8:55 p.m.

  
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(Chair) (Vice-Chair) (Acting Chair)

Approved on: 11/21/2018  
(date)

**Town & Village of Waterbury**  
**Development Review Board**  
**Decision #102-18 - October 17, 2018**

**In Attendance:** Board members present: Dave Frothingham (Chair), Tom Kinley, Rob Dabrowski, Bud Wilson, and Andrew Strniste. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary). Alyssa Johnson (Economic Development Director) was also present.

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| Owner/ Applicant: | Edward Farrar Utility District  |                      |
| Address/Location: | 51 South Main Street, Waterbury, VT 05676   |                      |
| Zones:            | Downtown Commercial (DC)/Downtown Design Review (DDR)/Historic Commercial (HC) zoning/overlay/sub-districts |                      |
| Application #     | 102-18  | Tax Map # 19-365.000 |

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**Applicant Request**

The applicant seeks site plan and design review approval to demolish a historic building and create a parking area at 51 South Main Street.

**Present and sworn in:**

Bill Shepeluk, Owner's Representative  
Lawrence Sayah, EPUD Committee  
Bob McLeod, Abutting landowner  
Kathleen Daye, Resident  
Lucy Ely Pagan, Abutting landowner

**Exhibits**

- A: Application #102-18 (6 pages: Zoning Permit, Site Plan, and Overlay District), September 14, 2018.
- B: Project narrative, September 14, 2018.
- C: Site plan, Proposed Building Demolition, September 14, 2018.
- D: Site plan, Proposed Parking Plan, September 14, 2018.
- E: Lister card and photograph of the building.
- F: Aerial photo of parcel with the tax map boundaries, zoning districts, and 100-yr. floodplain.
- G: Flood Damage report, Stantec Consulting Services Inc., October 21, 2011, and Structural Engineering Field report, Knight Consulting Engineers, Inc., September 12, 2011.
- H: Cost Estimate, DEW Construction Corp., December 2011.
- I: 51 South Main Street, Waterbury, Historic Documentation by Susanne Jamele, August 2016.
- J: Letter to adjoining landowners, mailed certified on September 28, 2018.
- K: Prior DRB Decision #15-16-V, July 20, 2016.

**Findings of Fact**

1. Existing conditions: The Edward Farrar Utility District owns a 0.8 ± acre parcel located at 51 South Main Street. The property is developed with an existing two-story building attached to a one-story connector building and a 1-1/2 story carriage barn, residential in appearance, which served as the municipal offices until it was severely damaged by Tropical Storm Irene in August 2011. The property is served by

municipal water and sewer, includes 108± feet of frontage, and has driveway access to South Main Street, a class 1 town highway. The parcel is located in the Downtown Commercial (DC) zoning district, Downtown Design Review (DDR) overlay district, and Historic Commercial (HC) overlay sub-district.

2. Project scope: The proposal includes demolishing the existing structure (Exhibit C), removing all evidence of the structure or leaving the original house structure on the front (app. 40' x 20' footprint) and removing only the back portion of the building. The building site will be filled and re-graded creating a gravel-surface parking area adjacent to the existing paved parking area. The project will create 8-11 additional parking spaces (Exhibit D). There will be no change in use, as the property is and will continue to be owned and operated by the municipal government.
3. Downtown Design Review (DDR) Overlay District, Section 1102(a): The Regulations state that demolishing a structure located in the DDR overlay district requires design review approval by the DRB and the Site Plan provisions as set forth in Section 301(a) shall apply.
  - a) Application Requirements, Section 1106(5): The application involves the demolition of a structure listed on the National Register of Historic Places. The application includes a structural assessment report including estimated costs for stabilization and renovation. The applicant and/or landowner have explored available alternatives to the proposed demolition and found such alternatives to be infeasible. (Exhibits G & H)
  - b) Demolition of Historic Buildings, Section 1107: The demolition will satisfy the requirements of Section 411 and Section 1107(a)(1-3). (Exhibit B: Project Narrative)
  - c) Demolition, Abandonment of Structure, Section 411: The front part of the building might not be demolished in this phase. The project includes removing all evidence of any portion of the structure that is demolished and restoring the site to the normal grade. (Exhibits C & D) Any remaining or abandoned portion of the structure will be safely enclosed and would not create or pose a risk to the health, safety, or welfare of the structure's occupant(s) or the general public.
4. Site Plan Review and Approval, Section 301: No replacement structure is proposed; the project involves parking-lot construction. The DRB will take into consideration the following objectives:
  - a) Traffic access, Section 301(f)(1) (A-D): No change is proposed to the existing access.
  - b) Circulation and parking, Section 301(f)(2) (A-G): The parking plan meets the criteria in Section 414, referenced below. Existing landscaping, shown on Exhibit C, will be preserved, as shown on Exhibit D.
  - c) Landscaping and screening, Section 301(f)(3) (A-F): Existing landscaping will be preserved, except for four trees, which will be removed and replaced with other screening, to achieve maximum compatibility with the adjacent properties. Existing lighting on the building will be removed. Two lights, mounted on 4' x 4' x 12' high removable poles/posts, which will be downcast and shielded, will be used to light the parking-lot.
5. Parking Regulations, Section 414 (b): The Regulations state that parking spaces shall be at least 9 feet by 18 feet and shall have unobstructed access. The proposed parking spaces measure 10' by 20' and have unobstructed access. (Exhibit D)

6. Flood Hazard Area Overlay: A portion of the parcel is in the 100-year floodplain, as shown on Exhibit F. Most of the building is located outside of the 100-year floodplain. Section 603(e) Exempted Activities states: “*The following activities are exempt from regulation under this Article: (1) The removal of a building or other structure in whole or in part.*”

**Staff referral**

This project was referred to the DRB for Design Review (Article XI) and Site Plan Review (Article III). The provisions of 24 V.S.A. §4413(a)(1) apply to this review. The project may be regulated only with respect to “*location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use,*” of community-owned and operated institutions and facilities.

**Conclusion:**

Based upon the findings and subject to the conditions set forth below, the Waterbury Development Review Board hereby grants site plan and design review approval to the Edward Farrar Utility District to demolish a historic building and create a parking area at 51 South Main Street, as presented in application #102-18, supporting materials, testimony, and the requirements in Section 301: Site Plan Review; Section 414: Parking Regulations; and Section 1107: Demolition of Historic Buildings.

**Decision Motion:**

On behalf of the Waterbury Development Review Board, Tom Kinley moved, and Andrew Strniste seconded the motion to approve application #102-18 with the following conditions:

1. The applicant shall complete the project in accordance with the Board’s findings and conclusions and the approved plans and exhibits.
2. All exterior lighting will be downcast and shielded.

**Vote:** The motion was approved 5–0.

  
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(Chair) (Vice-Chair) (Acting Chair)

Approved: 11/21/2018  
\_\_\_\_\_  
(date)

Additional state permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367 or [pete.kopsco@vermont.gov](mailto:pete.kopsco@vermont.gov), and the appropriate state agencies to determine what permits must be obtained.

**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 & Village of Waterbury  
Development Review Board  
Decision #104-18 ▪ October 17, 2018**

**In Attendance:** Board members present: David Frothingham (Chair), Tom Kinley, Rob Dabrowski, Bud Wilson, and Andrew Strniste. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

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| Owner/Applicant:  | Joseph and Judy Duffy   |                      |
| Address/Location: | Lot D Wood Farm Road, Waterbury Center, VT  |                      |
| Zones:            | Low-Density Residential (LDR), Conservation (CNS), & Ridgeline/Hillside/Steep Slope (RHS) overlay |                      |
| Application #     | 104-18  | Tax Map # 14-084.000 |

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**Applicant Request**

The applicant seeks to subdivide Lot D on Wood Farm Road to re-create Lot E for residential development. Applicant withdrew the request for a setback waiver amendment to the previously-approved building zone.

**Present and sworn in:**

Joe Duffy, Applicant  
Chris Austin, Consultant for Applicant  
John Buck, Neighbor  
Bill Shepeluk, Neighbor

**Exhibits**

- A: Application #104-18 (8 pp: Zoning, Conditional Use, Subdivision, Overlay District), submitted 9/17/18.
- B: Project narrative, prepared by Grenier Engineering, dated September 17, 2018.
- C: Wood Farm Subdivision – Boundary Line Adjustments with Ripley Springs LLC, prepared by Grenier Engineering for Joseph and Judith Duffy, dated 2/2/2007, No. 25 revision date 9/14/18.
- D: Elevation of the proposed dwelling, prepared by Huntington Homes, dated 9/8/18.
- E: Orthophoto of parcel with tax map boundaries and zoning districts (Staff).
- F: Wildlife Resources Map (Staff)
- G: Letter to adjoining landowners, mailed certified: 10/1/18.
- H: Photographs, aerial, & street views of the Lot E house site & meadow, by Applicant & Staff, 10/17/18.

**Findings of Fact**

1. Existing conditions: Joseph and Judy Duffy own a 28.5± acre parcel (Lot D) located on Wood Farm Road, off Ripley Road. The parcel has been subdivided and recombined previously (see zoning permit history, below) and the parcel remains undeveloped. The parcel includes frontage on Ripley Road. Wood Farm Road transects the parcel to provide access (via an approved 50' right-of-way) to neighboring properties. The parcel is in both the Low-Density Residential (LDR) and Conservation (CNS) zoning districts, with portions within the Ridgelines/Hillsides/Steep Slopes (RHS) overlay district (Exhibit C).

Zoning permit history: (applicable recent permits)

- October 2017, DRB approved 3-lot subdivision of Lot D (34.5± acres) into three lots (A, D, & E), each proposed for residential development. (#91-17)
- February 2018, ZA approved BLA to merge Lots D-E and convey Duffy Lot A to adjacent Ripley Springs LLC's lands. (#01-18)
- March 2018, ZA approved BLA to merge 10.94 acre Lot A with Duffy Lot D. Lot D after adjustment: 28.5± acres; Ripley Springs remaining lands after adjustment: 99 acres. (#27-18)

2. Current proposal: To subdivide Lot D of 28.5± acres into two lots as follows:

- Lot E, of 6.16± acres, lies in the LDR zoning district, has ±150' of frontage on (the road centerline of) Ripley Road and will have an access drive to Wood Farm Road, via a 50' right-of-way across Lot D. Lot E will be served by private well and septic for a five-bedroom single-family dwelling. The lot width at the building front line is greater than 300'. Lot E includes land within the RHS overlay district above 1200 feet in elevation (FIE), but below 1500 FIE (Exhibit C). This application is for subdivision review to create residential Lot E and the proposed dwelling (Exhibits C, D).
- Lot D, reduced to 22.3± acres, includes former Lot A, and will contain land in both the LDR and CNS zoning districts. The remaining lands of Lot D are not proposed for specific development at this time.

3. LDR Dimensional Requirements, Table 5.2: *Minimum lot area; 5 acres; minimum setbacks: 70' front, 75' sides/rear.* The lot meets the minimum lot area. The revised building envelope is proposed to extend easterly and southerly toward the side and front property lines but will not come closer than 75' from the nearest property line (Exhibit C). Applicant will revise the Site Plan to meet the setback requirements.

4. Conditional Use/Waiver criteria, Section 303: As set forth in Section 1001(c), uses that are permitted in the underlying zoning district shall be treated as conditional uses in the RHS overlay district. The Board considered the following general and specific standards:

- a. Community facilities, Section 303(e)(1): The project proposes a single-family dwelling which is a permitted use. The development will be served by private well and septic. The project will not unduly increase the traffic, does not require additional municipal water or sewer allocation, will not burden the school capacity, and will not unduly increase the demand for fire protection. The Board concludes that the proposal will not have an undue adverse impact on the capacity of existing or planned community facilities.
- b. Character of the area, Section 303(e)(2)(A-E): The use of the property will be residential. It is not known if exterior lighting is proposed. Applicant's intention is to preserve the existing meadow in the lower property. The proposed 1.5 story cape dwelling with a 1500 SF footprint has been designed in consideration of the character of the LDR zoning district to be minimally visible in RHS overlay district. The structure will be finished in earth-tone colors. See Applicant's Exhibit D for the building elevation and specifications. The Board concludes that the project is appropriate in scale and design relative to the LDR/RHS districts and will not have an adverse impact on the character of the area.

- c. Municipal bylaws in effect, Section 303(e)(3): The proposal is for residential use. This project application presents compliance with the conditional use criteria. The Board concludes that the proposal will not violate any municipal bylaws and ordinances.
  - d. Methods to control fumes, gas, dust, smoke, odor, noise, or vibration; Section 303(f)(2): The proposed residential use will not typically create the above-named nuisances and therefore no devices or special methods are proposed to control these impacts. The Board concludes that no devices or special methods are necessary to prevent or control these impacts.
  - e. Removal of earth or mineral products, Section 303(h): The project does not involve earth-removal activities. This provision does not apply.
5. RHS Applicability, Section 1001: The property is in the RHS overlay district above 1,200 feet in elevation (FIE) but below 1,500 FIE. Subsection (b) states that development in the RHS district below 1,500 FIE shall be considered “minor” development.

Section 1001(c) states that permitted uses are treated as conditional uses in the RHS overlay district.

Section 1004 (b) states that minor development projects shall be subject to conditional use review, as set forth in Section 303, and all other applicable regulations. See the project’s compliance with the conditional use criteria in paragraph 4 (a)–(e), above.

6. Authority and Review of Subdivisions, Section 1201: All applications for land division shall be reviewed by the DRB under Section 1202, unless exempted under Section 1203. This application is not exempted from Board review, as the project involves lands within the RHS overlay district.

Subdivision Review Criteria, Section 1202: Prior to granting approval, the Board must find that the proposed subdivision conforms to the standards in Section 1202 (a)–(d).

- a. The Board must find that the proposal will not have an undue adverse impact on the following:
  - (1) The capacity of community facilities: The dwelling will not be connected to municipal water or sewer systems. The proposal to create one residential lot will not exceed the school system capacity, or cause an undue adverse impact to traffic volumes, or create an unmanageable burden on fire protection services.
  - (2) The character of the area: The use of the proposed lot will be residential. The existing uses in the immediate area are residential.
  - (3) Water quality: Applicant might be required to obtain a VT stormwater discharge permit. Applicant has obtained the water/wastewater permit from the state (ww-5-3162-4). Applicant should accept, as a condition of approval, that erosion protection and sediment control measures will be employed during the development of the lot to ensure that site improvement activities will not result in undue adverse impact to water quality or downstream properties.

- (4) Aesthetics and scenic or natural beauty: Applicant's intention is preserve the natural beauty of the existing meadow in the lower property by moving the proposed dwelling closer to the rear property line.
- (5) Significant natural resources: Significant Natural Resources are defined in the Regulations as: *"Areas that include streams; Class I & II wetlands; prime agricultural soils; wildlife resources, including the Natural Heritage sites, as shown on the Waterbury Wildlife Resources Map in the Municipal Plan; and rare, threatened or endangered species."* The application materials do not include evidence or comment that the project will not have an undue adverse impact on significant natural resources. The project appears to be located in the mapped bear habitat (Waterbury Wildlife Resources Map, Exhibit F).

- b. The project is *not* in the RT100 zoning district. This provision does not apply.
- c. The project is in the RHS overlay district. See compliance with Section 1004 RHS standards in paragraphs 4 (a)–(e) and 5, above.
- d. The Board may attach reasonable conditions and safeguards with respect to the subdivision attributes identified in Section 1202(d)(1–4). The proposal does not include excessive curb-cuts, as the lot will be accessed from a private road. Lot E is not irregularly shaped. The proposed building envelope is small relative to the size of the lot, preserving the existing vegetation. The Board finds that conditions and safeguards regarding these attributes are not needed.

**Conclusion:**

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Joseph and Judy Duffy to subdivide Lot D to re-create Lot E on Ripley Road and Wood Farm Road, as presented in application #104-18, supporting materials, and testimony, meets the Subdivision and Ridgelines/Hillsides/Steep Slopes criteria as set forth in Sections 1202 and 1004.

**Decision Motion:**

On behalf of the Waterbury Development Review Board, Tom Kinley moved, and Bud Wilson seconded the motion to approve application #104-18 with the following conditions:

- (1) Applicant shall complete the project in accordance with the Board's findings and conclusions and the approved plans and exhibits.
- (2) Future development, beyond the proposed dwelling, might be subject to review by the Board for compliance with the RHS criteria as set forth in Section 1001.
- (3) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in zoning permit approvals #91-17, #01-18, and #27-18.
- (4) Applicant shall submit a revised site plan with a building zone for Lot E that meets the LDR setbacks, before issuance of the zoning permit.

(5) Within 180 days from this approval, Applicant shall submit the final plat, prepared in accordance with 27 V.S.A. § 1403 and signed by the DRB Chair (or Acting Chair), to be recorded in the office of the Clerk of the Town of Waterbury, in accordance with 24 V.S.A. § 4463.

**Vote:** The motion was approved 5-0.

  
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(Chair) (Vice-Chair) (Acting Chair)

Approved: 11/21/2018  
\_\_\_\_\_  
(date)

Additional state permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367 or [pete.kopsco@vermont.gov](mailto:pete.kopsco@vermont.gov), and the appropriate state agencies to determine what permits must be obtained.

**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**  
**Decision #103-18 ■ October 17, 2018**

**In Attendance:** Board members present: Dave Frothingham (Chair), Tom Kinley, Rob Dabrowski, Bud Wilson, and Andrew Strniste. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

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|-------------------|---|----------------------|
| Owner/Applicant:  | Dave Lachtrupp (applicant), Ripley Springs, LLC (owner)                         |                      |
| Address/Location: | Ripley Springs lands on Wood Farm Road, Waterbury Center, VT                    |                      |
| Zones:            | Conservation (CNS) and Ridgelines/Hillsides/Steep Slopes (RHS) overlay district |                      |
| Application #     | 103-18  | Tax Map # 14-084.080 |

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**Applicant Request**

The applicant seeks approval for a two-lot subdivision creating 10.04-acre Lot #5 on Wood Farm Road, leaving 68.8± acres of remaining lands in the Conservation zoning district and Ridgelines/Hillsides/Steep Slopes overlay district.

**Present and sworn in:**

Dave Lachtrupp (owner/applicant)

**Exhibits**

- A: Application #103-18 (7 pp: Zoning, Subdivision, Overlay District), submitted 9/17/18.
- B: Overall Site Plan Wood Farm Subdivision, prepared by Grenier Engineering for Ripley Springs LLC, dated 9/28/18.
- C: Lot 5 Overall Site Plan Wood Farm Subdivision, prepared by Grenier Engineering for Ripley Springs LLC, dated 9-28-18.
- D: View-shed analysis exhibits from prior DRB decision #60-14-T for clearing House Site #5.
- E: Wildlife Resource Assessment, amended March 2010.
- F: Prior DRB decision #60-14-T for clearing of House Site #5, dated 11-19-14
- G: Orthophoto of parcel with tax map boundaries (staff).
- H: Wildlife Resources Map (staff)
- I: Letter to adjoining landowners, mailed certified: 9/29/18

**Findings of Fact**

1. Existing conditions: Ripley Springs LLC owns a 78.8± acre parcel along Wood Farm Road. The parcel obtained approval for pre-development site preparation for house sites #3, #4, and #5 in 2014. The parcel remains undeveloped. The parcel is in the Conservation (CNS) zoning districts and the Ridgelines/Hillsides/Steep Slopes (RHS) overlay district.

Zoning permit history: (applicable recent permits)

- December 2014, DRB approved pre-development site preparation for House Site #5. (#60-14-T)

2. Proposal: A two-lot subdivision to create Lot 5 of 10.4± acres, leaving approximately 68.8± acres of remaining lands.
3. CNS Dimensional Requirements, Table 5.2: Minimum lot area; 10 acres; minimum setbacks: 100' front-sides-rear. The 10.4± acre lot meets the minimum lot area. The building zone must be revised to meet the minimum setbacks.
4. Section 1201 Authority and Review of Subdivisions: All applications for land division shall be reviewed by the DRB under Section 1202, unless exempted under Section 1203. This application is not exempted from Board review, as the project involves lands within the RHS overlay district.

Section 1202 Subdivision Review Criteria: Prior to granting approval, the Board must find that the proposed subdivision conforms to the standards in Section 1202 (a)–(d).

- a. The Board must find that the proposal will not have an undue adverse impact on the following:
  - (1) The capacity of community facilities: The dwelling will not be connected to municipal water or sewer systems. The proposal to create one residential lot will not exceed the school system capacity, or cause an undue adverse impact to traffic volumes, or create an unmanageable burden on fire protection services.
  - (2) The character of the area: The use of the proposed lot will be residential. The existing uses in the immediate area are residential.
  - (3) Water quality: Applicant might be required to obtain a VT stormwater discharge permit.
  - (4) Aesthetics and scenic or natural beauty: Not addressed in the application materials.
  - (5) Significant natural resources: Significant Natural Resources are defined in the Regulations as: *“Areas that include streams; Class I & II wetlands; prime agricultural soils; wildlife resources, including the Natural Heritage sites, as shown on the Waterbury Wildlife Resources Map in the Municipal Plan; and rare, threatened or endangered species.”* The Waterbury Wildlife Resources Map is included as Exhibit H. The application materials do not include evidence or comment that the project will not have an undue adverse impact on significant natural resources, specifically. The project appears to be located in the mapped bear habitat.
- b. The project is *not* in the RT100 zoning district. This provision does not apply.
- c. The project is in the RHS overlay district. The project has obtained prior approval for site preparation. This application is for subdivision approval, not for construction or clearing at this time.
- d. The Board may attach reasonable conditions and safeguards with respect to the subdivision attributes identified in Section 1202(d)(1–4). The proposal does not include excessive curb-cuts, as the lot will be accessed from a private road. Lot 5 is not irregularly shaped. The proposed building envelope is small relative to the size of the lot, preserving the existing vegetation. The Board finds that conditions and safeguards regarding these attributes are not needed.

**Conclusion:**

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Ripley Springs, LLC to subdivide to create Lot 5 on Wood Farm Road, in the CNS zoning district and RHS overlay district, as presented in application #103-18 and supporting materials, meets the Subdivision and Ridgelines/Hillsides/Steep Slopes criteria as set forth in Sections 1202 and 1004.

**Decision Motion:**

On behalf of the Waterbury Development Review Board, Tom Kinley moved and Andrew Strniste seconded the motion to approve application #103-18 with the following conditions:

- (1) Applicant shall complete the project in accordance with the Board’s findings and conclusions and the approved plans and exhibits.
- (2) Future development is subject to review by the Board for compliance with the RHS criteria.
- (3) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in zoning permit approval #60-14-T.
- (4) Applicant shall submit a revised site plan that shows the House Site #5 building zone at not less than the CNS required setback of 100-feet, before issuance of the zoning permit.
- (5) Within 180 days from this approval, Applicant shall submit the final plat, prepared in accordance with 27 V.S.A. § 1403 and signed by the DRB Chair (or Acting Chair), to be recorded in the office of the Clerk of the Town of Waterbury, in accordance with 24 V.S.A. § 4463.

**Vote:** The motion was approved 5–0.

  
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 (Chair) (Vice-Chair) (Acting Chair)

Approved: 11/15/2018  
 \_\_\_\_\_  
 (date)

Additional state permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367 or pete.kopsco@vermont.gov, and the appropriate state agencies to determine what permits must be obtained.

**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.