

# AGENDA

## WATERBURY DEVELOPMENT REVIEW BOARD

Wednesday, September 2, 2020

**Members:** David Frothingham (Chair), Tom Kinley (co-Vice Chair), David Rogers (co-Vice Chair), Bud Wilson, Andrew Strniste, Alex Tolstoi, Patrick Farrell, and Harry Shepard (Alternate).

The public meeting shall convene at 6:30 p.m. via Zoom and conference call in only. **See ZOOM Meeting link and dial-in conference-call numbers at the end of this agenda.** No physical location for the public meeting will be provided.\* The meeting will be video recorded.

Call to order by the Chair. Approve the Agenda. Introductory remarks.

- 1) **#080-20: Tekla Van Hoven** (appellant), **Judy Foregger, Trustee for the Russell Foregger Revocable Trust** (appellee)  
Appeal of zoning permit #071-20 issued to Russell Foregger Revocable Trust for a 3-lot subdivision of remaining lands and a boundary-line adjustment of Lot 3 off of Loomis Hill Road.(MDR zoning district)  
—*Appellant and Appellee respectfully request the Board to continue this Appeal hearing, without review, to 10/7/20, to prepare revisions to the project.*
- 2) **#082-20: John Mutchler and Perrin Williams** (applicant), **Felix & Geraldine Callan Revocable Trust** (owner)  
Nine-lot Planned Unit Development on the corner of Ripley Road and Sweet Road that includes six residential lots. (MDR/LDR/CNS/RHS zoning and overlay districts)  
[#082-20 application materials] [staff report]
- 3) **#085-20: Hazen Powell** (owner/applicant)  
Setback waiver request for a new single-family dwelling on an undeveloped lot at 350 Black Bear Hollow. (CNS zoning district) [#085-20 application materials] [staff report]
- 4) **Agenda items to be scheduled by the Chair:**
  - Public comment / Other business:
  - Adjournment.

### Next meetings:

Wednesday, September 23, 2020, 6:30 p.m. (Applications due: Mon. 8/24/20)

Wednesday, October 7, 2020, 6:30 p.m. (Applications due: Fri. 9/4/20)

Wednesday, October 21, 2020, 6:30 p.m. (Applications due: Mon. 9/21/20)

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\* During the declared COVID 19 emergency, a public body is not required to provide a physical location for an open meeting or have a person physically present. The state legislature amended the Open Meeting Law to allow a public body to hold its meeting by phone or other remote means, provided that the public can participate and information about how and when the public can access the meeting is published in the agenda. A quorum or more of the members of the public body must participate in the meeting.

### Join ZOOM Meeting:

<https://zoom.us/j/98042214101?pwd=cGxnRHZqRE9WMEhET2l6R2MwQmNDdz09>

Meeting ID: 980 4221 4101

Dial by your location: ..... +1 312-626-6799 US (Chicago) ..... +1 929-205-6099 US (New York)  
Passcode: 912947 (needed to dial in by phone)

<p><b><i>The Waterbury DRB has 1 Alternate position open:</i></b> The DRB meets twice a month and reviews commercial projects, larger subdivisions, Planned-Unit developments, and Ridgeline-Hillside-Steep Slope projects. Contact Dina Bookmyer-Baker (ZA), <a href="mailto:dbookmyerbaker@waterburyvt.com">dbookmyerbaker@waterburyvt.com</a> or 802-244-1018, for more information or to apply. This volunteer position will be filled by Select Board appointment.</p>
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# TOWN OF WATERBURY **EXHIBIT A1** ZONING PERMIT APPLICATION

Date:	<u>08.05.2020</u>	Application #:	<u>082-20</u>
Fees Paid:	<u>1050</u>	+ \$15 recording fee =	<u>1090.00</u>
Parcel ID #:	<u>680-0420</u>		
Tax Map #:	<u>10-023.000</u>		

Please provide all of the information requested in this application. Read the Zoning Regulations and familiarize yourself with the requirements. Failure to provide all the required information will delay the process of this application. Based upon the nature of the project you may need to submit additional information. For instructions on how to fill out this form please refer to the *Zoning Permit Application Instructions & Fee Schedule* available on the municipal website or at the municipal offices. Submit one copy of the completed application and a check payable to the *Town of Waterbury* according to the zoning fee schedule. For questions about the permit process, please contact the Zoning Administrator at 802-244-1018.

## CONTACT INFORMATION

### APPLICANT

Name: John Mutchler & Perrin Williams  
 Mailing Address: 2007 Guptil Road  
Waterbury VT, 05676  
 Home Phone : \_\_\_\_\_  
 Work/Cell Phone: 802-363--0224  
 Email: southhollowconstruction@gmail.com

### PROPERTY OWNER (if different from Applicant)

Name: Felix & Geraldine Callan  
 Mailing Address: 420 Sweet Road  
Waterbury Center VT, 05677  
 Home Phone : 802-244-6406  
 Work/Cell Phone: \_\_\_\_\_  
 Email: izoom40@myfairpoint.net

## PROJECT DESCRIPTION

Physical location of project (E911 address): Corner of Sweet & Ripley Rd  
Waterbury Center

Lot size: 109.4± Ac Zoning District: MDR, LDR, CNS

Existing Use: Undeveloped Proposed Use: Residential/Agricultural

Brief description of project: \_\_\_\_\_  
9-Lot PUD including 6 residential lots, and agricultural lot, and a common land lot

Cost of project: \$ TBD Estimated start date: ASAP

Water system: On-site Waste water system: On-site

### EXISTING

Square footage: \_\_\_\_\_ Height: \_\_\_\_\_

Number of bedrooms/baths: \_\_\_\_\_

# of parking spaces: \_\_\_\_\_

Setbacks: *front*: \_\_\_\_\_

*sides*: \_\_\_\_\_ / \_\_\_\_\_ *rear*: \_\_\_\_\_

### PROPOSED

Square footage: \_\_\_\_\_ Height: \_\_\_\_\_

Number of bedrooms/bath: \_\_\_\_\_

# of parking spaces: \_\_\_\_\_

Setbacks: *front*: \_\_\_\_\_

*sides*: \_\_\_\_\_ / \_\_\_\_\_ *rear*: \_\_\_\_\_

## ADDITIONAL MUNICIPAL PERMITS REQUIRED:

- Curb Cut / Access permit
- E911 Address Request
- Water & Sewer Allocation
- none of the above

**[Additional State Permits may also be required]**

## CHECK ALL THAT APPLY:

### NEW CONSTRUCTION

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Commercial / Industrial Building
- Residential Building Addition
- Comm./ Industrial Building Addition
- Accessory Structure (garage, shed)
- Accessory Apartment
- Porch / Deck / Fence / Pool / Ramp
- Development in SFHA (including repairs and renovation)
- Other \_\_\_\_\_

### USE

- Establish new use
- Change existing use
- Expand existing use
- Establish home occupation

### OTHER

- Subdivision (# of Lots: 9)
- Boundary Line Adjustment (BLA)
- Planned Unit Development (PUD)
- Parking Lot
- Soil/sand/gravel/mineral extraction
- Other \_\_\_\_\_

**SKETCH PLAN**

Please include a sketch of your project, drawn to scale, with all required measurements - see *Zoning Permit Application Instructions*. You may use the space below or attach separate sheets. For plans larger than 11"x17" please provide a digital copy (pdf. file format) in addition to a paper copy.

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See Attached Plans

**SIGNATURES**

The undersigned hereby applies for a Zoning Permit for the use described in this application to be issued on the basis of the representations made herein all of which the applicant swears to be complete and true.

[Signature]  
Applicant Signature

7/30/20  
date

[Signature]  
Property Owner Signature

7/29/20  
date

**CONTACT**

Zoning Administrator Phone: (802) 244-1018  
Mailing Address: Waterbury Municipal Offices, 28 North Main Street, Suite 1, Waterbury, VT 05676  
Municipal Website: www.waterburyvt.com

**OFFICE USE ONLY & Ridgeline (RHS)**

Zoning District/Overlay: Medium- & Low-Density & Conservation (CWS) <sup>(MDR)</sup>

Review type:  Administrative  DRB Public Warning Required:  Yes  No

DRB Referral Issued (effective 15-days later): Aug-13-2020

DRB Mtg Date: 9/2/20 Decision Date: \_\_\_\_\_

Date Permit issued (effective 16-days later): \_\_\_\_\_

Final Plat due (for Subdivision only): \_\_\_\_\_

Remarks & Conditions: \_\_\_\_\_

Authorized signature: \_\_\_\_\_ Date: \_\_\_\_\_

**REVIEW/APPLICATIONS:**

Conditional Use  Waiver

Site Plan

Variance

Subdivision:

Subdv.  BLA  PUD

Overlay:

DDR  SFHA  RHS  CMP

Sign

Other \_\_\_\_\_

n/a

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Date: <u>9/5/20</u>	Application #: <u>082-20</u>
Fees Paid: <u>✓</u>	(\$15 recording fee already paid)
Parcel ID #:	
Tax Map #:	<u>10-023,000</u>

# TOWN OF WATERBURY SITE PLAN REVIEW INFORMATION

This Site Plan Review information sheet supplements the Zoning Permit Application. Please provide all of the information requested on both forms. Read the Zoning Regulations and familiarize yourself with the requirements. Failure to provide all the required information will delay the process. Submit one copy of the completed forms and a check payable to the *Town of Waterbury* according to the zoning fee schedule. For questions about the permit process please contact the Zoning Administrator at 802-244-1018.

## PROJECT DESCRIPTION

Brief description of project: 9-Lot PUD including 6 residential lots, an agricultural lot, a common land lot, and one lot to be conveyed to an adjoining landowner. This application requests approval of pre-development clearing for site preparation & driveway construction, with no structures proposed.

## SITE PLAN REVIEW CRITERIA

Please utilize the check list to ensure your proposal addresses each relevant Site Plan Review criteria:

- Adequacy of traffic access
- Adequacy of circulation and parking
- Adequacy of landscaping and screening (including exterior lighting)
- N/A Requirements for the Route 100 Zoning District
- N/A Special considerations for projects bordering Route 2, Route 100, or Interstate 89

## SITE PLAN SUBMISSION REQUIREMENTS

Before an application for site plan review is considered complete, the applicant shall file a site plan, clearly drawn to the largest practical scale, showing the following:

- Location and dimensions of lot lines, names of adjacent landowners, all easements, utilities, and existing and proposed structures.
- All access to public streets or roads, parking and service areas, pedestrian walkways, curbs and stormwater drainage.
- Pedestrian and vehicular circulation, including parking lot layout, entrances to structures, signs, and lighting.
- Building elevations and footprints.
- Detailed site grading and landscaping, indicating existing and proposed trees, shrubs, and ground cover.
- Two copies of all plans.
- For plans larger than 11"x17" please submit a digital plan set in addition to the paper copy (pdf. file format).

\* Please see Site Plan Review criteria addressed in the "PUD Narrative and Supporting Information"

**CONTACT** Zoning Administrator Phone: (802) 244-1018  
 Mailing Address: Waterbury Municipal Offices, 28 North Main Street, Suite 1, Waterbury, VT 05676  
 Municipal Website: www.waterburyvt.com



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# TOWN OF WATERBURY CONDITIONAL USE INFORMATION

This Conditional Use (and Setback Waiver) information sheet supplements the Zoning Permit application. Please provide all of the information requested on each form. Read the Zoning Regulations and familiarize yourself with the requirements. Failure to provide all the required information will delay the process. Submit one copy of the completed forms and a check payable to the *Town of Waterbury* according to the zoning fee schedule. For questions about the permit process, please contact the Zoning Administrator at 802-244-1018.

Date:	<u>8/5/20</u>	Application #:	<u>082-20</u>
Fees Paid:	<input checked="" type="checkbox"/>	(\$15 recording fee already paid)	
Parcel ID #:	_____		
Tax Map #:	<u>10-023-000</u>		

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## PROJECT DESCRIPTION

Brief description of project: 9-Lot PUD including 6 residential lots, an agricultural lot, a common land lot, and one lot to be conveyed to an adjoining landowner. This application requests approval of pre-development clearing for site preparation & driveway construction, with no structures proposed.

## CONDITIONAL USE CRITERIA

Please respond to the following; you may answer on a separate sheet and attach additional pages and supporting materials:

- Describe how the proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities to accommodate it (including roads and highways, municipal water or sewer systems, school system, fire protection services):
  - \* Please see CU criteria addressed in the "PUD Narrative and Supporting Information"
- Describe how the proposed use will not have an undue adverse impact on the character of the area affected as defined by the Municipal Plan and the zoning district in which the proposed project is located:
  - \* Please see CU criteria addressed in the "PUD Narrative and Supporting Information"
- Describe how the proposed use will not violate any municipal bylaws and ordinances in effect:
  - \* Please see CU criteria addressed in the "PUD Narrative and Supporting Information"
- Describe any devices or methods to prevent or control fumes, gas, dust, smoke, odor, noise, or vibration:
  - \* Please see CU criteria addressed in the "PUD Narrative and Supporting Information"
- For removal of earth or mineral products which is not incidental to a construction, landscaping, or agricultural operation, a removal project must meet specific conditions outlined within Section 302 of the Waterbury Zoning Regulations. Are the conditions included within the Application Submittals?
  - \* Please see CU criteria addressed in the "PUD Narrative and Supporting Information"

**CONTACT** Zoning Administrator Phone: (802) 244-1018  
Mailing Address: Waterbury Municipal Offices, 28 North Main Street, Waterbury, VT 05676  
Municipal Website: www.waterburyvt.com

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CALLAN

Date:	8/5/20	Application #:	092-20
Fees Paid:	✓	(\$15 recording fee already paid)	
Parcel ID #:			
Tax Map #:	10-023,000		

# TOWN OF WATERBURY OVERLAY DISTRICT INFORMATION

This Overlay District information sheet supplements the Zoning Permit Application. Please provide all of the information requested on both forms. Read the Zoning Regulations and familiarize yourself with the requirements. Failure to provide all the required information will delay the process. Submit one copy of the completed forms and a check payable to the *Town of Waterbury* according to the zoning fee schedule. For questions about the permit process please contact the Zoning Administrator at 244-1018.

## PROJECT DESCRIPTION

Brief description of project: 9-Lot PUD including 6 residential lots, an agricultural lot, a common land lot, and one lot to be conveyed to an adjoining landowner. This application requests approval of pre-development clearing for site preparation & driveway construction, with no structures proposed.

Fill out only the relevant section(s) & utilize the following checklists to ensure your plans include all the required information.

## DOWNTOWN DESIGN REVIEW OVERLAY DISTRICT (DDR)

### DESIGN STANDARDS:

For Historic Structures (applying to all structures listed on the National Register of Historic Places):

- Original materials or materials typical of the architectural style are preserved or replaced with like materials to the extent feasible and appropriate.
- Historic building features shall be preserved or replicated to the extent feasible and appropriate.

For projects within the Historic/Commercial Sub-District:

- New building designs shall reinforce historic streetscape patterns, including orientation and setbacks.
- New buildings shall maintain overall height, size, massing, scale, and proportions compatible with those of buildings in the vicinity.
- New additions are designed to complement and be compatible with the original structure.
- Project design reinforces a pedestrian streetscape.
- On-site utilities shall be buried and utility boxes are screened from public view if the utilities along the street serving that structure are also buried.
- Buildings, or portions thereof, having eaves heights of 20-foot or less above ground level incorporate moderately to steeply pitched roofs, unless the another roof type is appropriate.

For projects within the Mixed-Use Sub-District:

- Building sites, including road and pedestrian networks, are designed in a manner that is integrated and compatible with adjoining parcels and areas.
- A proposed project located next to or facing a historic structure incorporates similar or complementary building features.
- New buildings are oriented to front upon, and relate both functionally and visually to, primary access roads.
- On-site parking is situated to the rear or on the sides of structures, where feasible and appropriate.
- The primary facades of principal structures are clearly defined through the placement of one or more prominent entryways, pedestrian walkways, or landscaping features.
- Building facades and rooflines are designed so as to reduce the perceived mass, scale, and uniform impersonal appearance of large buildings and additions, and to provide visual interest.
- Clearly defined pedestrian walkways are provided through parking areas, between buildings, and from public sidewalks to the site.

### SUBMISSION REQUIREMENTS:

- All information required under Site Plan (see Site Plan Application)
- Proposed architectural elevations (for each exterior wall) showing door and window types and placement, and other exterior details
- A description of all materials to be used on the exterior of building
- Photos of the existing building(s) on the site and adjacent and facing parcels
- For demolition of a structure listed on the National Register of Historic Places see additional requirements within the Regulations.

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# RIDGELINE, HILLSIDE, STEEP SLOPE OVERLAY DISTRICT (RHS)

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## REVIEW STANDARDS:

- For both Minor & Major Development Projects see Conditional Use Criteria
- For Major Development Projects:
  - Screening
  - Access
  - Placement of Structures
  - Exterior Lighting
  - Clearcutting and Pre-Development Site Preparation
  - Natural Resources
  - Building Design

\*Although the tract contains land above 1500', there are no building envelopes or proposed pre-development clearing within the 1500' "Major" zone.

## SUBMISSION REQUIREMENTS :

- Minor Development Projects (1,200—1,499 FIE)
  - All information required under Site Plan Review (see Site Plan Review Application)
  - Completed Conditional Use Application
- Major Development Projects (1,500 & up FIE)
  - All information required under Site Plan Review (see Site Plan Review Application)
  - Completed Conditional Use Application
  - Grading Plan
  - Visibility Studies
  - Stormwater Drainage/Erosion Control Plan
  - Landscape Plan
  - Access Plan       Natural Features

# SPECIAL FLOOD HAZARD AREA OVERLAY DISTRICT (SFHA)

## DESIGN STANDARDS:

- All development is reasonably safe from flooding       All fuel storage tanks are either elevated or floodproofed.
- All substantial improvements and new construction (including fuel storage tanks) meet the following criteria:
  - Designed, operated, maintained, modified and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure
  - Constructed with materials resistant to flood damage
  - Constructed by methods and practices that minimize flood damage
  - Constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding
  - All new subdivisions and other proposed developments that are greater than 50 lots or 5 acres, whichever is the lesser shall include within such proposal base flood elevation data. See Regulations for additional subdivision standards.
  - The fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access, or storage in an area other than a basement are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
  - A non-residential, appurtenant structure of 500 sf or less need not be elevated to or above the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters
  - In Zones AE, A, and A1 – A30 where base flood elevations and/or floodway limits have not been determined, new construction and substantial improvement shall not be permitted unless it demonstrates additional standards (see Regulations)
  - All new construction and substantial improvements of residential structures within Zones A1-30, and AE must have the lowest floor of all residential structures (including basement) elevated to at least one foot above the base flood level.
  - All manufactured homes are installed using methods and practices which minimize flood damage. Manufactured homes must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above base flood elevation, and they must be anchored to an adequately anchored foundation to resist flotation collapse, or lateral movement.
  - All new construction and substantial improvements of non-residential structures within Zones A1-30, and AE shall:
    - Have the lowest floor (including basement) elevated to at least two feet above the base flood level; or
    - Be designed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and

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effects of buoyancy to a point at least two feet above the base flood level.

- Where a non-residential structure is intended to be made watertight below the base flood level a registered
- professional engineer or architect shall develop and/or review structural design
- \_\_\_ Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.
- \_\_\_ The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability.
- \_\_\_ Bridge and culverts, which by their nature must be placed in or over the stream, must obtain a stream alteration permit from the Agency of Natural Resources, if required.

**SUBMISSION REQUIREMENTS:**

- Plans in triplicate, drawn to scale, showing the location, dimensions, contours, and elevation of the lot; the size and location on the site of existing or proposed structures, fill or storage of materials; the location and elevations of streets, water supply, and sanitary facilities; and the relation of the above to the location of the channel, floodway, and base flood elevation
- Specifications for building construction and materials, floodproofing, mining, dredging, filling, grading, paving, excavation, or drilling, channel improvement, storage of materials, water supply, and sanitary facilities
- Base flood elevation data for all subdivisions, new construction, and substantial improvements
- The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new construction or substantial improvement of structures
- Where floodproofing is used in lieu of elevation, the elevation, in relation to mean sea level, to which any structure or substantial improvement will be floodproofed
- Where an application requires Board review the application shall include certification by a registered professional engineer or architect demonstrating that the proposed development will not increase base flood elevations more than 0.25 foot
- Certification by a registered professional engineer or architect demonstrating compliance with the elevation requirements
- A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development
- A Vermont Agency of Natural Resources Project Review Sheet for the proposal
- Proposed floodproofing must be supported by a FEMA Floodproofing Certificate

**CERTIFICATE OF COMPLETION:** Upon completing the project the Applicant must apply for and receive a Certificate of Completion to ensure the project conforms to the Special Flood Hazard Area Regulations. See Certificate of Completion Application for additional information.

**CONTACT**

Zoning Administrator Phone: (802) 244-1018  
 Mailing address: Waterbury Municipal Offices, 28 North Main Street, Suite 1, Waterbury, VT 05676  
 Municipal Website: [www.waterburyvt.com](http://www.waterburyvt.com)



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CALLAN  
8/5/20

**PUD NARRATIVE AND SUPPORTING INFORMATION**

**JOHN MUTCHLER & PERRIN WILLIAMS**

**9-LOT SUBDIVISION (PUD)**

**SWEET AND RIPLEY ROADS, WATERBURY CENTER**

INCLUDES SIX RESIDENTIAL LOTS, ONE AGRICULTURAL LOT, ONE COMMON LAND LOT AND ONE LOT FOR CONVEYANCE TO AN ADJOINER.

**Project Description**

John Mutchler & Perrin Williams are applying for the required Land Use Permits for a 109.4± acre tract of land which is part of a larger tract currently owned by Felix and Gerri Callan located on the Corner of Sweet and Ripley Roads in Waterbury Center.

The project is a proposed 6-lot residential subdivision which uses a PUD configuration to allow for reasonable house sites and protection of the scenic and natural resource areas on the tract. Lot 1, at 74.63 acres, will be conserved as common land, which is 68% of the total area, far exceeding the 50% conserved land requirement for a PUD. Lot 2 is proposed as a 13-acre agricultural lot, and while that lot will not be included in the common land it will, for all practical purposes, be conserved. Lot 5 is proposed as a 0.64-acre undeveloped parcel for conveyance to the adjoining landowner. Lots 3, 4, 6, 7, 8, and 9 are all proposed as residential lots. Lots 3, 4, 6 and 7 will be accessed from an existing private road off of Sweet Road, which was previously approved to serve the Welch Lot which adjoins this parcel. (Lot 5 is proposed to be conveyed to the Welch's). That access will be named Honeysuckle Hill Road. Lots 8 and 9 will be accessed from Sugarhouse Hill Road, an existing private road off of Ripley Road that originally served the adjoining residential lot of Hiller, and was then approved to serve 2 lots previously subdivided by the Callan's. Both roads will be improved to provide access to the proposed lots. No new curb cuts onto a town road are required. Residential lots 3 and 4 are in the Medium Density Residential zone (2-acre min), Lots 6, 7, 8, and 9 are all in the Conservation zone (10-acre min.) All sites will have individual or shared on-site septic systems and individual drilled wells. Erosion prevention and sediment control will be addressed via compliance with the Vermont's Construction General Permit Program, and stormwater runoff will be addressed via compliance with the state's Operational Stormwater Program.

The proposed house sites have been carefully selected to provide views to the west while having little to no visibility from any Vantage Points. To allow for the most practical building sites the application requests a reduction in the PUD double setback down to the standard 100' Conservation zone setback for Lot #6 only.

This tract is under the jurisdiction of Act 250, and all of their criteria will need to be satisfied. During prior state and local reviews, a Master Plan was developed and approved for the Callan property. A copy of that Master Plan is attached to this application, which proposes to develop Areas C and D of that Master Plan, which allowed for up to 20 lots. This project proposes 6 residential lots, less than 1/3 of the Master Plan limit.

The Master Plan approval issued by Act 250 under Land Use Permit 5W1206-3 reviewed a proposed PUD layout for cluster areas C & D, which are the areas subject to this application. During that review Act 250 stated that the development plan for those areas complied with criteria 1(A) Air pollution, 1(D) Floodways, 1(F) Shorelines, 1(G) Wetlands, 8(A) Wildlife Habitat, 9(B) Primary Agricultural Soil, 9(K) Public

Investments, and 9(L) Rural Growth areas, and 10 Conformance with the Local or Regional Plan with respect to the Regional Plan only.

This area of Waterbury is characterized by residential development along both Sweet and Ripley Roads, and this project is consistent with the existing development pattern in the area.

### 703 - Pre-Application Conference Information

A pre-application conference was held on 5/20/2020.

### 1202 – Subdivision Review Criteria

- (a)
1. The addition of 6 house lots will not place an undue adverse impact on public roads or highways, municipal water or sewer systems, public schools or fire protection services as the local road system can accommodate the additional traffic, the project will not utilize municipal water or sewer services, the local school systems can handle additional students, and area is already served by the fire department.
  2. The project will not have an undue adverse impact on the character of the area as the project complies with all municipal requirements and regulations as documented by the plans and application materials presented with this application.
  3. The project will not have an undue adverse impact on water quality or downstream properties and will not cause undue impacts to soil through erosion or the reduction in the capacity of the land to hold water as the site design conforms to state regulatory programs that address those issues, including the Operational Stormwater Permit program to control runoff from impervious surfaces, the Construction General Permit for erosion prevention and sediment control, and the Wastewater System and Potable Water Supply Rules for septic systems and drinking water.
  4. The project will not have an undue adverse impact on aesthetics, scenic or natural beauty, scenic resources or historic sites as those resources have been identified, avoided, and/or mitigated through careful site design and building envelope locations. We note that the sites are not visible from any Vantage Points.
  5. The project will not have an undue adverse impact on significant natural resources as those have been identified and avoided through careful site design and building envelope locations.
- (b) N/A as the project is not in the Route 100 district.
- (c) The project is in the RHS Overlay district, and includes lands in the MDR, LDR and CNS districts. It conforms to the dimension and general requirements of Section 401 and 504 (as modified by the PUD configuration).
1. The project conforms to the standards of Article X. (see below)
  2. The project will not require additional curb cuts on a town road.
  3. The project provides reasonably shaped lots.
  4. The project preserves trees where necessary for building envelope screening
  5. The project avoids unduly adverse impacts on natural resources and adjoining properties.

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**Article X.**

**1003 RHS Submission Requirements -**

The project lies on the corner of Sweet and Ripley Roads, with a low elevation of approximately 1280' and an upper elevation of approximately 1800'. All building envelopes will be below 1500'. As all development will be below 1500' the requirements of the Minor Development section of the RHS is provided. See information addressing 301(b) and 303 below.

**301(b) - Site Plan Review**

1. Lot locations and dimensions, adjoiners, easements, utilities and building envelopes are depicted on the project plans.
2. Access is via existing private roads, and stormwater drainage systems have been designed in conformance with Vermont's Stormwater Regulations, including both the Operational Stormwater Permit for treatment of runoff from Impervious surfaces, and the Construction General Permit for erosion prevention and sediment control.
3. N/A to a rural residential subdivision.
4. Building elevations and footprints to be provided by end users as DRB approval will be required for these structures.
5. Site designs will be Provided by the end users.

**303 – Conditional Use Review**

1. (A) The addition of 6 homes will not reduce the level of service on the local road network.  
(B) The project will not burden municipal water or sewer services as they will not be utilized.  
(C) The project will not overburden the school system as additional capacity exists.  
(D) The project will not place an unreasonable burden on fire protection services as the area is currently served.
2. (A) The project will not result in undue adverse impacts to downstream properties due to the limited nature of the development (6 homes on 109 acres) and because the project has been designed in conformance with state regulations relating to both pre-construction and post-construction stormwater controls via coverage under the CGP and OSP programs.  
(B) The project will not result in undue noise, air, or light pollution, offensive odors, dust, smoke or noxious odors. Residential projects do not result in these issues, except perhaps light pollution. The project covenants will require all exterior lights to be downcast and shielded and to not illuminate beyond property lines.  
(C) The project has been designed to avoid any undue adverse effects on scenic or natural beauty, historic sites, or rare and irreplaceable natural areas.  
(D) The project is consistent with other uses in the area, which are primarily residential.  
(E) The project will not jeopardize the health and safety of the area for the reasons above.
3. The subdivision is in conformance with municipal bylaws and ordinances.
4. The PUD configuration meets various requirements of the zoning bylaws.

A11

#082-20

**Pre-development clearing**

In addition to the requested approval for this subdivision, the application also requests approval of the pre-construction clearing plan included with the application materials. That request is for cutting along the edges of the roads for maintenance and to perform the required improvements, cutting of the leachfields and stormwater pond areas, and limited cutting (max 50% of the trees) for the building envelopes and areas below to begin to open up views.





EXHIBIT B

CIVIL ENGINEERING  
LAND SURVEYING  
LAND USE PLANNING  
PERMITTING

August 4, 2020

Steve Lotspeich  
Interim Waterbury Zoning Administrator  
28 North Main St, Suite 1  
Waterbury, VT 05676

#082-20  
CALLAN  
8/5/20

RE: 9-Lot PUD Application  
Callan Revocable Trust Property, Sweet & Ripley Roads, Waterbury Ctr.  
McCain Project No. 25130D

Dear Steve,

Enclosed please find the following documents for the above referenced project:

- A fee check in the amount of \$1,090.00 (one thousand and ninety dollars)
- Zoning Permit Application;
- Site Plan Application
- Conditional Use Application;
- Overlay District Application;
- PUD Narrative and Supporting Information;
- Proposed legal documents for the association;
- ANR Resource Maps;
- A copy of the fee schedule;
- A list of adjoining landowners;
- Plan Sheets dated July 22, 2020:
  - C-1: Aerial Overview
  - C-2: Overview – Site Plan
  - C-3: Site Plan – Lots 2 & 3
  - C-5: Site Plan – Lots 4 & 6
  - C-7: Site Plan – Lots 7 & 8
  - C-9: Site Plan – Lot 9
  - C-11: Access Plan
  - C-12: Access Plan – Profiles
  - C-13: Pre-Development Clearing Plan

This application is for review of proposed 9-Lot PUD that will include six residential lots, an agricultural lot, a common land lot, and one lot to be conveyed to an adjoining landowner. The materials include proposed pre-development clearing limits for site preparation such as improving the existing road and installation of on-site infrastructure including stormwater ponds, leachfields, and driveways.

Please let me know when the date for the hearing has been determined so that we can notify the adjoining landowners. Feel free to call with any questions or if you need any additional information.

Sincerely,  
McCain Consulting, Inc.








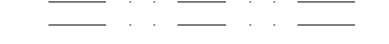

George N. McCain Jr., P.E.

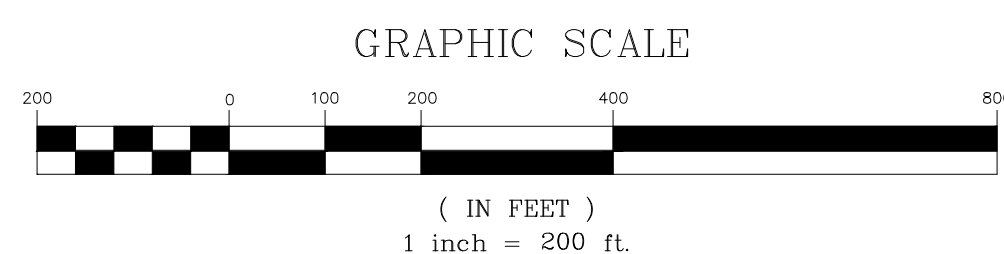
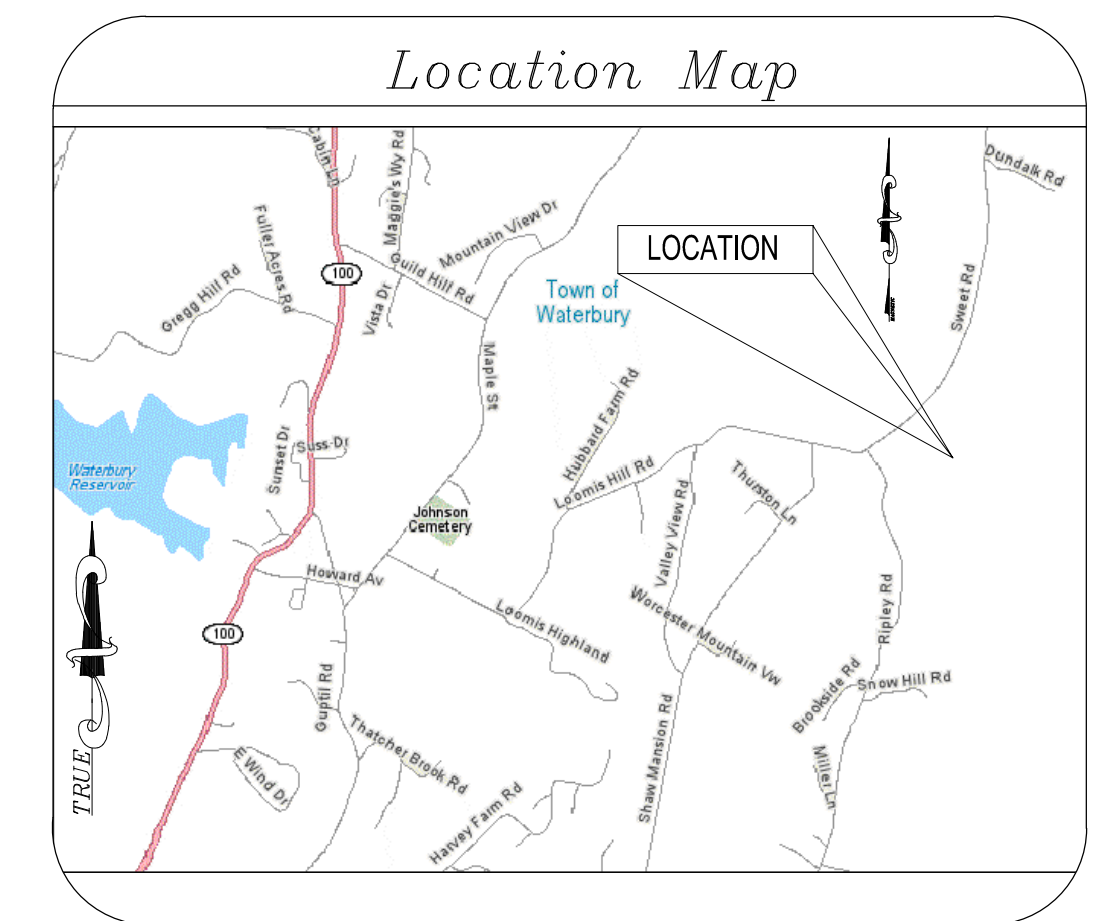
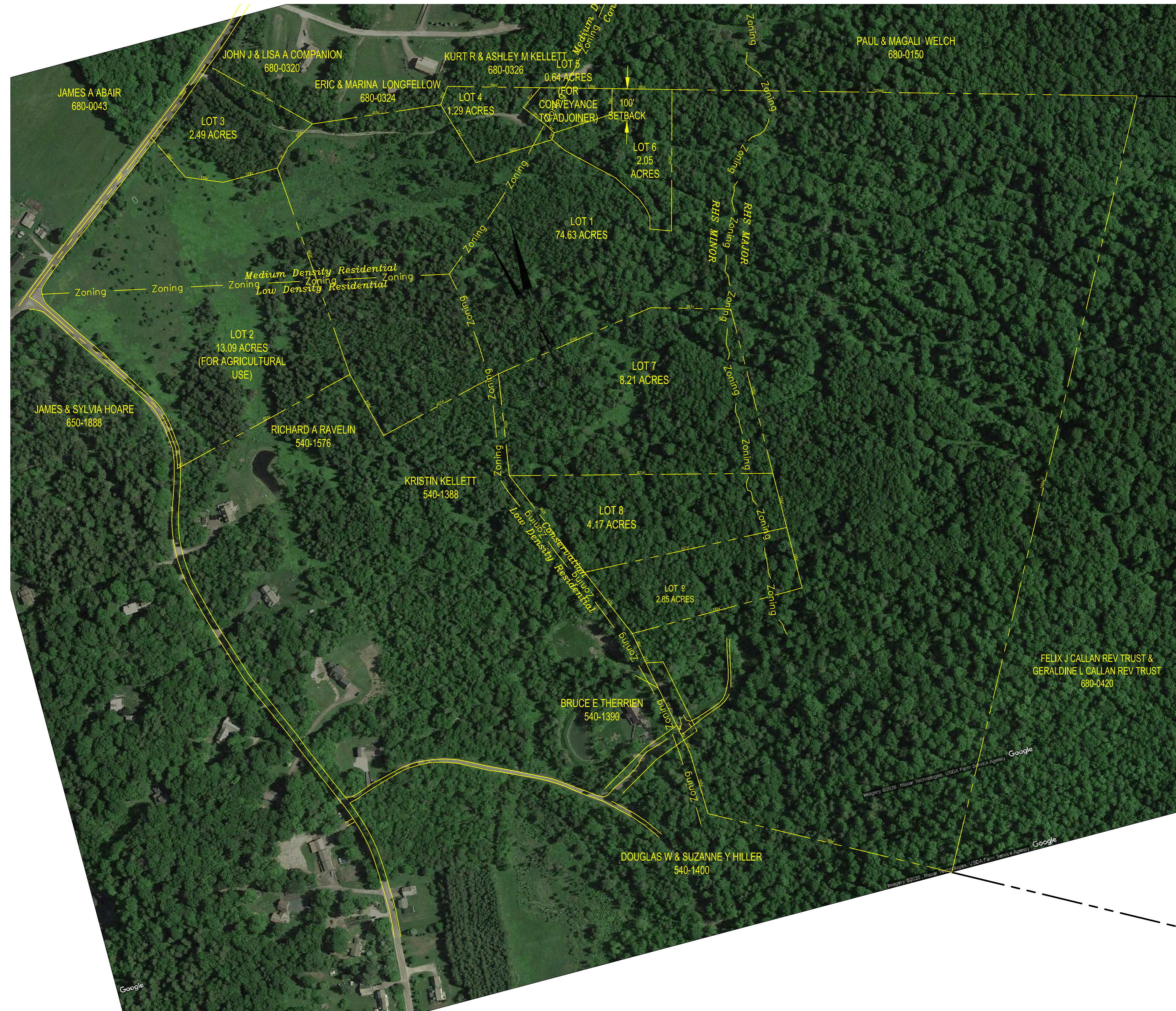


SHEET INDEX

- C-1 - OVERVIEW
- C-2 - OVERVIEW - SITE PLAN
- C-3 - SITE PLAN - LOTS 2 & 3
- C-4 - DETAILS - LOTS 2 & 3
- C-5 - SITE PLAN - LOTS 4 & 6
- C-6 - DETAILS - LOTS 4 & 6
- C-7 - SITE PLAN - LOTS 7 & 8
- C-8 - DETAILS - LOTS 7 & 8
- C-9 - SITE PLAN - LOT 9
- C-10 - DETAILS - LOT 9
- C-11 - ACCESS PLAN
- C-12 - ACCESS PLAN - PROFILES
- C-13 - PRE-DEVELOPMENT CLEARING PLAN
- SW-1 - EXISTING CONDITIONS PLAN
- SW-2 - STORMWATER OVERVIEW
- SW-3 - STORMWATER PLAN LOTS 2-4
- SW-4 - STORMWATER PLAN LOT 5-7
- SW-5 - STORMWATER PLAN LOT 8 - 9
- SW-6 - STORMWATER DETAILS
- SW-7 - SOILS MANAGEMENT PLAN
- SW-8 - ANNOTATED MAINTENANCE PLAN

LEGEND

	10' contours
	Property line
	Right of way line
	Wetland boundary
	Wetland buffer
	Tree line
	Stream
	Woods road
	Stone wall



Topography by Total Station  
Contour Interval 2'  
Datum NAVD 88

THE CONTRACTOR SHALL REVIEW ALL CONSTRUCTION ACTIVITIES, COMPONENT LOCATIONS, SPECIFICATIONS, AND DETAILS PRIOR TO COMMENCEMENT OF SITE WORK AND SHALL NOTIFY MCCAIN CONSULTING OF ANY ISSUES OR DISCREPANCIES THAT ARISE FROM THAT REVIEW.

THIS IS NOT A SURVEY. THIS PLAN DOES NOT MEET THE REQUIREMENTS OF 27 VSA SEC. 1403 FOR THE FILING OF SURVEY PLATS.

OVERVIEW  
**HONEYSUCKLE HILL**  
NINE LOT SUBDIVISION  
JOHN MUTCHLER & PERRIN WILLIAMS

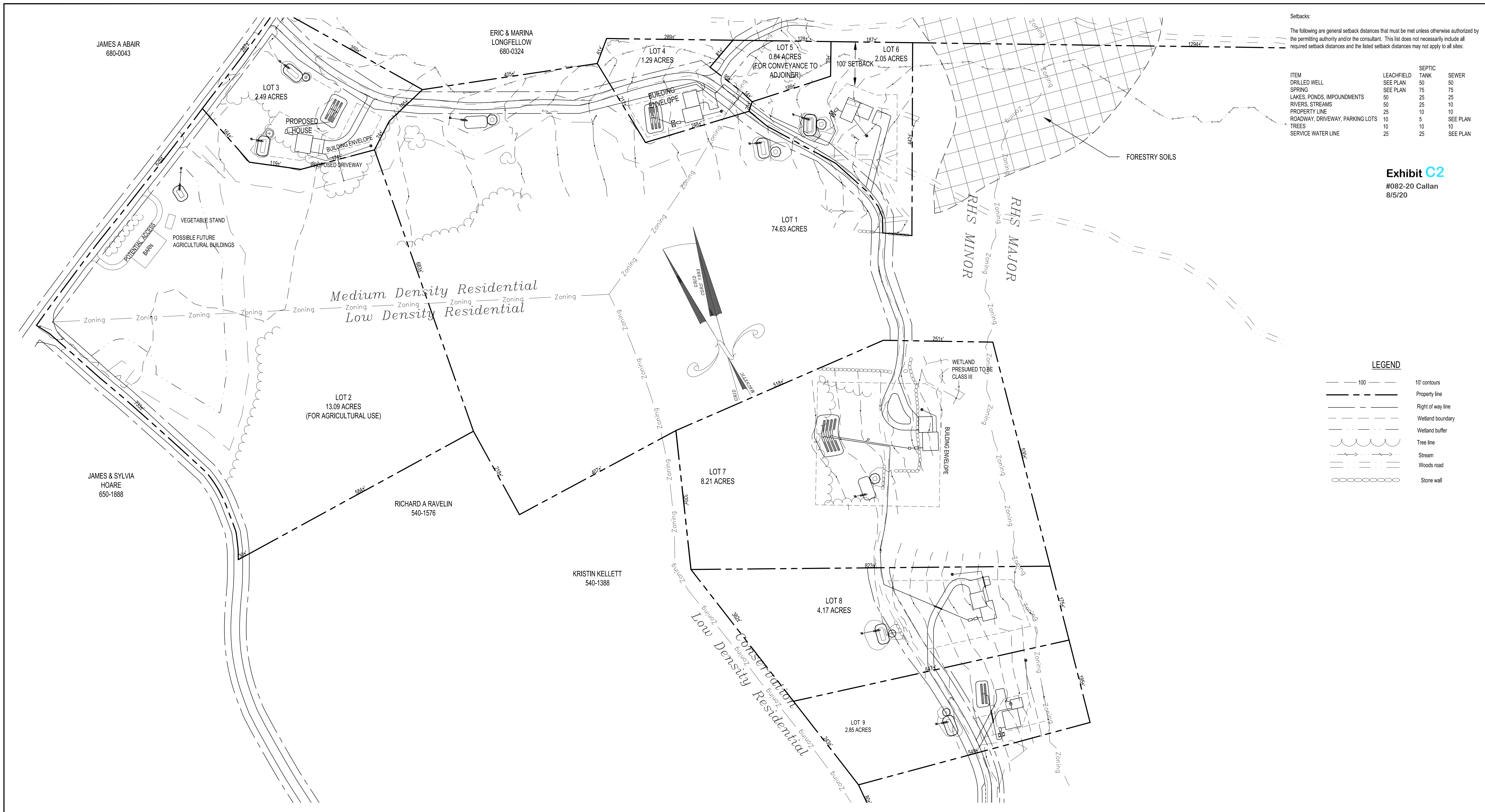
SWEET & RIPLEY ROADS WATERBURY, VT

<p>SCALE : 1" = 200' DESIGNED BY: GNM PROJECT #25130D DRAWN BY: WDB CHECKED BY: GNM</p>	<p><b>MCCAIN CONSULTING, INC.</b> 93 SOUTH MAIN STREET WATERBURY, VERMONT 05676</p>
<p>DATE: JULY 22, 2020</p>	<p>SHEET C-1</p>



NOTE:  
CONTRACTOR TO CONTACT DIG-SAFE  
AND VERIFY THE LOCATION OF ALL  
UTILITIES PRIOR TO CONSTRUCTION.





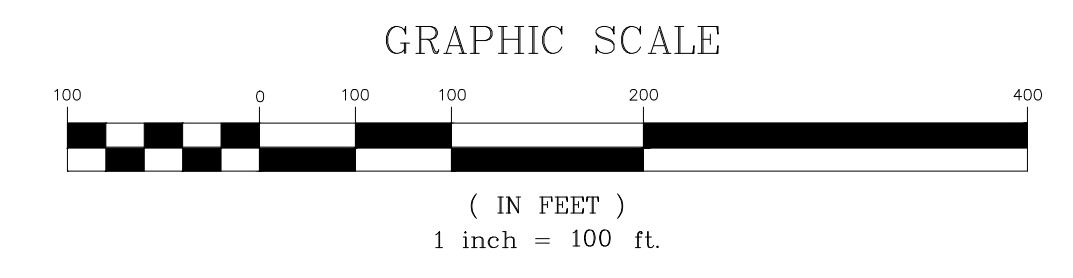
Setbacks:  
 The following are general setback distances that must be met unless otherwise authorized by the permitting authority and/or the consultant. This list does not necessarily include all required setback distances and the listed setback distances may not apply to all sites:

ITEM	LEACHFIELD	SEPTIC TANK	SEWER
DRILLED WELL	SEE PLAN	50	50
SPRING	SEE PLAN	75	75
LAKES, PONDS, IMPOUNDMENTS	50	25	25
RIVERS, STREAMS	50	25	10
PROPERTY LINE	25	10	10
ROADWAY, DRIVEWAY, PARKING LOTS	10	5	SEE PLAN
TREES	10	10	10
SERVICE WATER LINE	25	25	SEE PLAN

**Exhibit C2**  
 #082-20 Callan  
 8/5/20

**LEGEND**

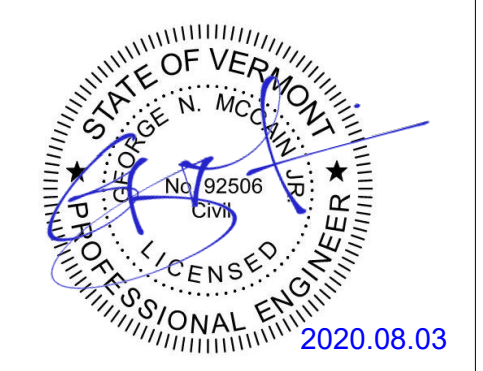
--- 100 ---	10' contours
-----	Property line
- - - - -	Right of way line
- - - - -	Wetland boundary
- - - - -	Wetland buffer
~~~~~	Tree line
~~~~~	Stream
~~~~~	Woods road
o-o-o-o-o	Stone wall



Topography by Total Station  
 Contour Interval 2'  
 Datum NAVD 88

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ENGINEER:  
 GEORGE N. MCCAIN JR., P.E.  
 VT P.E. 92506

OVERVIEW - SITE PLAN  
 HONEYSUCKLE HILL  
 NINE LOT SUBDIVISION  
 JOHN MUTCHLER & PERRIN WILLIAMS  
 SWEET & RIPLEY ROADS WATERBURY, VT

SCALE : 1" = 100'  
 DESIGNED BY: GNM PROJECT #25130D  
 DRAWN BY: WDB  
 CHECKED BY: GNM

**MCCAIN CONSULTING, INC.**  
 93 SOUTH MAIN STREET  
 WATERBURY, VERMONT 05676

DATE: JULY 22, 2020

SHEET C-2



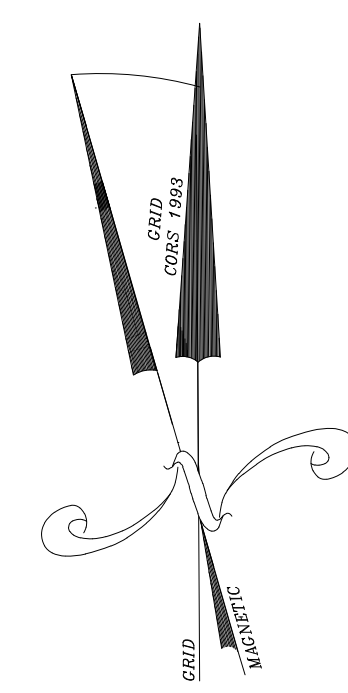
NOTE:  
 CONTRACTOR TO CONTACT DIG-SAFE AND VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.



JAMES A ABAIR  
680-0043

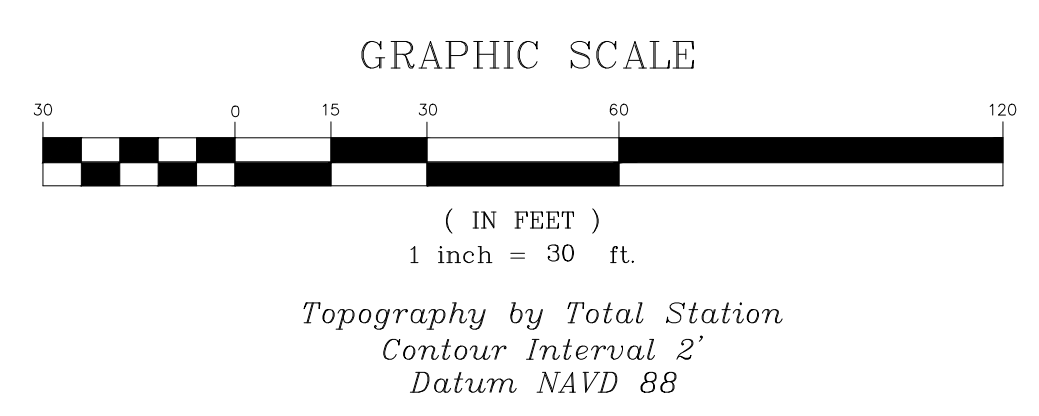
JOHN J & LISA A  
COMPANION  
680-0320

**Exhibit C3**  
#082-20 Callan  
8/5/20



**LEGEND**

	Traverse point
	Test pit
	Proposed well
	Wetland flag
	10' contours
	2' contours
	Wetland boundary
	Wetland buffer
	Tree line
	Property line
	Right of way line



THE CONTRACTOR SHALL REVIEW ALL CONSTRUCTION ACTIVITIES, COMPONENT LOCATIONS, SPECIFICATIONS, AND DETAILS PRIOR TO COMMENCEMENT OF SITE WORK AND SHALL NOTIFY MCCAIN CONSULTING OF ANY ISSUES OR DISCREPANCIES THAT ARISE FROM THAT REVIEW.

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ENGINEER  
GEORGE N. MCCAIN Jr., P.E.  
VT P.E. 92506

SITE PLAN - LOTS 2 & 3  
HONEYSUCKLE HILL  
NINE LOT SUBDIVISION  
JOHN MUTCHLER & PERRIN WILLIAMS  
SWEET & RIPLEY ROADS WATERBURY, VT

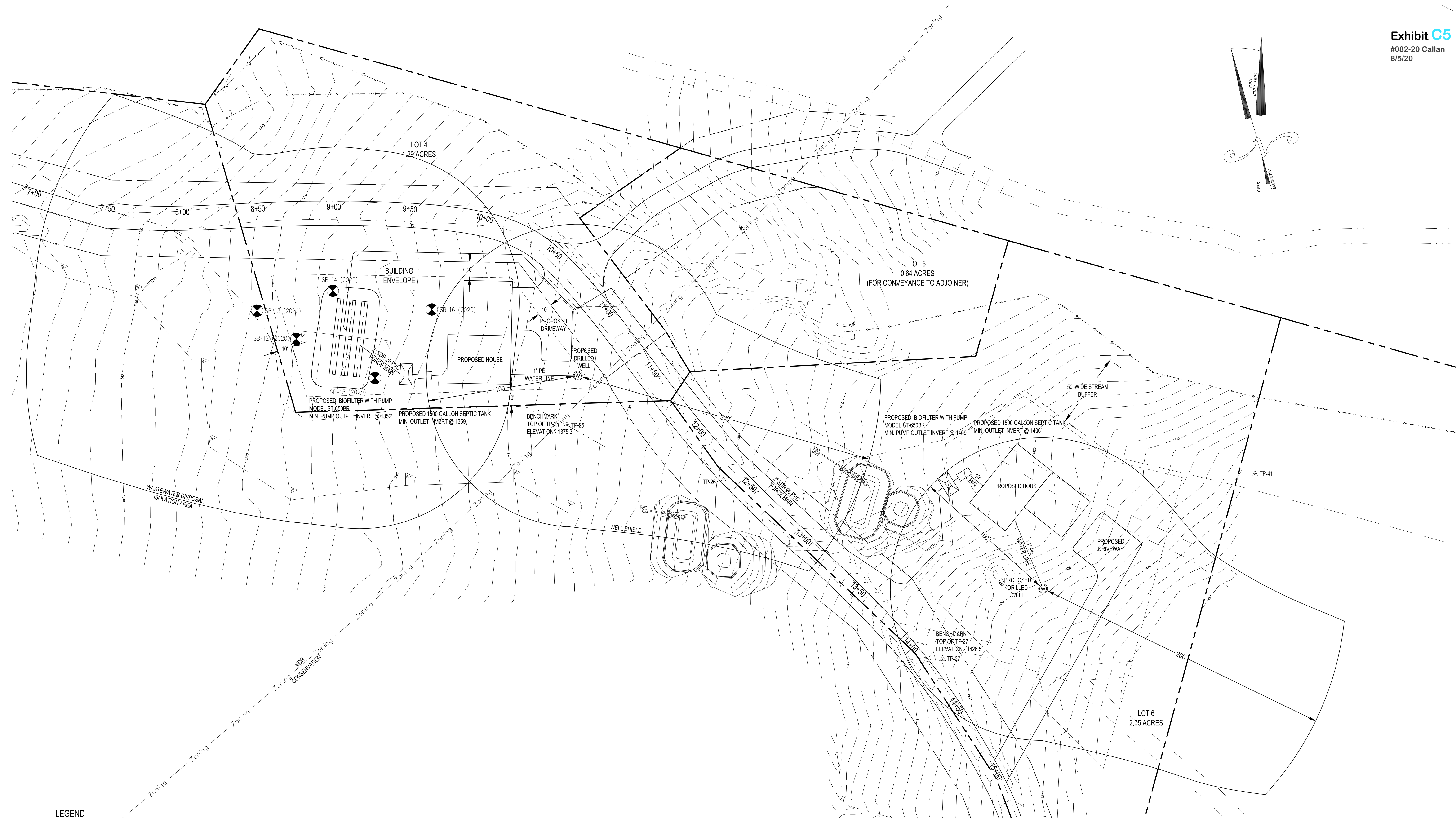
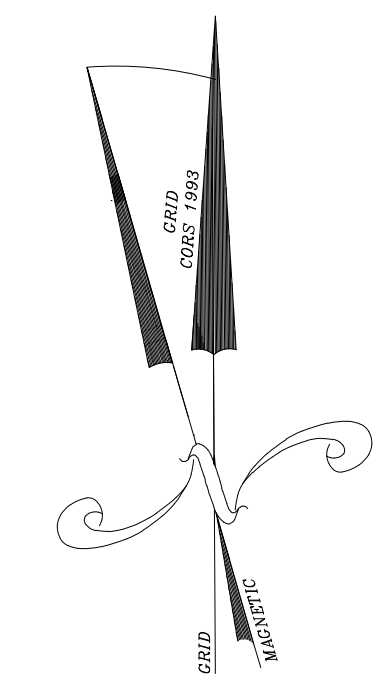
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DESIGNED BY: GNM PROJECT #25130D  
DRAWN BY: WDB  
CHECKED BY: GNM

DATE: JULY 22, 2020

MCCAIN CONSULTING, INC.  
93 SOUTH MAIN STREET  
WATERBURY, VERMONT 05676

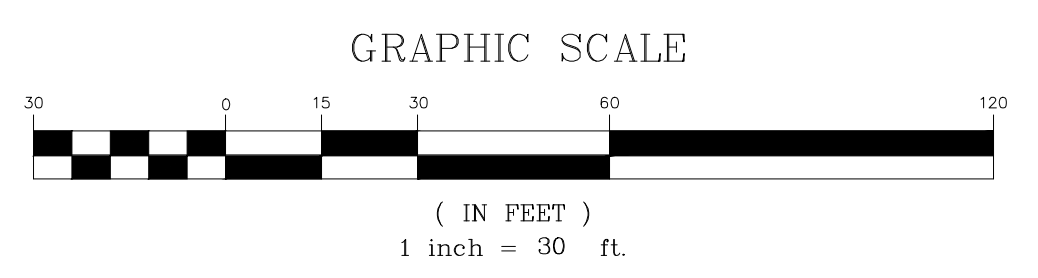
SHEET C-3



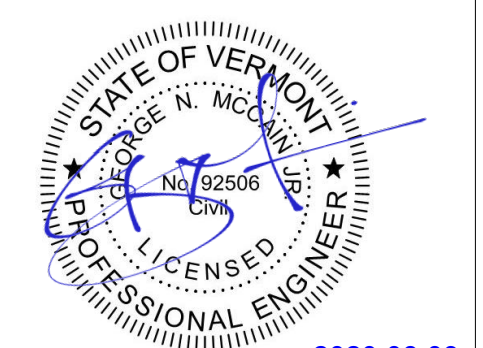


LEGEND

- △ TP-1 Traverse point
- ⊕ SB-1 Test pit
- ⊕ Proposed well
- ⊕ 4" Clean Out
- Zoning Zoning boundary
- 100 10' contours
- 2' contours
- 10' LIDAR contours
- Property line
- Woods road
- Building envelope
- Wetland boundary
- Wetland buffer
- Stream buffer



Topography by Total Station  
 Contour Interval 2'  
 Datum NAVD 88



ENGINEER:  
 GEORGE N. MCCAIN Jr., P.E.  
 VT P.E. 92506

THE CONTRACTOR SHALL REVIEW ALL CONSTRUCTION ACTIVITIES, COMPONENT LOCATIONS, SPECIFICATIONS, AND DETAILS PRIOR TO COMMENCEMENT OF SITE WORK AND SHALL NOTIFY MCCAIN CONSULTING OF ANY ISSUES OR DISCREPANCIES THAT ARISE FROM THAT REVIEW.

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SITE PLAN - LOTS 4 & 6  
 HONEYSUCKLE HILL  
 NINE LOT SUBDIVISION  
 JOHN MUTCHLER & PERRIN WILLIAMS  
 SWEET & RIPLEY ROADS WATERBURY, VT

SCALE : 1" = 30'  
 DESIGNED BY: GNM PROJECT #25130D  
 DRAWN BY: WDB  
 CHECKED BY: GNM

**MCCAIN CONSULTING, INC.**  
 93 SOUTH MAIN STREET  
 WATERBURY, VERMONT 05676

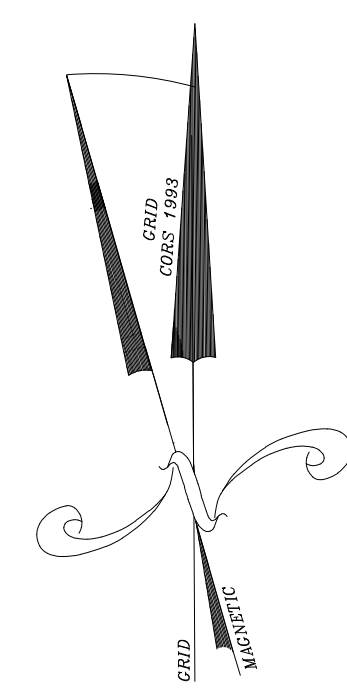
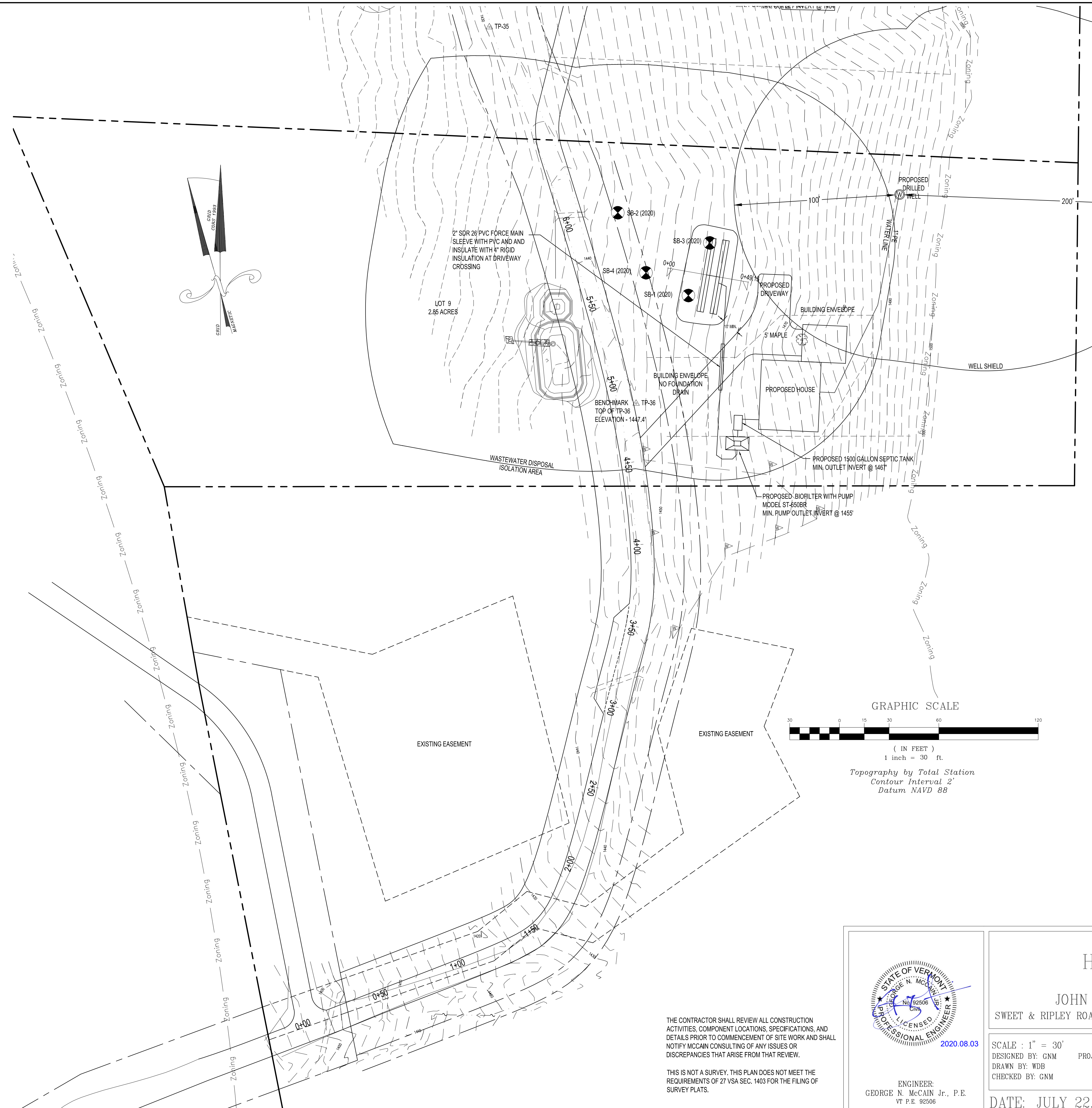
DATE: JULY 22, 2020

SHEET C-5



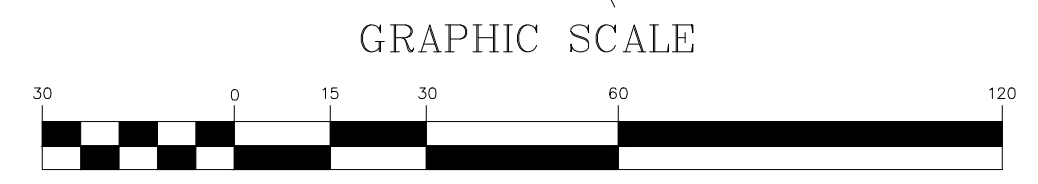
# Exhibit C9

#082-20 Callan  
8/5/20



**LEGEND**

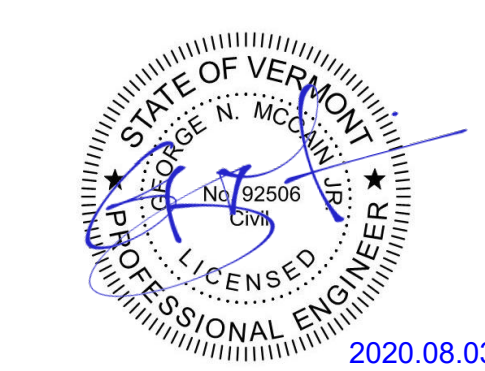
	Traverse point
	Test pit
	Proposed well
	Tree
	10' contours
	2' contours
	Property line
	Woods road
	Building envelope
	Zoning
	Building envelope
	Right of way line



Topography by Total Station  
Contour Interval 2'  
Datum NAVD 88

THE CONTRACTOR SHALL REVIEW ALL CONSTRUCTION ACTIVITIES, COMPONENT LOCATIONS, SPECIFICATIONS, AND DETAILS PRIOR TO COMMENCEMENT OF SITE WORK AND SHALL NOTIFY MCCAIN CONSULTING OF ANY ISSUES OR DISCREPANCIES THAT ARISE FROM THAT REVIEW.

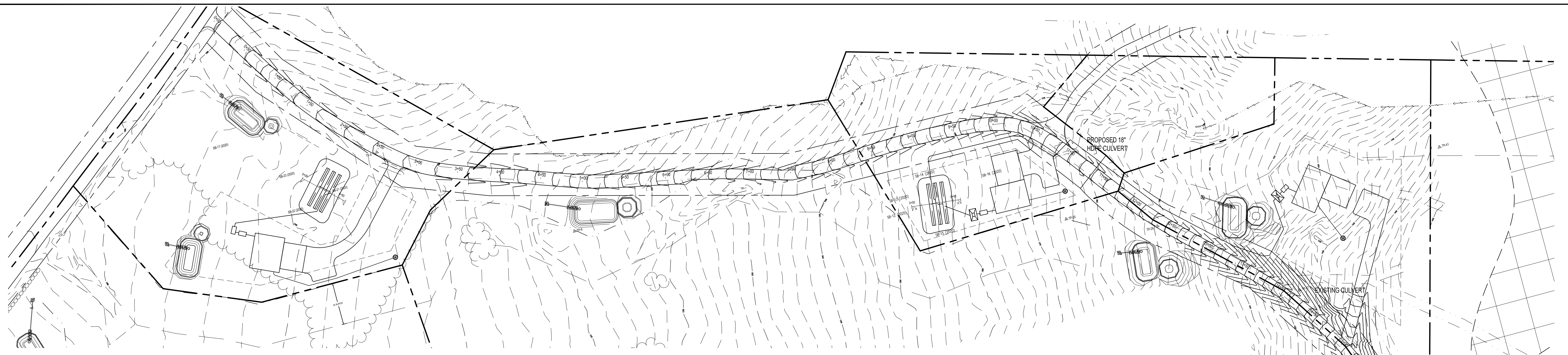
THIS IS NOT A SURVEY. THIS PLAN DOES NOT MEET THE REQUIREMENTS OF 27 VSA SEC. 1403 FOR THE FILING OF SURVEY PLATS.



ENGINEER:  
GEORGE N. MCCAIN Jr., P.E.  
VT P.E. 92506

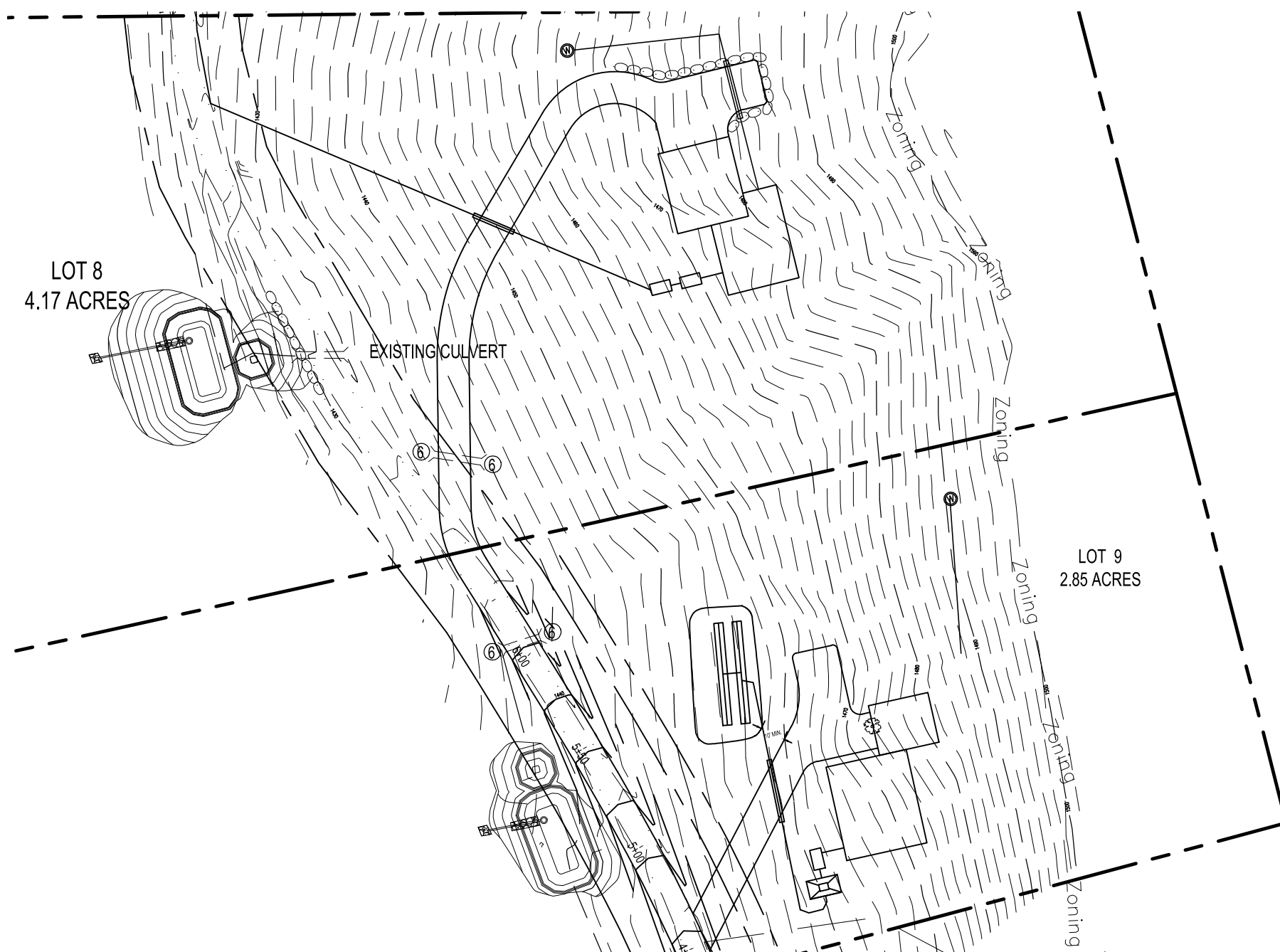
SITE PLAN - LOT 9 HONEYSUCKLE HILL NINE LOT SUBDIVISION JOHN MUTCHLER & PERRIN WILLIAMS SWEET & RIPLEY ROADS WATERBURY, VT	
SCALE : 1" = 30' DESIGNED BY: GNM PROJECT #25130D DRAWN BY: WDB CHECKED BY: GNM	McCAIN CONSULTING, INC. 93 SOUTH MAIN STREET WATERBURY, VERMONT 05676
DATE: JULY 22, 2020	SHEET C-9





LOT 1  
74.63 ACRES

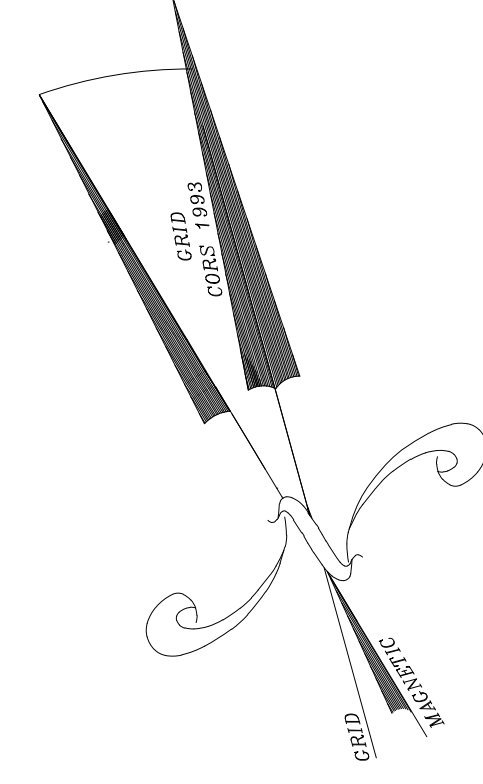
- MOUNTAIN ROAD DRIVEWAY NOTES
- 0+00 TO 12+00 - FOLLOW EXISTING ROAD, WIDENED TO 16' TRAVELED WAY
  - 11+00 - INSTALL 18" HDPE CULVERT, SHED TO DITCH ON SOUTH SIDE OF ROAD
  - 13+30 TO 15+15 - CUT TO REDUCE GRADES AS SHOWN
  - NO ROAD WIDENING WHERE THE EXISTING ROAD IS WITHIN THE WETLAND BUFFER, STA. 6+25 TO STA. 8+00
  - DITCHES REQUIRED ON BOTH SIDES OF ROAD TO DIRECT STORMWATER TO PONDS



LOT 8  
4.17 ACRES

LOT 9  
2.85 ACRES

LOT 7  
8.21 ACRES

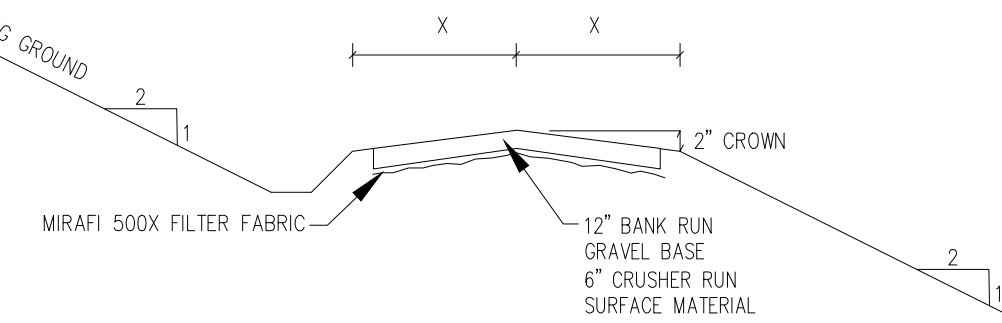
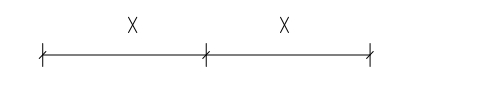


**Exhibit C11**  
#082-20 Callan  
8/5/20

Culvert

X = 16' - LOTS 2-4  
X = 14' - LOTS 5-9

MIN. TRAVELED WIDTH



ROAD SECTION  
(NOT TO SCALE)

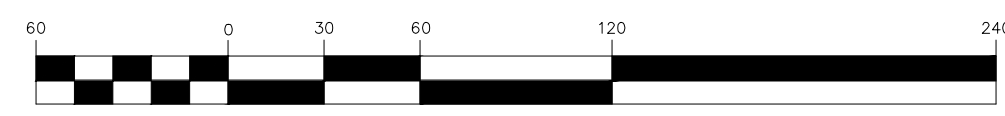
INSTALL 8'X50' SIDE OUT

PROPOSED 18" HDPE CULVERT

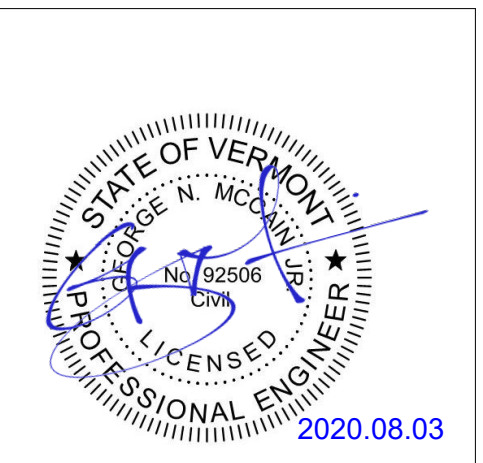
PROPOSED 18" HDPE CULVERT

- SUGARHOUSE ROAD DRIVEWAY NOTES
- 0+00 TO 3+25 - CUT TO REDUCE GRADE TO 16% MAX.
  - 0+22 INSTALL 18" HDPE CULVERT
  - 3+25 TO 3+75 - INSTALL 8'X50' SIDE OUT FOR LARGE VEHICLE PASSING
  - 3+25 TO END - FOLLOW EXISTING GRADE & ALIGNMENT, WIDEN TO 14' TRAVELED WAY
  - SIDE SLOPES TO BE 1 1/2 : 1, RIP-RAP SIDE SLOPES WHEREVER SLOPE HEIGHT EXCEEDS 5'
  - 3+27 REPLACE EXISTING 6" PIPE WITH 18" HDPE CULVERT

GRAPHIC SCALE



Topography by Total Station  
Contour Interval 2'  
Datum NAVD 88



ENGINEER:  
GEORGE N. MCCAIN Jr., P.E.  
VT P.E. 92506

ACCESS PLAN  
HONEYSUCKLE HILL  
NINE LOT SUBDIVISION  
JOHN MUTCHLER & PERRIN WILLIAMS  
SWEET & RIPLEY ROADS WATERBURY, VT

SCALE : AS NOTED  
DESIGNED BY: GNM PROJECT #25130D  
DRAWN BY: WDB  
CHECKED BY: GNM

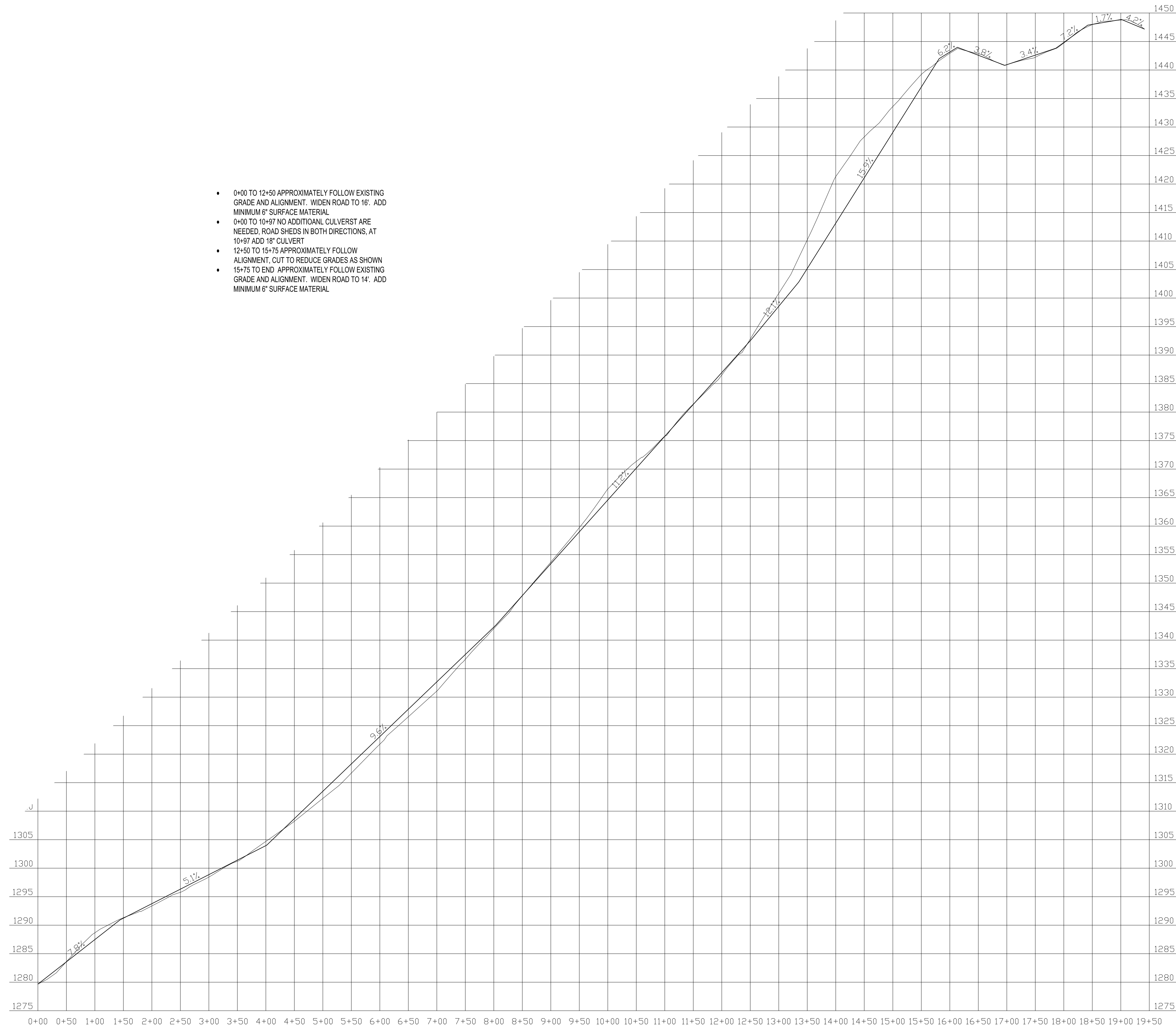
McCAIN CONSULTING, INC.  
93 SOUTH MAIN STREET  
WATERBURY, VERMONT 05676

DATE: JULY 22, 2020

SHEET C-11

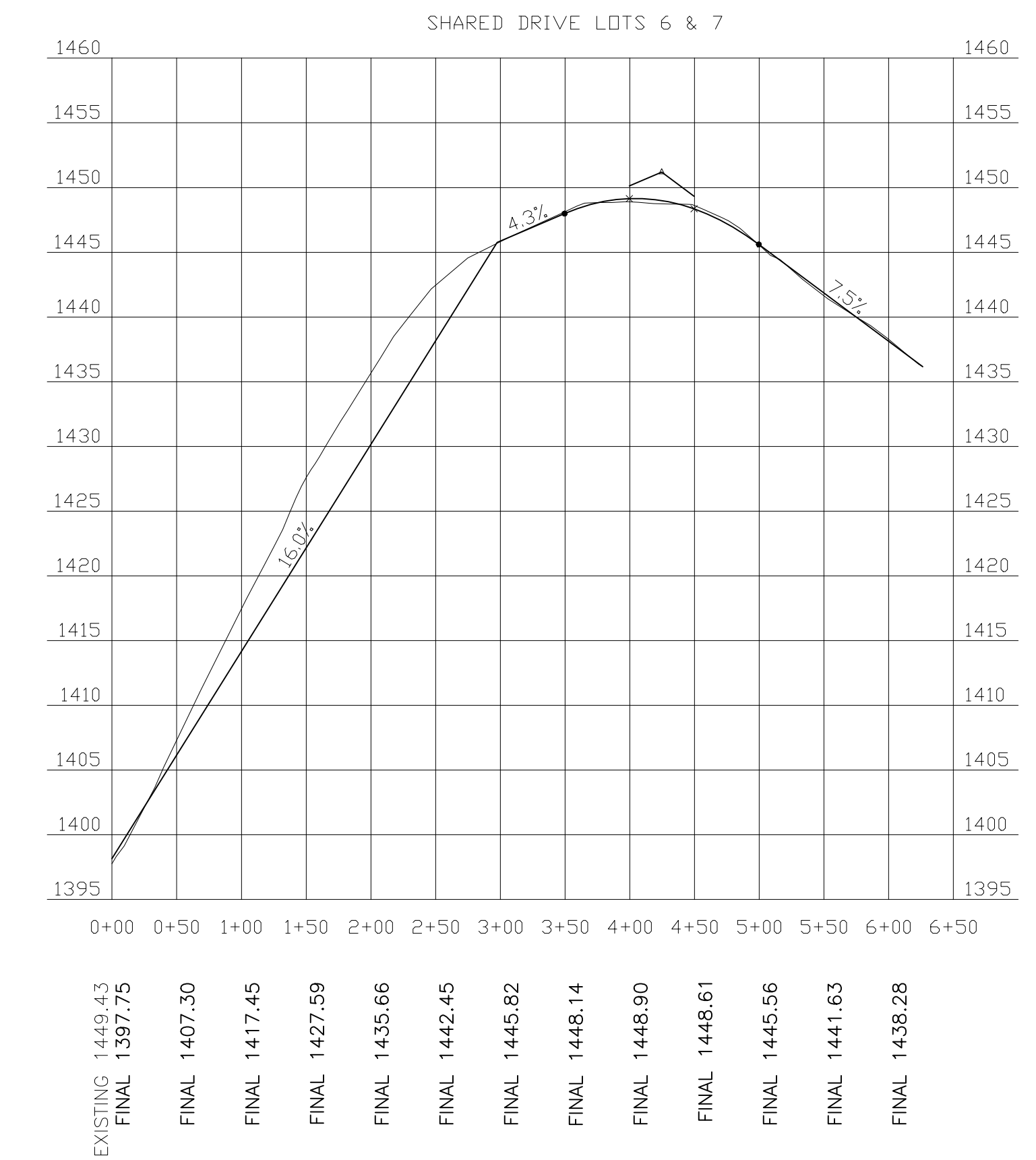


- 0+00 TO 12+50 APPROXIMATELY FOLLOW EXISTING GRADE AND ALIGNMENT. WIDEN ROAD TO 16'. ADD MINIMUM 6" SURFACE MATERIAL.
- 0+00 TO 10+97 NO ADDITIONAL CULVERTS ARE NEEDED, ROAD SHEDS IN BOTH DIRECTIONS, AT 10+97 ADD 18" CULVERT
- 12+50 TO 15+75 APPROXIMATELY FOLLOW ALIGNMENT, CUT TO REDUCE GRADES AS SHOWN
- 15+75 TO END APPROXIMATELY FOLLOW EXISTING GRADE AND ALIGNMENT. WIDEN ROAD TO 14'. ADD MINIMUM 6" SURFACE MATERIAL

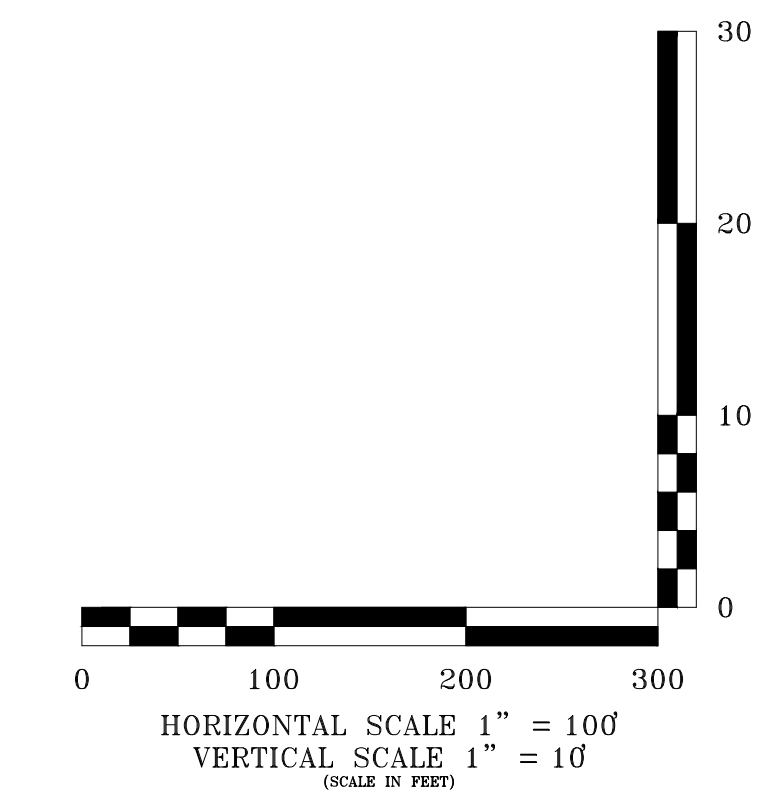


EXISTING 1279.67	EXISTING 1283.59	EXISTING 1288.67	EXISTING 1291.31	EXISTING 1293.37	EXISTING 1295.77	EXISTING 1298.44	EXISTING 1298.87	EXISTING 1301.21	EXISTING 1304.70	EXISTING 1308.22	EXISTING 1312.24	EXISTING 1316.67	EXISTING 1321.75	EXISTING 1326.56	EXISTING 1331.06	EXISTING 1336.64	EXISTING 1342.03	EXISTING 1347.79	EXISTING 1353.70	EXISTING 1359.73	EXISTING 1366.50	EXISTING 1371.36	EXISTING 1375.74	EXISTING 1381.41	EXISTING 1386.51	EXISTING 1392.83	EXISTING 1398.57	EXISTING 1400.83	EXISTING 1410.22	EXISTING 1421.31	EXISTING 1428.28	EXISTING 1433.88	EXISTING 1439.20	EXISTING 1442.92	EXISTING 1442.88	EXISTING 1440.94	EXISTING 1442.24	EXISTING 1444.72	EXISTING 1447.96	EXISTING 1448.76
FINAL 1279.67	FINAL 1283.58	FINAL 1287.48	FINAL 1291.23	FINAL 1293.78	FINAL 1296.32	FINAL 1298.87	FINAL 1301.41	FINAL 1304.70	FINAL 1308.22	FINAL 1313.49	FINAL 1316.29	FINAL 1323.09	FINAL 1327.89	FINAL 1332.69	FINAL 1337.49	FINAL 1342.29	FINAL 1347.79	FINAL 1353.41	FINAL 1359.00	FINAL 1364.59	FINAL 1370.18	FINAL 1375.77	FINAL 1381.36	FINAL 1386.94	FINAL 1392.53	FINAL 1398.12	FINAL 1400.83	FINAL 1410.22	FINAL 1421.31	FINAL 1428.28	FINAL 1433.88	FINAL 1439.20	FINAL 1443.15	FINAL 1442.88	FINAL 1440.94	FINAL 1442.61	FINAL 1444.52	FINAL 1447.99	FINAL 1448.85	

- 0+00 TO 3+00 APPROXIMATELY FOLLOW EXISTING ALIGNMENT, CUT TO REDUCE GRADE AS SHOWN
- 3+00 TO END APPROXIMATELY FOLLOW EXISTING GRADE AND ALIGNMENT



EXISTING 1449.43	EXISTING 1447.30	EXISTING 1447.45	EXISTING 1447.59	EXISTING 1445.66	EXISTING 1442.45	EXISTING 1445.82	EXISTING 1448.14	EXISTING 1448.90	EXISTING 1448.61	EXISTING 1445.56	EXISTING 1441.63	EXISTING 1438.28
FINAL 1397.75	FINAL 1407.30	FINAL 1417.45	FINAL 1427.59	FINAL 1435.66	FINAL 1442.45	FINAL 1445.82	FINAL 1448.14	FINAL 1448.90	FINAL 1448.61	FINAL 1445.56	FINAL 1441.63	FINAL 1438.28



ENGINEER:  
GEORGE N. MCCAIN Jr., P.E.  
VT P.E. 9256

ACCESS PLAN – PROFILES  
**HONEYSUCKLE HILL**  
NINE LOT SUBDIVISION  
JOHN MUTCHLER & PERRIN WILLIAMS  
SWEET & RIPLEY ROADS WATERBURY, VT

McCAIN CONSULTING, INC.  
93 SOUTH MAIN STREET  
WATERBURY, VERMONT 05676

SCALE : AS NOTED  
DESIGNED BY: GNM PROJECT #25130D  
DRAWN BY: WDB  
CHECKED BY: GNM

DATE: JULY 22, 2020 SHEET C-12

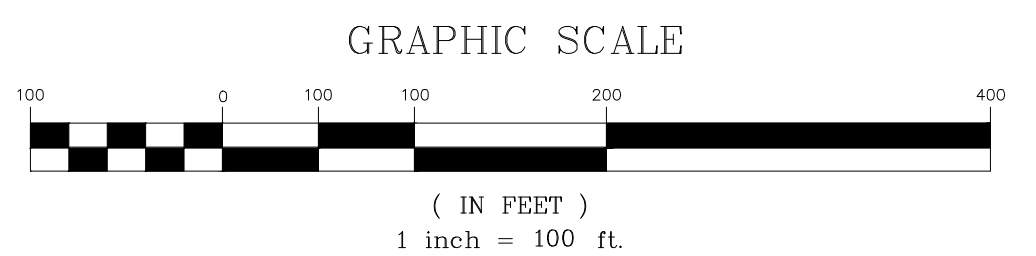




**LEGEND**

	100' contours
	Property line
	Right of way line
	Wetland boundary
	Wetland buffer
	Tree line
	Stream
	Woods road
	Stone wall
	Clearing - 50%
	Clearing - 100%

**Exhibit C13**  
 #082-20 Callan  
 8/5/20



Topography by Total Station  
 Contour Interval 2'  
 Datum NAVD 88

THE CONTRACTOR SHALL REVIEW ALL CONSTRUCTION ACTIVITIES, COMPONENT LOCATIONS, SPECIFICATIONS, AND DETAILS PRIOR TO COMMENCEMENT OF SITE WORK AND SHALL NOTIFY MCCAIN CONSULTING OF ANY ISSUES OR DISCREPANCIES THAT ARISE FROM THAT REVIEW.

THIS IS NOT A SURVEY. THIS PLAN DOES NOT MEET THE REQUIREMENTS OF 27 VSA SEC. 1403 FOR THE FILING OF SURVEY PLATS.

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**FOR TOWN PERMITTING**

PRE-DEVELOPMENT CLEARING PLAN  
 HONEYSUCKLE HILL  
 NINE LOT SUBDIVISION  
 JOHN MUTCHLER & PERRIN WILLIAMS  
 SWEET & RIPLEY ROADS WATERBURY, VT

SCALE : 1" = 100'  
 DESIGNED BY: GNM PROJECT #25130D  
 DRAWN BY: WDB  
 CHECKED BY: GNM

**MCCAIN CONSULTING, INC.**  
 93 SOUTH MAIN STREET  
 WATERBURY, VERMONT 05676

DATE: JULY 22, 2020

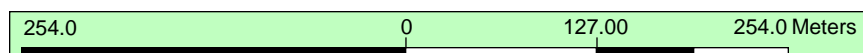
SHEET C-13





**LEGEND**

- Rare Threatened Endangered Species**
  - Threatened or Endangered
  - Rare
- Significant Natural Community**
  - Natural Community
- Uncommon Species and Other Feature**
  - Animal
  - Plant
- Deer Wintering Areas**
  - Deer Wintering Areas
- Parcels (standardized)**
  - Parcels (standardized)
  - Parcels (non-standardized)
- Roads**
  - Interstate
  - Principal Arterial
  - Minor Arterial
  - Major Collector
  - Minor Collector
  - Local
  - Not part of function Classification System
- Stream/River**
  - Stream/River
- Town Boundary**
  - Town Boundary



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Vermont Agency of Natural Resources. July 28, 2020

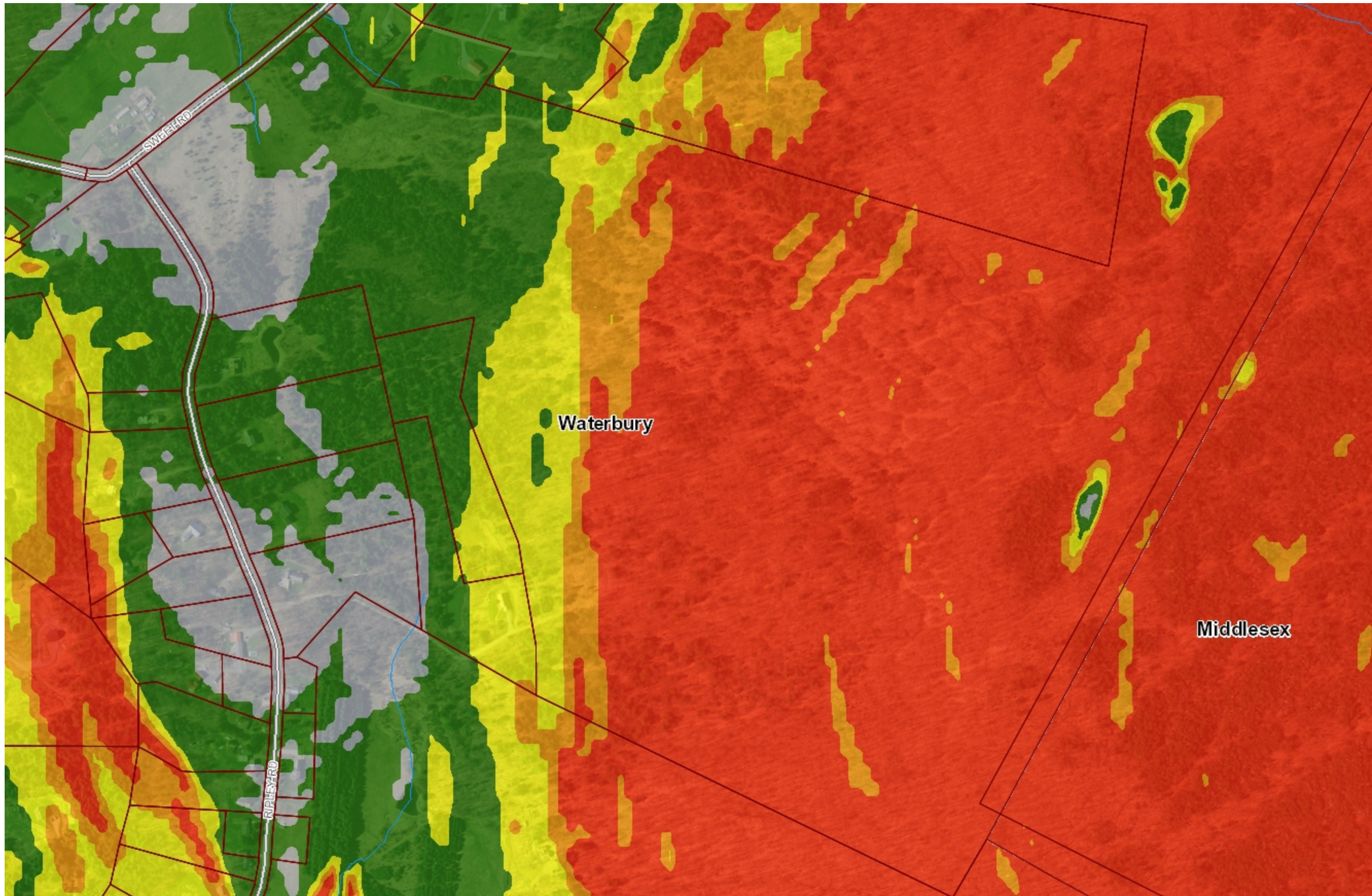
DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

**1: 5,000**  
1in = 417 ft.  
1cm = 50 meters

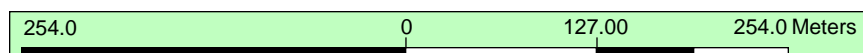
**NOTES**  
Map created using ANR's Natural Resources Atlas





LEGEND

- Parcels (standardized)
- Parcels (non-standardized)
- Roads**
  - Interstate
  - Principal Arterial
  - Minor Arterial
  - Major Collector
  - Minor Collector
  - Local
  - Not part of function Classification System
- Stream/River
- Town Boundary
- Slope**
  - <5%
  - 5-15%
  - 15-20%
  - 20-25%
  - >25%



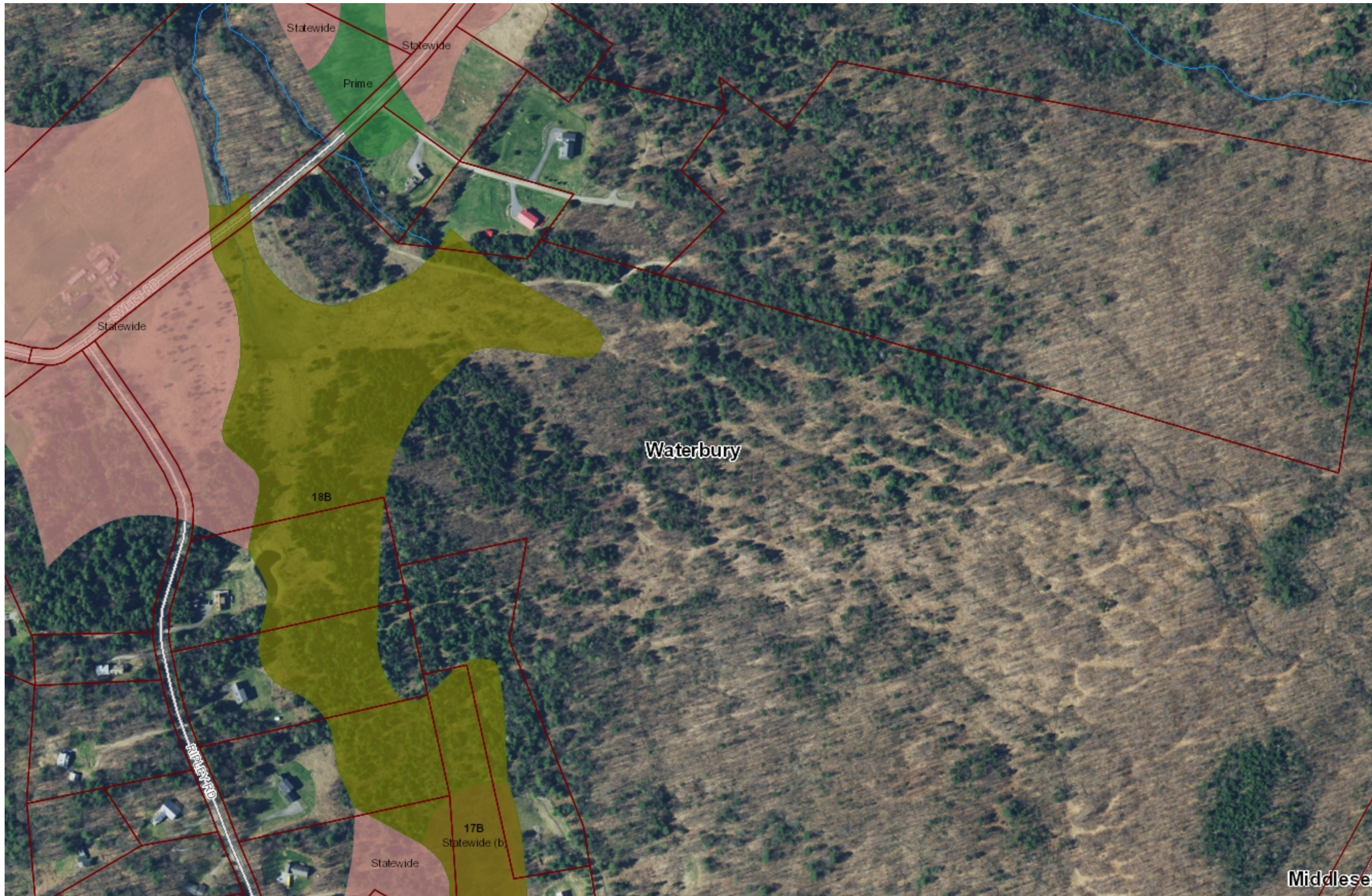
DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

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**1: 5,000**  
1in = 417 ft.  
1cm = 50 meters

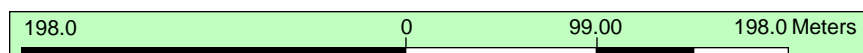
**NOTES**  
Map created using ANR's Natural Resources Atlas





**LEGEND**

- Soils - Hydric
- Soils - Prime Agricultural
  - Local
  - Local (b)
  - Not rated
  - Prime
  - Prime (b)
  - Prime (f)
  - Statewide
  - Statewide (a)
  - Statewide (b)
  - Statewide (c)
- Parcels (standardized)
- Parcels (non-standardized)
- Roads
  - Interstate
  - Principal Arterial
  - Minor Arterial
  - Major Collector
  - Minor Collector
  - Local
  - Not part of function Classification System
- Stream/River
- Town Boundary



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THIS MAP IS NOT TO BE USED FOR NAVIGATION

**1: 3,907**  
1in = 326 ft.  
1cm = 39 meters

**NOTES**  
Map created using ANR's Natural Resources Atlas



**GRANT OF CONSERVATION**

WHEREAS, John Mutchler and Perrin Williams (collectively “Grantor”) are the owners in fee simple of certain real property (the “Property”) located in the Town of Waterbury, Washington County, State of Vermont and to be known as the Honeysuckle Hill Subdivision; and

WHEREAS, the Property contains a total of Ninety-Five (95.63) acres, more or less, with Seventy-Six (75.92) acres of land to be subject to this grant of conservation, which conserved land is depicted as “Lot 1” on a plat entitled \_\_\_\_\_ (hereinafter “Conserved Property”); and

WHEREAS, the Town of Waterbury is a municipality duly organized pursuant to the laws of the State of Vermont and the Waterbury Development Review Board is the authorized planning commission, appointed by the Town of Waterbury legislative body that reviews land development requests and reviews applications to the Town of Waterbury respecting subdivision permit requests; and

WHEREAS, the Town of Waterbury, in a Decision dated \_\_\_\_\_, 2020, has required that Grantor conserve 75.92 acres as part of its issuance of a permit for a Planned Unit Development consisting of six (6) lots approved for single family residences, and one (1) lot approved as conservation land; and

WHEREAS, Grantor shall, in order to obtain the necessary state and local development permits for the subject Planned Unit Development, restrict, by conveyance of this conservation grant, 75.92 acres of the total 95.63 acres of the Planned Unit Development that is subject to the aforementioned subdivision permit; and

WHEREAS, Grantor has incorporated under the laws of the State of Vermont, a nonprofit corporation, HONEYSUCKLE HILL HOMEOWNERS’ ASSOCIATION, INC. (hereinafter the “Association”) for the purpose of receiving this grant of conservation, which association of owners shall adopt and shall have the authority to impose the herein covenants and restrictions and provide for the continuing protection and maintenance of the Conserved Property.

NOW, THEREFORE,

KNOW ALL PERSONS BY THESE PRESENTS that Grantor does freely convey and confirm, forever, that lot, consisting of 75.92 acres (all as more particularly set forth below) in a certain tract of land situated in the Town of Waterbury, Washington County, State of Vermont, shall be conserved, said Conserved Property being more particularly described in Schedule A attached hereto and incorporated herein.

The conservation restrictions consist of covenants on the part of the Grantor to do or refrain from doing, severally and collectively, the various acts set forth below. It is hereby acknowledged that said restrictions shall constitute a servitude upon the land and shall run with the land.

### **I. Purposes of Conservation.**

Grantor acknowledges that the objective of this Conservation Grant is to protect the Conserved Property as undeveloped land for recreation, conservation, agriculture, and the enhancement of the natural environment for living, as provided in the Waterbury Zoning Regulations, Section 705(m)(4), as amended through May 16, 2016.

### **II. Restricted Uses of The Conserved Property.**

The restrictions hereby imposed upon the Conserved Property, and the acts which Grantor, its heirs, successors, and assigns, shall do or refrain from doing are as follows:

1. The Conserved Property shall be used for such agricultural and recreational purposes, and such educational purposes as are consistent with the purposes of this Grant, including without limitation, hiking, snowshoeing, bicycle riding, cross-country skiing, hunting, and horseback riding. No residential, commercial, industrial, or mining activities shall be permitted, and no building, structure, telecommunications facility, or appurtenant facility or improvement shall be constructed, created, installed, erected, or moved onto the Conserved Property, excepting that Grantor, its heirs, successors, and assigns, may construct two (2) small cabins no greater than five-hundred (500) square feet each, to be used for recreational purposes, and any structure necessary for sugaring and sugar maple harvesting.
2. There shall be no signs, billboards, or outdoor advertising of any kind erected or displayed on the Conserved Property; provided, however, that Grantor, its heirs, successors, and assigns, may erect and maintain reasonable signs including but not limited to signs indicating the name of the Conserved Property and its ownership by Grantor, its heirs, successors, and assigns, boundary markers, directional signs, memorial plaques, and informational and interpretive signs.
3. The placement, collection or storage of trash, human waste, or any other unsightly or offensive material on the Conserved Property shall not be permitted.

4. There shall be no operation of motorized or mechanized vehicles on the Conserved Property except for uses specifically reserved, such as wildlife management, logging, sugaring and for emergency purposes, and such rights as were reserved in the deed of Felix J. Callan, Trustee, Felix J. Callan Revocable Trust u/t/a dated 2-15-00 and Geraldine L. Callan, Trustee, Geraldine L. Callan Revocable Trust u/t/a dated 2-15-00 to Grantor herein, which deed is dated \_\_\_\_\_ and recorded at Book \_\_\_\_, pages \_\_\_\_\_ of the Waterbury Land Records.

### **III. Permitted Uses of the Conserved Property.**

Notwithstanding the foregoing, Grantor, its heirs, successors, and assigns, shall have the right to make the following uses of the Conserved Property:

1. The right to use the Conserved Property for non-commercial, dispersed wildlife based recreational purposes consistent with the purposes of the aforementioned restrictions.
2. The right to use and upgrade existing trails and logging roads for walking, snowshoeing, and other non-commercial recreational activities, and create additional trails, provided that such use is consistent with the purposes of this Grant.
3. The right to build and use logging roads and landings and to harvest timber in accordance with accepted forestry management and silvicultural practices, and the right to foster and use the lands for sugaring purposes.

### **IV. Miscellaneous Provisions.**

1. It is hereby agreed that any use of the land otherwise permitted under this Grant shall be in accordance with all applicable ordinances, statutes, and regulations of the Town of Waterbury and State of Vermont.
2. In any deed or lease conveying an interest in all or part of the Conserved Property, Grantor shall make reference to the conservation restrictions and obligations described herein and shall indicate that said restrictions are binding upon all successors in interest in the Conserved Property in perpetuity.
3. This conservation agreement shall be null and void if the permit issued Grantor by and through the Town of Waterbury Development Review Board Notice of Decision of \_\_\_\_\_ [date], and recorded on \_\_\_\_\_ at Book \_\_\_\_, Pages \_\_\_\_\_ is not approved following completion of all appeals (including any appeal to the Environmental Court and/or Supreme Court) such that Grantor receives permission to subdivide this parcel as contemplated herein, and provided further, that the State of Vermont, by and through the Environmental Commission (and any subsequent appeal entities) similarly approves and permits said subdivision.

WHEREFORE said Grantor does hereby convey, restrict, and conserve said lands as aforesaid.

IN WITNESS WHEREOF, we have set our hands hereto on this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
John Mutchler

\_\_\_\_\_  
Perrin Williams

STATE OF VERMONT  
WASHINGTON COUNTY, ss.

In said County on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, personally appeared John Mutchler and Perrin Williams, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed. Before me,

\_\_\_\_\_  
Notary Public  
My commission expires 1-31-2021



**BY-LAWS OF  
HONEYSUCKLE HILL HOMEOWNERS' ASSOCIATION, INC.  
A VERMONT NON-PROFIT CORPORATION**

**1. Formation and Name of the Association.** There is hereby formed a Homeowners Association, an incorporated association of the lot owners in a certain subdivision more particularly described as being Lots 1, 3, 4, 6, 7, 8 and 9 as depicted on a survey map entitled " \_\_\_\_\_, Waterbury, Vermont" prepared by McCain Consulting, Inc. under date of \_\_\_\_\_ and recorded \_\_\_\_\_ at Map Slide \_\_\_\_\_ of the land records of the Town of Waterbury, Vermont, (the "Subdivision"). The name of the Association shall be the Honeysuckle Hill Homeowners' Association, Inc. (hereinafter "Association").

**2. Principal Office.** The principal office shall be located in Waterbury, Vermont as such address is designated with the Vermont Secretary of State's office. The principal office and post office address of the Association may from time to time be changed by the Board of Directors by giving notice of such change to each member.

**3. Membership.** From and after the date of these by-laws, all lot owners in Honeysuckle Hill shall become members of the Association. Membership in the Association, with respect to any lot, shall terminate upon cessation of lot ownership.

**4. Purposes and Powers of the Association.** The Association shall have the following powers and purposes:

(a) To own and manage the Conserved Lot and common areas, including but not limited to roadways and storm water systems, of Honeysuckle Hill subdivision, Waterbury, Vermont.

(b) To maintain and administer operating and reserve funds for the purposes described in (a), above.

(c) To open and maintain bank accounts in the name of the Association. All checks, drafts or other orders for payment of money, notes or other evidence of indebtedness issued in the name of the Association shall be signed by the treasurer.

(d) To make, levy, and collect annual and special assessments to defray the costs of operation of the Association, and to pay costs of maintaining and repairing the subdivision roadway, infrastructure, and common areas.

(e) To employ personnel for reasonable compensation to perform the above services; to enter into contracts, including a management contract for the performance of such services.

(f) To require members who are delinquent in payment of assessments to pay 10% penalty on the amount due plus 1 % interest monthly thereafter and the costs of collection of such assessments including reasonable attorneys' fees, if such delinquent fees have not been cured after thirty (30) days' notice to do so.

(g) To borrow money by open loan or by pledging collateral of the Association.

(h) To invest the assets of the Association in other savings accounts or time deposits.

(i) To make, amend, promulgate and enforce reasonable administrative rules and regulations for the use and enjoyment of the common area and facilities.

(j) The Association shall have such other additional powers as may reasonably be inferred or as may be necessary, to carry out the aforesaid purposes.

## **5. Meetings.**

(a) There shall be at least one meeting of all members annually. Each annual meeting of the members shall be held in a convenient place in the Town of Waterbury, Vermont or other mutually convenient location on a date as established by the Board of Directors. The secretary shall give each member at least thirty (30) days prior written notice of the time and place of the meeting.

(b) Special meetings of the members may be held at the request of at least one-half (1/2) of the then members. At least fifteen (15) days prior written notice shall be given of any special meeting.

(c) All notices shall contain a statement of the purpose of the calling of a meeting. Notices of meetings may be waived by all members entitled to a vote.

(d) Except as hereinafter provided:

(1) All members as of the date of notices, or if a meeting is held pursuant to waiver of notice, then as of a date fifteen (15) days prior to the holding of a meeting, shall be entitled to vote at a meeting.

(2) No member who is in default more than thirty (30) days in the payment of any assessments shall be entitled to vote at any meeting of the Association.

(3) At any meeting of members, fifty one percent (51 %) of the members entitled to vote represented in person or by proxy shall constitute a quorum of the meeting of members.

(e) At all meetings of the members, a member may vote by proxy executed in writing by the member or by the member's duly authorized attorney in fact. Such proxy may be filed with the secretary of the Association before the time of the meeting.

**6. Voting.** Each lot in Honeysuckle Hill shall be entitled to one (1) vote in the Association. Where ownership of a lot is in the name of more than one person, whether husband and wife or otherwise, the several owners thereof shall be entitled to only one (1) vote among them. A corporation owning a lot shall be entitled to authorize persons to represent the corporation in voting for the lot.

**7. Informal Action by Members.** Unless prohibited by law, any action required to be taken at a meeting of the members may be taken without such meeting if consent in writing setting forth the action so taken shall be signed by all of the members entitled to vote with respect to the subject matter thereof.

**8. Officers.** The officers shall consist of a President, Secretary and Treasurer, which offices may all be held by the same person. The officers shall be elected by and serve at the pleasure of the Board of Directors and may be removed from office by a unanimous vote of the Board of Directors whenever in its judgment the best interests of the Association will be served thereby.

(a) **President.** The President shall be the principal executive officer of the Association, and shall supervise and control the business and affairs of the Association, subject to the control of the Board of Directors. The President shall, when present, preside at all meetings of the members and Directors. In general, the President shall perform all duties incident to the office of President and such other duties as may from time to time be prescribed by the Board of Directors.

(b) **Secretary.** The Secretary shall keep the minute book wherein all resolutions and votes of the members and Directors shall be recorded, and shall have custody of the record book containing the names and places of residence of all members. In the event of the absence, incapacity or death of the President, the Secretary shall perform the duties of the President, and when so acting, shall have all the powers of and be subject to all the restrictions upon the President. In general, the Secretary shall perform all duties incident

to the office of Secretary and such other duties as may from time to time be prescribed by the Board of Directors.

(c) Treasurer. The Treasurer shall have charge and custody of and be responsible for all funds and securities of the Association. In general, the Treasurer shall perform all duties incident to the office of Treasurer, and such other duties as may from time to time be prescribed by the Board of Directors. The Treasurer is responsible for preparation of an annual budget for review by the Board prior to submission to the membership for approval at the annual meeting.

**9. Board of Directors.** The business and affairs of the Association shall be managed by a Board of Directors consisting of at least one (1) and a maximum of three (3) Directors. The Officers and Directors may, but are not required to, be the same persons. The Board of Directors shall be elected annually from among the members by a vote of a majority of the members at a meeting called for that purpose.

(a) Meetings of the Board of Directors. Meetings of the Board may be called by the President as required, or by any two (2) members of the Board.

(b) Quorum. A majority of the Board members shall constitute a quorum for the transaction of business

(c) Power of the Board of Directors. The Board of Directors shall have the power to:

1. Adopt, amend and rescind administrative rules and regulations for use of Association property;
2. Establish penalties for the infraction of said administrative rules and regulations; and
3. Exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership or conferred upon it by other provisions of these By-Laws, the Articles of Association, and the Vermont Nonprofit Corporation Act.

(d) Resignation. Any Board member may resign at any time by written notice to the Board of Directors. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein. Unless otherwise specified therein, acceptance of such resignation by the Board of Directors shall not be necessary to make it effective.

(e) Compensation. No Board member shall be compensated for their services unless otherwise voted by the Association, excepting that the Secretary shall be reimbursed for expenses incurred.

(f) Removal. Subject to Section \_\_\_\_\_, a Director may be removed for good cause shown by a vote of a majority of the members.

**10. Activation.** The Association shall be activated upon notice to all lot owners in the Subdivision by the Declarant pursuant to Article IX, Section 5 of the Protective Covenants and Restrictions for Honeysuckle Hill recorded on even or approximate date herewith.

**11. Budget and Assessment.**

(a) Directors' Proposal. At least thirty (30) days before the annual meeting, the Board of Directors shall submit to the members a proposed budget for the ensuing year which depicts anticipated operating expenses, reserve assessments, and taxes to be paid. At the same time, the Board of Directors shall propose an assessment to the members for such year sufficient in amount to defray those expenditures.

(b) Members' Adoption. Said proposed budget shall not become final until submitted to the annual meeting of the members who may either adopt the proposed budget and assessment or revise the same and adopt them as revised. The annual assessment shall take effect the first month following its adoption.

(c) Supplemental Assessments. If during any fiscal year the Board of Directors determines that the annual assessments for that year are less than operating expenses actually incurred or likely to be incurred, the Board may recommend a supplemental assessment and convene a special members' meeting for the purpose of acting upon such recommendation. Such a supplemental assessment shall be payable in accordance with the resolution authorizing the same.

**12. Liens.** Assessments and charges levied by the Association pursuant to its authority hereunder shall constitute a lien against each lot on which such assessment and charges are levied. Such lien shall be effective as of the date on which such assessments and charges are due and payable, which date shall be clearly reflected on any billing sent to members.

**13. Notices.**

(a) Notices for the annual meeting provided for herein may be given by ordinary mail, electronic mail, or hand delivery, and shall be deemed given as of the date of depositing in an official United States Postal Service Depository, personal delivery, or confirmation of receipt of electronic mail. Notices for special meetings may be given by ordinary mail, email or hand delivered as agreed to by individual members.



(b) Unless otherwise provided by law, whenever any notice is required to be given to any member under the provisions of these By-Laws, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to giving such notice.

**14. Amendments.** These By-Laws may be altered, repealed or new By-Laws adopted by a vote of the members representing two-thirds (2/3) of all members entitled to vote. No By-Laws shall be so amended, repealed or adopted unless the notice of the meeting specifically set forth such amendments.

Dated at \_\_\_\_\_, Vermont this \_\_\_\_\_. \_\_\_\_\_, 2020.

\_\_\_\_\_  
John Mutchler

\_\_\_\_\_  
Perrin Williams

**DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS  
FOR THE HONEYSUCKLE HILL SUBDIVISION  
WATERBURY, VERMONT**

This Declaration for the Honeysuckle Hill Subdivision, (the “Declaration”) dated as of [month] [day], 2020, shall be effective upon recording and is made by John Mutchler and Perrin Williams of Waterbury, Vermont (the “Declarant”).

Preliminary Statement

WHEREAS, Declarant is the owner of certain property consisting of approximately ninety-five acres (95.63) acres of land, more or less, together with rights, easements, and other interests appurtenant thereto (collectively referred to as the “Property”), situated on the easterly side of Town Highway 6 (Ripley Road) and Town Highway 34 (Sweet Road) in Waterbury, Vermont. The Property is more fully described in EXHIBIT A, attached hereto, and shown on a plat entitled “SURVEY AND SUBDIVISION OF \_\_\_\_\_” by McCain Consulting, Inc., dated \_\_\_\_\_, to be recorded in the Waterbury Land Records;

WHEREAS, Declarant desires to create a Planned Unit Development on the said Property, with certain common elements hereinafter described, for the benefit of the Owners of each lot to be located within said residential area.

WHEREAS, Declarant desires to provide for the preservation of the natural and scenic qualities of open lands and for agricultural, timber, and recreational uses in said development and for the maintenance of said open lands and other common elements and facilities; and, to this end, desires to subject the real property to the covenants, easements, charges and liens hereinafter set forth, each and all of which are for the benefit of said development and each Owner therein.

WHEREAS, Declarant has deemed it desirable, for the efficient maintenance, operation and preservation of said development to create an association of the Owners of each Lot in the development to which development rights to said open lands shall be conveyed and to which shall be delegated and assigned the powers to maintain, administer, and enforce the covenants and to collect and disburse the assessments and charges hereinafter created.

WHEREAS, Declarant has incorporated under the laws of the State of Vermont, a nonprofit corporation, HONEYSUCKLE HILL HOMEOWNERS’ ASSOCIATION, INC. for the purpose of exercising the functions aforesaid.

WHEREAS, Declarant has received permits and approvals for the subdivision of the Property into six (6) residential lots and one (1) conserved lot.

NOW THEREFORE, Declarant declares that the real property described in EXHIBIT A attached hereto is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, easements, charges and liens (sometimes referred to as "the covenants") hereinafter set forth, and subject further to the terms and provisions of state and local permits, all as may be amended from time to time, including but not limited to [PUD decision and Site Plan dated and numbered \_\_\_\_\_ and/or include list of permits issued].

ARTICLE I  
Definitions

Section 1. The following words when used in this Declaration or any Supplemental Declaration (unless the context shall prohibit) shall have the following meanings:

(a) "Association" shall mean and refer to the Honeysuckle Hill Homeowners' Association, Inc.

(b) "Property" shall mean and refer to the property owned by Declarant which is subject to this Declaration as more fully described in EXHIBIT A hereto.

(c) "Lot" shall mean and refer to each of the six (6) residential Lots hereinafter described and all improvements thereon, and the appurtenances thereto, including the appurtenant interest in common elements and facilities. The boundaries of each said Lot and the boundaries of the Development are located on a plat entitled "\_\_\_\_\_ " by McCain Consulting, Inc., dated \_\_\_\_\_, filed for record in the Waterbury Land Records.

(d) "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot located within the property, but, notwithstanding any applicable theory of the mortgage, shall not mean or refer to the mortgagee unless and until such mortgagee has acquired title pursuant to foreclosure or any proceedings in lieu of foreclosure. The Declarant shall be an "Owner" for all purposes of each Lot of which it is record owner.

(e) "Common elements" shall mean and include the following general elements located within the property: all private rights of way, stormwater management infrastructure, together with any appurtenant easements of access and utilities.

(f) "Occupant" shall mean and include all lessees of a Dwelling Unit on a Lot.

(g) "Dwelling Unit" shall mean a residential unit constructed on a Lot.

(h) "Member of the Association" shall mean and refer to all Owners of Lots.

(l) "Conserved Lot" shall mean and refer to the Lot 1 consisting of 75.92 acres of land and subject to a Grant of Conservation to the Association dated \_\_\_\_ and recorded at Book \_\_\_\_, page \_\_\_\_ of Town of Waterbury Land Records.

## ARTICLE II

### Membership and Voting Rights in the Association

Section 1 - Membership. Every Owner of a Lot shall be a Member of the Association. Membership shall commence upon acquisition of fee simple title to a Lot and terminate upon voluntary or involuntary relinquishment of title.

Section 2 - Voting Rights. The Association shall have one (1) class of voting membership based upon one (1) vote for each Lot in which the interest required for membership is held. When more than one person holds such interest or interests in any Lot, all such persons shall be Owners and the vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to each Lot. Fractional votes shall not be counted. Declarant shall also be entitled to one (1) vote for each Lot of which it is record owner.

## ARTICLE III

### Property Rights in the Conserved Lot

Section 1 - Title to the Conserved Lot. The Declarant may, but shall not be required to, convey legal title to the Conserved Lot to the Association.

Section 2 - Use of the Conserved Lot. Use of the Conserved Lot shall be reserved to Declarant, its heirs, successors, and assigns, and shall be in accordance with the Grant of Conservation to the Honeysuckle Hill Homeowners' Association, Inc., dated \_\_\_\_\_ and recorded at Book \_\_\_\_, page \_\_\_\_ of the Town of Waterbury Land Records. The Declarant, its heirs, successors and assigns, may grant permission to the Owners or Occupants for purposes in accordance with the Grant of Conservation, and as may be further defined or restricted by the rules and regulations of the Association. A use fee may be charged.

ARTICLE IV  
Covenant for Assessments

Section 1 - Creation of the Lien and Personal Obligations of Assessments. The Declarant, so long as Declarant owns a Lot, including the Conserved Lot, and each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in any deed or other conveyance, shall be deemed to covenant and agree to pay to Declarant until such time as authority is turned over to the Association, as provided for in Article IX, Section 5 herein:

(a) "Periodic" assessments or charges; and

(b) "Special" assessments, as fixed, established and to be collected from time to time as hereinafter provided. The assessments, together with such interest thereon and cost of collection thereof as is hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the property against which each assessment is made. Each such assessment, together with interest and costs of collection, shall also be the personal obligation of the Owner of such property at the time when such assessment fell due. Provided, however, that in the event of foreclosure of a Lot which results in the mortgagee obtaining title, then in such event the mortgagee shall be liable for any unpaid assessments which accrue prior to the acquisition of title to such Lot by the mortgagee only to the extent allowable by law.

Section 2 - Purpose of Regular Assessments. The regular assessments levied by Declarant, its successors or assigns, shall be used for the purpose of maintaining the natural and scenic qualities of the Conserved Lot, including such maintenance as may be required to enroll or continue enrollment in the Vermont Current Use Program; and for maintenance, repair, improvement, and replacement of the common elements including the stormwater management infrastructure, and common roadways within the development, including snow removal, sanding, grading and culvert repair.

Section 3 - Amount of Payment of Regular Assessments. The amount of the regular assessments shall be established by a budget set annually by Declarant, its successors or assigns, in accordance with the By-Laws of the Association. Such budget may include a reasonable allocation for reserve funds for repair, maintenance, and reconstruction of common elements. The annual budget shall be divided equally among all Owners. The Owners shall pay their share of the annual budget in equal periodic installments, due and payable on the first day of each period. Notice of the amount of periodic assessments for an ensuing calendar year shall be given to Owners prior to December 15 of each year, or as soon thereafter as is reasonably practicable. Failure of the Declarant, its successors or assigns, to adopt the budget or give notice as provided herein shall not affect the validity of the budget or liability of Owners for assessments, the prior assessment to continue until superseded.

Section 4 - Special Assessments. In addition to the regular assessments, the Declarant, its successors or assigns, may levy in any assessment year, a "special" assessment for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, repair or replacement of common elements, or for any unforeseen major expense relating to the common elements.

Section 5 - Date of Commencement of Liability for Assessments. The liability of an Owner for regular or special assessments shall commence on the date of conveyance of a Lot to any Owner, the current regular or special assessment to be pro-rated between seller and buyer.

Section 6 - Assessment Records. The Declarant, its successors or assigns, shall keep a record of the regular and special assessments paid and to be paid by each Lot Owner which shall be open to inspection by any Owner.

Section 7 - Certificate of Status. The Declarant, its successors or assigns shall upon demand at any time furnish to any Lot Owner a certificate in writing signed by a duly authorized agent of the Declarant, its successors or assigns, setting forth the status of such Owner's account. Such certificates shall be conclusive evidence of payment of any assessment therein stated to have been paid.

Section 8 - Effect of Non-Payment of Assessments; The Personal Obligation of the Owner; The Lien; Remedies of Association. If the assessments are not paid on the date when due or within twenty (20) days thereafter, such assessment shall become delinquent and shall, together with interest, late charges, and costs of collection including reasonable attorneys' fees, as hereinafter provided, become a continuing lien on the property which shall bind such property in the hands of the Owner, their heirs, devisees, personal representatives and assigns; said lien may be enforced by the Declarant, its successors or assigns by foreclosure in like manner as a mortgage. The Declarant, its successors or assigns may also bring an action at law against the Owner personally obligated to pay the same.

Section 9 - Subordination of the Lien to Mortgages. The lien for assessments provided for herein shall be subordinate to the lien of any mortgage or mortgages now or hereafter placed upon the Property subject to assessment as required by law; provided, however, that such subordination shall apply only to the assessments which have become due and payable prior to the transfer of such property pursuant to a decree of foreclosure, or any proceeding in lieu of foreclosure. Such transfer shall not relieve such transferee from liability for any assessments thereafter becoming due, nor the property from the lien of any such subsequent assessment.



ARTICLE V  
Sewage Disposal Systems and Potable Water Supply Systems

The Lots shall be serviced by on-site individual or shared sewage disposal systems and potable water supply systems, constructed in accordance with state and local requirements. Any shared systems shall be maintained by the shared users of said systems pursuant to such rights and obligations as shall be stated in the deeds from Declarant to Owner conveying the Lots which are subject to such shared systems and/or by reference to the applicable permits for such shared systems.

ARTICLE VI  
Reservation of Rights

Section 1 - Easement for Encroachments. If any portion of a dwelling unit encroaches upon another Lot as of the time of the first conveyance thereof by Declarant, then an easement for such encroachment shall exist for so long as the said dwelling unit shall stand.

Section 2- Reservation of Easement. Declarant reserves for itself, its successors and assigns, an easement and right of way over, upon and across the general and limited common elements, including but not limited to, easements over all roadways and to all utility pipes, lines, conduits and appurtenances for the purpose of constructing and marketing dwelling units on Lots owned by Declarant. Declarant reserves the further right to store materials thereon and make such other use thereof as may be reasonably necessary incident to construction, development and sale of the dwelling units and Lots.

Section 3 - Reservation of Right to Maintain Model Units and Sales Office. Declarant shall have the right to maintain a model unit and sales office on the land within the property and to use the model unit and sales office during the period that Lots remain unsold.

ARTICLE VII  
Use and Structures

Section 1 - Residential or Professional Use. Lots shall be used for residential (and home occupation or professional) purposes only. Rental of a dwelling unit is permissible.

Section 2 - Prohibition of Trailers and Temporary Structures. No residential trailer, mobile home, tent, A-frame structure, above ground swimming pool or temporary structure of any kind shall be placed on any of the Lots, except that this provision shall not preclude the temporary residential use of a recreational vehicle or trailer during construction of any home. A “trailer” or “mobile home” shall not include a “modular home” or other structure which is stick-built and

delivered to a building site. These restrictions shall also be contained in the deed for each Lot.

Notwithstanding the foregoing, other permissible structures such as in-ground swimming pools, tennis courts, hot tubs and/or spas shall be suitably screened and placed in accordance with these covenants. Campers, recreational vehicles (i.e. RVs), or commercial vehicles may be stored or parked on a Lot so long as they are in a closed garage or kept in a manner that insures such vehicle is not visible from any other Lot. No unregistered motor vehicles shall be placed on a Lot at any time unless garaged. The maintaining and keeping of small utility trailers, boat trailers, farming equipment, and lawn and garden equipment on a Lot is permitted.

Section 3 - Signs. No signs shall be erected on any Lot except as may be approved by the Declarant, its successors or assigns.

Section 4 - Prohibited Activities. No business, industry, or trade of a noxious or offensive nature shall be carried on upon any of the Lots or in any dwelling unit, nor shall any Lot be used as a dumping ground, nor shall anything be done on any Lot or in any dwelling unit which may constitute a nuisance at common law.

The common elements may not be used by snowmobiles, motorized all-terrain vehicles, or similar vehicles, or any type of unregistered motor vehicles.

Section 5 - Maintenance of Common Elements and the Conserved Lot. The Association shall be responsible for all maintenance, repair, and replacement of the common elements, including but not limited to all roadways, landscaping, storm water infrastructure, access points, signage, and structures, if any.

Land management of the Conserved Lot shall be the responsibility of Declarant, its successors or assigns, until such time as Declarant conveys title to the Association by recording of a deed thereto.

Section 6 - Building and Use Restrictions. The following building and use restrictions shall apply to each Lot and dwelling unit, in addition to any other building and use restrictions of record:

(a) Trash Storage and Disposal. A Lot Owner shall not dispose of nor store garbage or trash above ground and outside the buildings in any area except as approved by the Declarant, its successors or assigns. Lot Owners shall be responsible for removal and disposal of trash and garbage from their respective Lots and dwelling units. There shall be no disposal of trash, rubbish, or garbage by burning of the same outdoors.

(b) Bird Feeders. For the safety of the Lot Owners and wildlife, bird feeders shall be allowed only in compliance with the Vermont Agency of Natural Resource's guidelines.

(c) Domestic Pets, Poultry and Livestock. Dogs and cats, as applicable, shall be vaccinated, licensed and maintained under the control of their owners and in compliance the Town of Waterbury's municipal regulations. Poultry and livestock shall be allowed on all Lots so long as they do not constitute a nuisance or transmit noxious odors outside of Lot boundaries. All domestic pets and livestock should be contained to the Owner's Lot.

(d) Maintenance of Dwelling and Lot. Lot Owners shall be responsible for the repair, maintenance, and replacement of their dwelling units, and for the demolition and/or repair or restoration of any dwelling unit destroyed or damaged by casualty, negligence, or vandalism. Each Lot Owner shall be responsible for the maintenance of their Lot, including landscaping, planting, and mowing. In the event an Owner fails to maintain their Lot, the Declarant, its successors or assigns, upon thirty (30) days' notice to the Owner, may perform the service and charge Owner for the expense thereof.

(e) Motorized Recreational Vehicles. All motorized recreational vehicles are prohibited on the Property except those specifically permitted by separate written instrument of record in the Town of Waterbury Land Records.

(f) Residential Building Energy Standards. All dwellings shall be constructed in compliance with the requirements of the current Vermont Residential Building Energy Standards (RBES). Prior to the construction of any dwellings on any of the lots, a finalized REScheck report shall be filed [as required by Act 250/State Land Use Permit #\_\_\_\_\_].

(g) Low-Flow Plumbing Fixtures. Lot Owners or Occupants shall install and maintain only low-flow plumbing fixtures in any buildings. Any failed water conservation measures shall be promptly replaced with products of equal or better performance [as required by Act 250/State Land Use Permit #\_\_\_\_\_].

(h) Exterior Lighting. Lot Owners shall install only those exterior light fixtures as approved by Declarant, its successors or assigns. All fixtures shall be shielded and downcast so as to conceal light sources from view beyond the perimeter of the Lot.

(i) Fences. No fences shall be permitted except with the approval of Declarant, its successors or assigns.

(j) Vegetated Screen and Tree Cutting. A vegetated screen of twenty-five (25) feet shall be maintained along common boundary lines between Lots. Within the vegetated screen area, no trees larger than three (3) inches in diameter shall be cut without permission of the Declarant, its successors or assigns, which permission shall not be unreasonably withheld.

(k) Time for Construction. Construction of a building once begun shall be completed within two years. No improvement shall be left in an incomplete state or allowed to fall into a state of disrepair.

(l) Size of Residence, Underground Utilities. Any residence constructed on a Lot shall contain at least 1,400 square feet of above ground living space. No structure shall exceed thirty-five feet in height, or by approval of Zoning Administrator and Declarant, its successors or assigns. All utility lines shall be buried underground.

(m) Building and Wetland Buffers. A twenty-five (25) foot buffer free of permanent structures shall be maintained along common boundary lines between Lots and any above ground structures; however nothing here shall prevent the installation of approved fencing within said buffer. A fifty (50) buffer shall be maintained between designated wetlands areas, as shown on the subdivision Survey.

(o) Firearms. The use of recreational firearms are prohibited on Lots.

Section 7 - Architectural Approval. The design of dwelling units shall be subject to the review of Declarant, its successors or assigns. Approval may be withheld for any reason or no reason. Complete building plans shall be submitted to Declarant prior to commencement of construction for prior written approval. The Declarant shall approve or disapprove such plans within fourteen (14) days of submission. Upon request, Declarant shall execute a written approval of such plans in recordable form. Upon the sale of the last Lot in the development, control shall pass to the Association, and any new construction, reconstruction or external addition to or alteration of an existing dwelling shall be subject to the approval of the Board of Directors of the Association.

## ARTICLE VIII

### Roads

Access to Honeysuckle Hill is by way of two private roads. Each Lot Owner is responsible for an equal share of the costs associated with the maintenance and repair of the two roads and an equal share of the cost associated with the shared rights-of-way which connect the private roads to Town Highway #6 and #34. These costs shall be billed as outlined in Article IV, above. The owner of each lot shall be considered a user of both of the private roads and shared rights-of-way, and shall pay an equal share of the costs of upkeep, maintenance, and repair of the private roads and shared rights-of-way with the other users thereof. Such costs shall include, but are not limited to snow plowing, sanding, grading, graveling and replacement of culverts. Each

lot owner is responsible for the maintenance and repair of their own individual driveways and utility lines.

The cost to repair any damage to the roads and shared rights-of-way created by heavy equipment using the roads to build a dwelling or any other structure for a lot owner and/or logging trucks or equipment, will be the sole responsibility of that owner to repair.

## ARTICLE IX General Provisions

Section 1 - Duration. The covenants and restrictions of this Declaration shall be perpetual and shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Declarant, its successors and assigns, the Association, and the Lot Owners subject to this Declaration, their respective legal representatives, heirs, successors and assigns.

Section 2 - Modification of Restrictions. The covenants, agreements, conditions, reservations, restrictions, and charges created and established herein for the benefit of the Property may be waived or modified upon the written consent of all of the Lot Owners.

Section 3 - Notices. Any notice required to be sent to any Owner under the provisions of this Declaration shall be deemed to have been properly sent when mailed, postpaid, to the last known address of the person who appears as a Member on the records of the Declarant, its successors and assigns, at the time of such mailing.

Section 4 - Permission of Planning Commission and Development Review Board Required. Anything contained herein to the contrary notwithstanding, the covenants contained herein which incorporate specific conditions contained [in the Site Plan or PUD Approval of the Waterbury DRB] may not be waived, terminated or modified without the permission of the Waterbury Development Review Board, or its successor board or agency.

Section 5 – Authority and Enforcement. Until such time as authority is turned over from the Declarant to the Association as provided for herein, the authority to alter, amend, or terminate the provisions of these Covenants and Restrictions rests solely with the Declarant (or the survivor).

After the sale of all Lots by Declarant – or upon the filing of a Notice in the Land Records of the Town of Waterbury by the Declarant – whichever is earlier, all remaining privileges, powers, rights and authority vested in or reserved by the Declarant shall be transferred to, exercised by and vest in the Homeowners' Association. Prior to such transfer of authority, Covenants and Restrictions may be altered, amended, or terminated by the Declarant, or provisions waived or

modified by the Declarant, except as set forth above, by the recording of such waiver, alteration, amendment, or termination in the Waterbury Land Records.

Following the transfer of authority, alteration, amendment, or termination of these Protective Covenants shall be effective upon unanimous written approval of the then existing Owners, with such alteration, amendment or termination being filed in the Waterbury Land Records; and the right to enforce these covenants and restrictions shall be vested in the Association or any Lot Owner proceeding at law or in equity against any person or persons violating or attempting to violate any covenants, either to restrain violation or to recover damages, and against the property to enforce any lien created by these covenants. Failure by the Declarant, Association, or any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

In no event shall Declarant or the Association amend or terminate any Covenants or Restrictions which would result in a violation of any state or municipal permit pertaining to the subdivision.

Section 6 - Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, we have hereunto set out hands on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
John Mutchler

\_\_\_\_\_  
Perrin Williams

STATE OF VERMONT  
WASHINGTON COUNTY, ss.

At Waitsfield, in said County on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, personally appeared John Mutchler and Perrin Williams and they acknowledged this instrument, by them signed and subscribed, to be their free act and deed. Before me,

\_\_\_\_\_  
Notary Public  
My commission expires 1-31-2021

Exhibit A

Property Description

All and the same lands and premises as were conveyed to John Mutchler and Perrin Williams by Warranty Deed of Felix J. Callan, Trustee of the Felix J. Callan Revocable Trust, u/t/a dated February 15, 2000, and Geraldine L. Callan, Trustee of the Geraldine L. Callan Revocable Trust, u/t/a dated February 15, 2000, by Warranty dated \_\_\_\_\_ and recorded in Book \_\_\_\_\_, at pages \_\_\_\_\_ of the Waterbury Land Records.



SCHEDULE A

Being part of all and the same lands and premises as were conveyed to John Mutchler and Perrin Williams by Warranty Deed of Felix J. Callan, Trustee of the Felix J. Callan Revocable Trust, u/t/a dated February 15, 2000, and Geraldine L. Callan, Trustee of the Geraldine L. Callan Revocable Trust, u/t/a dated February 15, 2000, which deed is dated \_\_\_\_\_ and recorded in Book \_\_\_\_\_, at pages \_\_\_\_\_ of the Waterbury Land Records.

Being a parcel of land consisting of 76 acres more or less, designated as Lot 1 on a plat entitled \_\_\_\_\_ by McCain Consulting, Inc., dated \_\_\_\_\_ 2020, and recorded \_\_\_\_\_ 2020, at Map Slide \_\_\_\_\_ of the Waterbury Land Records.

**Town & Village of Waterbury  
Development Review Board  
Callan / Mutchler & Williams 9-Lot PUD  
September 2, 2020**

**STAFF REPORT**

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Owner/Applicant: Felix & Geraldine Callan / John Mutchler & Perrin Williams  
Address/Location: Corner of Sweet Rd. & Ripley Rd., Waterbury Center, VT  
Zones: Medium Density Residential (MDR), Low Density Residential (LDR), Conservation (CNS)  
Application # 082-20 Tax Map # 10-023.000

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**Applicant Request:**

The applicant seeks approval for a 9-lot Planned Unit Development (PUD) located at the corner of Sweet Rd. and Ripley Rd. in the Medium Density Residential (MDR), Low Density Residential (LDR), and Conservation (CNS) zoning districts. The PUD includes six residential lots, one common land lot, and one agricultural lot.

**Exhibits:**

- A: Application #082-20 (11 pp: Zoning, Subdivision – PUD, Narrative), submitted 8/5/20.
- B: Cover letter from McCain Consulting dated 8/4/20.
- C: Site Plans (9 pp.) for overall PUD & specific lots prepared by McCain Consulting dated 7/22/20.
- D: Aerial maps (3 pp) generated from the ANR Natural Resources Atlas for wildlife & steep slopes, submitted 8/5/20.
- E: Draft Grant of Conservation submitted 8/5/20
- F: Draft Bylaws for Honeysuckle Hill Homeowners Association, Inc., submitted 8/5/20
- G: Draft Declaration of Protective Covenants and Restrictions for Honeysuckle Hill Subdivision submitted 8/5/20
- H: 15-day notice to adjoining landowners, mailed certified on: 8/17/20 \*

*\*Not in DRB printed packet.*

**Project Description:**

1. Existing conditions: Felix & Geraldine Callan own an undeveloped 109.4-acre parcel, Lot #1 located at the corner of Sweet Rd. and Ripley Rd. in the Medium Density Residential (MDR), Low Density Residential (LDR), Conservation (CNS) zoning districts. The parcel is a mix of open land along Sweet Rd. and Ripley Rd. and wooded hillside that rises to the base of the Worcester Mountain Range. There are scenic views of the property and the surrounding landscape from both Sweet Rd. and Ripley Rd. with the backdrop of the mountainside. The parcel includes areas of natural resources that include agricultural soils of statewide significance, forestry soils, wetlands, steep slopes, and forested areas as shown on Exhibits C and D. The parcel is currently in open space and forestry use and is accessed by a woods road off Sweet Rd. that traverses the parcel and connects to the existing Sugarhouse Rd. at the southern boundary of the parcel.

2. Proposal: John Mutchler & Perrin Williams are applying for a 9-lot Planned Unit Development (PUD). The development will consist of six residential lots that will each have one dwelling as shown on Exhibit C, the Site Plans. Lot 1 is a 74.63-acre parcel that will be conserved common land as shown on Exhibit C2. This parcel will be conserved as described in Exhibit E, the Draft Grant of Conservation. Lot 1 shall be owned by the Honeysuckle Hill Homeowners Association as established by Exhibit F, Draft Bylaws for Honeysuckle Hill Homeowners Association, Inc. Lot 1 is 68% of the total overall parcel which exceeds the requirement that a minimum of 50% of the overall parcel be in conserved common or undeveloped land. Exhibit A8 states: “Lot 2 is proposed as a 13-acre agricultural lot, and while that lot will not be included in the common land it will, for all practical purposes, be conserved.” The only structures that will be allowed in the future will be for agricultural use. Lot 5 is a proposed 0.64-acre undeveloped parcel that will be conveyed to the adjacent property owners, Paul and Magali Welch. This Lot 5 will be merged with the Welch’s parcel.

The proposed building Lots 3, 4, 6, and 7 will be accessed by the existing woods road off Sweet Rd. (a Town road) that will be upgraded to become Honeysuckle Hill Rd., a private road. Lots 8 and 9 will be accessed by an extension of Sugarhouse Rd. that is also a private road that connects to Ripley Rd., a Town road. All the building lots will be served by on-site wastewater and water supply systems.

Applicable Articles and Sections: This application is to be reviewed under the following Articles and Sections:

- Section 303 — Conditional Uses
- Section 401 — Dimensional requirements
- Section 504 — General Dimension, Location, and Height Requirements
- Article VII — Planned Unit Development (PUD)
- Article X — Ridgelines, Hillsides, Steep Slopes
- Article XII — Subdivisions

3. Section 504 General Dimension Requirements: Any subdivision of land must conform to the relevant criteria in Section 504. See the table below for the underlying MDR, LDR and CNS zoning districts and the double setback requirement for lots in a PUD in those districts. Note that the minimum lot sizes and frontage requirements for a given zoning district do not apply in the case of a PUD. The density of six lots (3, 4, 6, 7, 8 & 9) for residential dwelling units is far less than the density that could mathematically be calculated for the overall parcel.

	Zoning District	Proposed Lot Size	MDR/LDR/CNS Double Setback	Proposed Setback to exterior of PUD where applicable
Lot 1	MDR/LDR/CNS	74.63 acres	N/A (common land)	
Lot 2	MDR/LDR	13.09 acres	N/A (agricultural use)	
Lot 3	MDR	2.49 acres	Front: 120’ Side: 100	Front: 120’ min. Side: 100’ min.
Lot 4	MDR/CNS	1.29 acres	Side: 100’	Side: 100’ min

Lot 5	MDR/CNS	0.64 acres	N/A (to be conveyed to Welch)	
Lot 6	CNS	2.05 acres	200'	100'
Lot 7	CNS	8.21 acres	200'	Exceeds 200'
Lot 8	CNS	4.17 acres	200'	Exceeds 200'
Lot 9	CNs	2.85 acres	200'	Exceeds 200'

4. Setbacks and request for reduction in the double setback: Lot 6 is the CNS zoning district. The double setback requirement along the northern boundary of the lot is 200'. The owners/applicants are requesting a reduction in this double setback of 100' for a rear setback of 100' (200' – 100' = 100'). There are no other interior setback requirements for this lot therefore the other setback requirements are met.

The following criteria apply to the requested reduction to the double setback for the exterior boundary of Lot #6 in the Honeysuckle Hill PUD:

Section 700      General Purpose

*(a) The purpose of planned unit development (PUD) is to enable and encourage flexibility of design and development of land in such a manner as to promote the most appropriate and efficient use of land, to facilitate the adequate and economical provision of streets and utilities, and to preserve the natural and scenic qualities of open lands in conformance with the Municipal Plan and this bylaw. PUDs may include any mix of residential and nonresidential uses that are allowed in a district.*

This is a residential Planned Unit Development.

*(b) Accordingly, the Development Review Board is hereby authorized to modify the area and dimensional requirements of this bylaw simultaneously with the approval of the subdivision plat for a PUD. However, such modifications shall be limited as provided in 24 V.S.A. §4417 and as set forth below.*

Section 702      Permitted Densities

*(b) Along the outside boundary of the PUD project, setbacks shall be twice the dimensions established for the district in which the project, or applicable portion of the project, is located. The Development Review Board may, in accordance with the review process contained in Section 704(g), reduce this double setback for a portion of the entire outside boundary, provided the following criteria are met: 1) The setback is not less than the required setback for the district in which the affected portion of the project is located; 2) the applicant shall demonstrate that a lot configuration which utilizes the double setback exclusively does not yield practical building sites and does not meet the general purpose of these PUD bylaws; and 3) adequate screening and landscaping exist or are proposed as required in Sections 301(f)(3) and 705(k). Other than this setback, no other setbacks apply to PUDs.*

Exhibit A8 addresses these criteria as follows:

“To allow for the most practical building sites the application requests a reduction in the PUD double setback down to the standard 100’ Conservation zoning setback for Lot #6 only.” The lot is constrained by the existing woods road that will become Honeysuckle Hill Road and will provide access to the lot along its southwest border, and forestry soils to the east that are to be left undisturbed. The northern section of the lot is a dense evergreen forest along both sides of the existing brook as shown on Exhibit D1, that will be left undisturbed and will provide an effective natural screen for the adjacent Welch lot to the north. The Welch lot is currently undeveloped.

#### 5. Section 705 Standards of Review

Exhibit C8 – C11, PUD Narrative and Supporting Information addresses the applicable criteria in this Section. The following applicable review criteria **are/are not** met:

*(a) The project must conform to the density and dimensional requirements set forth in Section 702.*

*(c) The project is an effective and unified treatment of the development possibilities of the site and makes appropriate provision for preservation of streams and stream banks, steep slopes, wetlands, soils unsuitable for development, agricultural and open lands, unique natural and man-made features, watersheds, wildlife habitat, floodplains, and scenic features.*

*(f) If a project is not served by a public water supply system and a public sewer system, approval of the water supply and sewage disposal systems by all state authorities shall be required.*

*(g) The proposed PUD shall not unduly burden the school system. The applicant may be required to obtain a letter from the Superintendent of Schools regarding the impact of the project on the school system.*

*(h) The proposed PUD shall not unduly burden municipal roads, including intersections and access roads immediately burdened by the project.*

*(i) Development access roads shall be of a width, surface, and design adequate for handling proposed traffic, including accessibility for emergency vehicles, school buses, and public transit, if appropriate.*

*(j) Adequate pedestrian circulation, which may include sidewalks, maintained trails, or other pathways, shall be provided.*

*(k) Adequate landscaping and screening of both buildings and parking areas shall be required in order to protect scenic vistas and the site's natural aesthetic features.*

*(l) The proposed PUD must be consistent with the Municipal Plan.*

*(m) Land that is not included in building lots, streets, rights-of-way, or utility easements shall be reserved as undeveloped land for recreation, conservation, agriculture, and the enhancement of the natural environment for living. Such undeveloped land shall not be less than 50 percent of the total project area. Further, the undeveloped land shall:*

*(1) Take the fullest advantage of all natural features, such as natural watercourses and drainages, topography, existing trees, outlook, agricultural land, forests, and other features;*

(2) *Be in a location, and of a character, size, extent, and shape suitable for the land's intended use;*

(3) *Contain no building or development, except one primarily devoted to a purpose for which the undeveloped land is intended, including swimming pool, tennis courts, and similar recreational facilities, and minor incidental buildings connected therewith; and*

(4) *Be conveyed to:*

*(B) An association of homeowners or tenants, which adopts and imposes covenants and restrictions on the undeveloped land that adequately provide for its continuing maintenance; See Exhibit E, Grant of Conservation, and Exhibit F, Draft Bylaws for Honeysuckle Hill Homeowners Association, Inc., and Exhibit G, Draft Declaration of Protective Covenants and Restrictions for Honeysuckle Hill Subdivision*

6. Section 1004 RHS Standards of Review:

Exhibit C8 – C11, PUD Narrative and Supporting Information addresses the applicable criteria in this Section. The following applicable review criteria **are/are not** met:

All of the proposed development is located below 1,499 FIE as shown on Exhibit C2. Per Section 1001, the project is classified as “minor” development. Minor development projects on lands within the RHS overlay district shall be subject to conditional use review.

Section 303 Conditional Use criteria: Development of lands within the RHS overlay district shall comply with the following conditional use review standards:

1. Section 303(e)(1) Community facilities: These criteria parallel the PUD standards of review in Sections 705 (f) though (i) as addressed above.
2. Section 303(e)(2)(A–E) Character of the area: The existing uses in the immediate area are residential. Light and noise impacts will be typical of standard residential use, which will not cause danger of fire, explosion, or electrical hazard, or in any other way jeopardize the health and safety of the area. The application materials did not specify any historic sites, or rare or irreplaceable natural areas on the parcel. The State of Vermont does not identify any rare, threatened, or endangered species, or deer wintering areas on the parcel. Clearing of the lots shall be as shown on Exhibit C-13 and is consistent with other recently approved development in the RHS overlay district for minor development.
3. Section 303(e)(3) Municipal bylaws in effect: Residential lots are a permitted use within the MDR, LDR and CNS zoning districts and are a conditional use when they are located within the RHS overlay district. The application represents compliance with the zoning bylaws.
4. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The proposed residential use will not typically create the above-named nuisances and therefore no devices or special methods are required to control these impacts.

5. Section 303(h) Removal of earth or mineral products conditions: The project does not include earth removal activities. This provision does not apply.

7. Section 1202 Review Criteria

Exhibit C8 – C11, PUD Narrative and Supporting Information addresses the applicable criteria in this Section. The following applicable review criteria **are/are not** met:

*(a) Prior to granting approval for any subdivision of land into four (4) or more parcels, including the original parcel, within a continuous five (5) year period, the Board must find that the proposed subdivision conforms to the following standards, in addition to the relevant criteria in Section 401, Dimensional Requirements, and Section 504, General Dimension, Location, and Height Requirements:*

- a. The proposed subdivision will not have an undue adverse impact on the capacity of existing or planned community facilities to accommodate it including public roads and highways, municipal water or sewer systems, public schools, and municipal fire protection services.
  - i. The Board may seek or require advisory input from the Municipal Manager, Fire Department, Police Department, School Board, or other municipal officials regarding relevant facilities.**
- b. The proposed subdivision will not have an undue adverse impact on the character of the area affected as defined by the Municipal Plan and the zoning district in which the proposed project is located.*
- c. The proposed subdivision will not result in undue adverse impact to water quality or downstream properties, and will not cause undue adverse impacts to soil through erosion or reduction in the capacity of the land to hold water.*
- d. Will not have an undue adverse impact on aesthetics, the scenic or natural beauty of the area, identified scenic resources, or historic sites.*
- e. Will not have an undue adverse impact on significant natural resources.*

# TOWN OF WATERBURY EXHIBIT 41 ZONING PERMIT APPLICATION

Date:	<u>08.07.2020</u>	Application #:	<u>085-20</u>
Fees Paid:	<u>100</u>	+ \$15 recording fee =	<u>115.-</u>
Parcel ID #:	<u>405-0014</u>		
Tax Map #:	<u>16-002.000</u>		

Please provide all of the information requested in this application. Read the Zoning Regulations and familiarize yourself with the requirements. Failure to provide all the required information will delay the process of this application. Based upon the nature of the project you may need to submit additional information. For instructions on how to fill out this form please refer to the *Zoning Permit Application Instructions & Fee Schedule* available on the municipal website or at the municipal offices. Submit one copy of the completed application and a check payable to the *Town of Waterbury* according to the zoning fee schedule. For questions about the permit process, please contact the Zoning Administrator at 802-244-1018.

## CONTACT INFORMATION

### APPLICANT

Name: Hazen Powell  
 Mailing Address: 480 Black Bear Hollow  
Waterbury VT, 05676  
 Home Phone : \_\_\_\_\_  
 Work/Cell Phone: 802-595-5031  
 Email: hazenp802@gmail.com

### PROPERTY OWNER (if different from Applicant)

Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Home Phone : \_\_\_\_\_  
 Work/Cell Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

## PROJECT DESCRIPTION

Physical location of project (E911 address): \_\_\_\_\_  
350 Black Bear Hollow, Waterbury  
 Lot size: 10.6± Ac Zoning District: CNS  
 Existing Use: Unimproved Proposed Use: Residential  
 Brief description of project: \_\_\_\_\_  
20' setback waiver for proposed structure.

Cost of project: \$ TBD Estimated start date: ASAP  
 Water system: On-site Waste water system: On-site

### EXISTING

Square footage: n/a Height: \_\_\_\_\_  
 Number of bedrooms/baths: \_\_\_\_\_  
 # of parking spaces: \_\_\_\_\_  
 Setbacks: front: \_\_\_\_\_  
 sides: \_\_\_\_\_ / rear: \_\_\_\_\_

### PROPOSED

Square footage: 1600 Height: <35  
 Number of bedrooms/bath: 1/1.5  
 # of parking spaces: 2  
 Setbacks: front: 80' (20' waiver)  
 sides: >100' / >100' rear: >100'

## ADDITIONAL MUNICIPAL PERMITS REQUIRED:

- Curb Cut / Access permit
- E911 Address Request
- Water & Sewer Allocation
- none of the above

[Additional State Permits may also be required]

## CHECK ALL THAT APPLY:

### NEW CONSTRUCTION

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Commercial / Industrial Building
- Residential Building Addition
- Comm./ Industrial Building Addition
- Accessory Structure (garage, shed)
- Accessory Apartment
- Porch / Deck / Fence / Pool / Ramp
- Development in SFHA (including repairs and renovation)
- Other \_\_\_\_\_

### USE

- Establish new use
- Change existing use
- Expand existing use
- Establish home occupation

### OTHER

- Subdivision (# of Lots: \_\_\_\_\_)
- Boundary Line Adjustment (BLA)
- Planned Unit Development (PUD)
- Parking Lot
- Soil/sand/gravel/mineral extraction
- Other \_\_\_\_\_



**SKETCH PLAN**

#085-20  
POWELL

Please include a sketch of your project, drawn to scale, with all required measurements - see *Zoning Permit Application Instructions*. You may use the space below or attach separate sheets. For plans larger than 11"x17" please provide a digital copy (pdf. file format) in addition to a paper copy.

A2

See Attached Plan

**SIGNATURES**

The undersigned hereby applies for a Zoning Permit for the use described in this application to be issued on the basis of the representations made herein all of which the applicant swears to be complete and true.

[Signature]  
Applicant Signature

8/5/2020

date

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
date

**CONTACT**

Zoning Administrator Phone: (802) 244-1018

Mailing Address: Waterbury Municipal Offices, 28 North Main Street, Suite 1, Waterbury, VT 05676

Municipal Website: www.waterburyvt.com

**OFFICE USE ONLY**

Zoning District/Overlay: Conservation (CNS)

Review type:  Administrative  DRB Public Warning Required:  Yes  No

DRB Referral Issued (effective 15-days later): Aug-14-2020

DRB Mtg Date: 9/2/20 Decision Date: \_\_\_\_\_

Date Permit issued (effective 16-days later): \_\_\_\_\_

Final Plat due (for Subdivision only): \_\_\_\_\_

Remarks & Conditions: \_\_\_\_\_

Authorized signature: \_\_\_\_\_ Date: \_\_\_\_\_

**REVIEW/APPLICATIONS:**

Conditional Use  Waiver

Site Plan

Variance

Subdivision:

Subdv.  BLA  PUD

Overlay:

DDR  SFHA  RHS  CMP

Sign

Other \_\_\_\_\_

n/a

A3  
POWELL

Date: 8/7/20 Application #: 025-20  
Fees Paid:  (\$15 recording fee already paid)  
Parcel ID #: \_\_\_\_\_  
Tax Map #: 16-002-000

## TOWN OF WATERBURY CONDITIONAL USE INFORMATION

This Conditional Use (and Setback Waiver) information sheet supplements the Zoning Permit application. Please provide all of the information requested on each form. Read the Zoning Regulations and familiarize yourself with the requirements. Failure to provide all the required information will delay the process. Submit one copy of the completed forms and a check payable to the *Town of Waterbury* according to the zoning fee schedule. For questions about the permit process, please contact the Zoning Administrator at 802-244-1018.

### PROJECT DESCRIPTION

Brief description of project: \_\_\_\_\_  
20' setback waiver for the proposed structure (single-family residence).

### CONDITIONAL USE CRITERIA

Please respond to the following; you may answer on a separate sheet and attach additional pages and supporting materials:

1. Describe how the proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities to accommodate it (including roads and highways, municipal water or sewer systems, school system, fire protection services):

A setback waiver does not pose any undue adverse impact on the above-mentioned facilities/services.

2. Describe how the proposed use will not have an undue adverse impact on the character of the area affected as defined by the Municipal Plan and the zoning district in which the proposed project is located:

The character of the area is low-density single family residences, and the proposed setback waiver will not detract from the existing land-use patterns. The proposed waiver is to take advantage of the site topography, and the structure will be adequately separated and screened from adjoining properties.

3. Describe how the proposed use will not violate any municipal bylaws and ordinances in effect:

The structure requires a waiver setback. All other dimensional requirements of the structure have been met.

4. Describe any devices or methods to prevent or control fumes, gas, dust, smoke, odor, noise, or vibration:

No fumes, gas, dust, smoke, odor, noise, or vibration will be present save for during construction of the house.

5. For removal of earth or mineral products which is not incidental to a construction, landscaping, or agricultural operation, a removal project must meet specific conditions outlined within Section 302 of the Waterbury Zoning Regulations. Are the conditions included within the Application Submittals?

N/A, this is not an earth removal project.

**CONTACT** Zoning Administrator Phone: (802) 244-1018  
Mailing Address: Waterbury Municipal Offices, 28 North Main Street, Waterbury, VT 05676  
Municipal Website: [www.waterburyvt.com](http://www.waterburyvt.com)

August 6, 2020

Dina Bookmyer-Baker  
Waterbury Zoning Administrator  
28 North Main St.  
Waterbury, VT 05676

#085-20  
POWELL  
8/7/20

RE: Setback Waiver Request for Proposed Structure  
Powell Property, Black Bear Hollow, Waterbury  
McCain Project No. 39043

Dear Dina,

Enclosed please find the following for the above referenced project:

- Fee check in the amount of \$115.00;
- Zoning Permit Application;
- Conditional Use Application;
- Waterbury Fee Structure Worksheet;
- List of adjoining;
- Preliminary Site Plan, Sheet C-1, dated August 4, 2020.

This application is for a setback waiver for a proposed structure in the Conservation district. The waiver is requested to take better advantage of the site topography in the location of the proposed house, and will have no undue adverse impact on adjoining properties. The proposed waiver would only be for the northern property line that is in common with the Jean Gilpin property.

Thank you for our reviewing our application and scheduling it for review by the DRB. Please let us know when the meeting has been scheduled so we can send adjoining notices.

Sincerely,  
McCain Consulting, Inc.



George N. McCain Jr., P.E.  
Enc.



**Setbacks:**

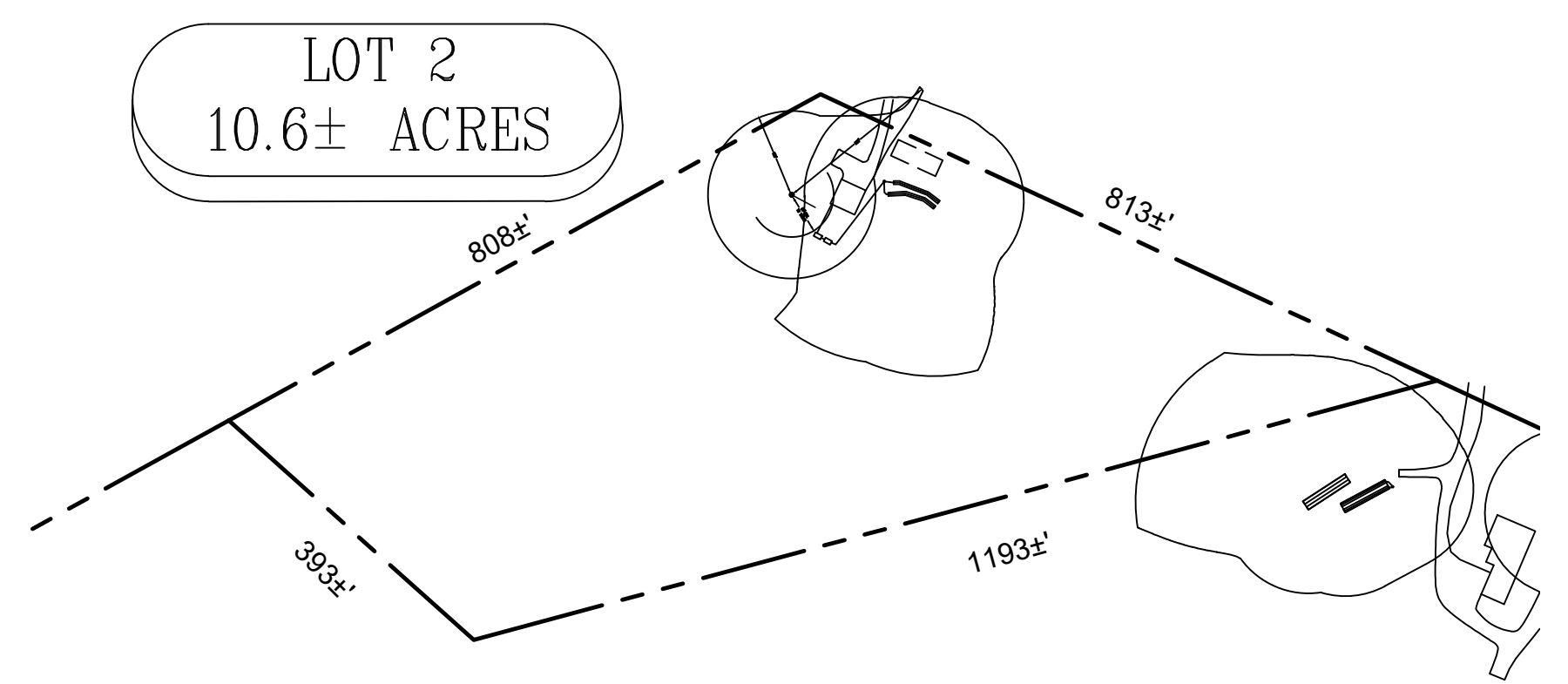
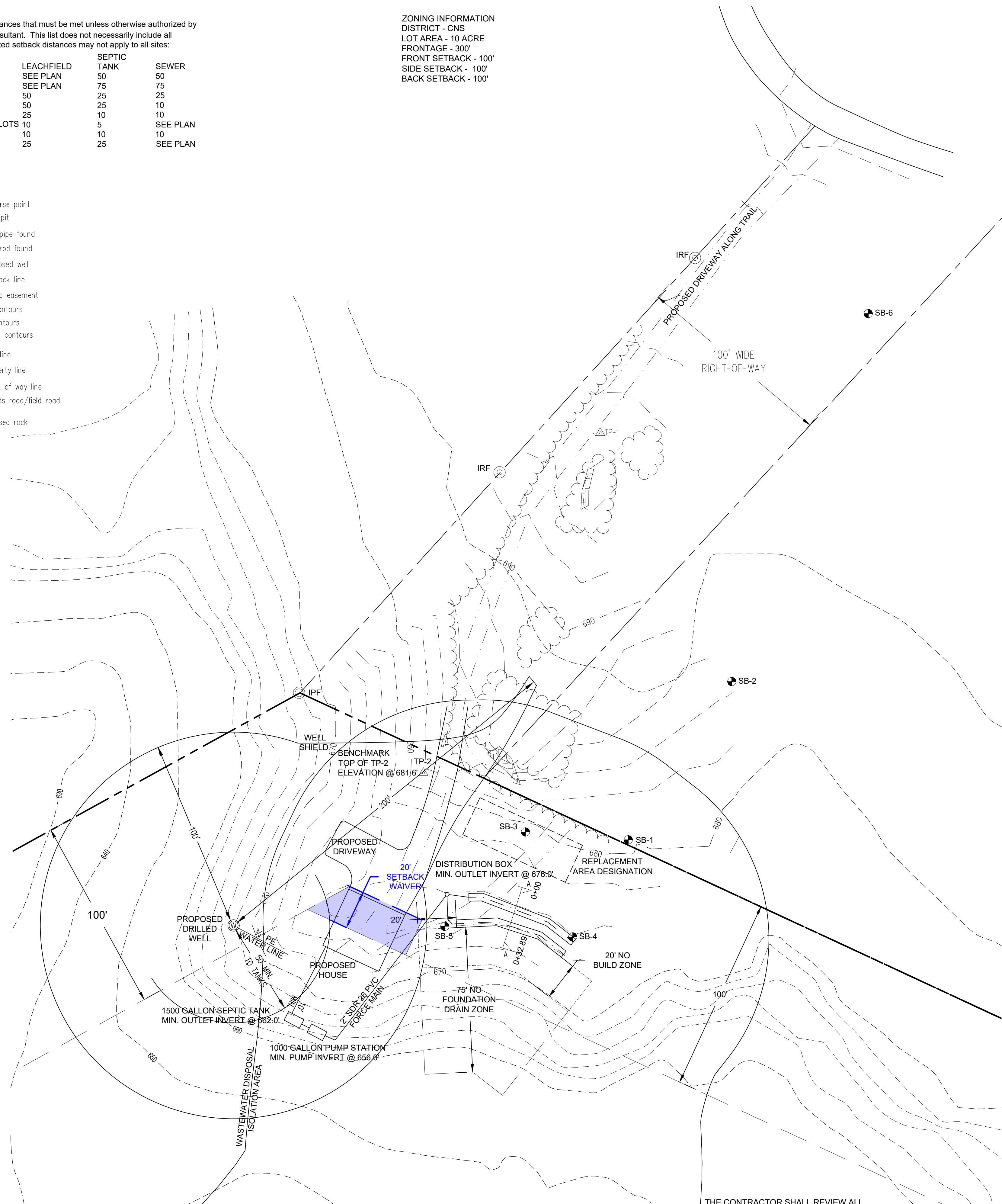
The following are general setback distances that must be met unless otherwise authorized by the permitting authority and/or the consultant. This list does not necessarily include all required setback distances and the listed setback distances may not apply to all sites:

ITEM	LEACHFIELD	SEPTIC TANK	SEWER
DRILLED WELL	SEE PLAN	50	50
SPRING	SEE PLAN	75	75
LAKES, PONDS, IMPOUNDMENTS	50	25	25
RIVERS, STREAMS	50	25	10
PROPERTY LINE	25	10	10
ROADWAY, DRIVEWAY, PARKING LOTS	5	SEE PLAN	SEE PLAN
TREES	10	10	10
SERVICE WATER LINE	25	25	SEE PLAN

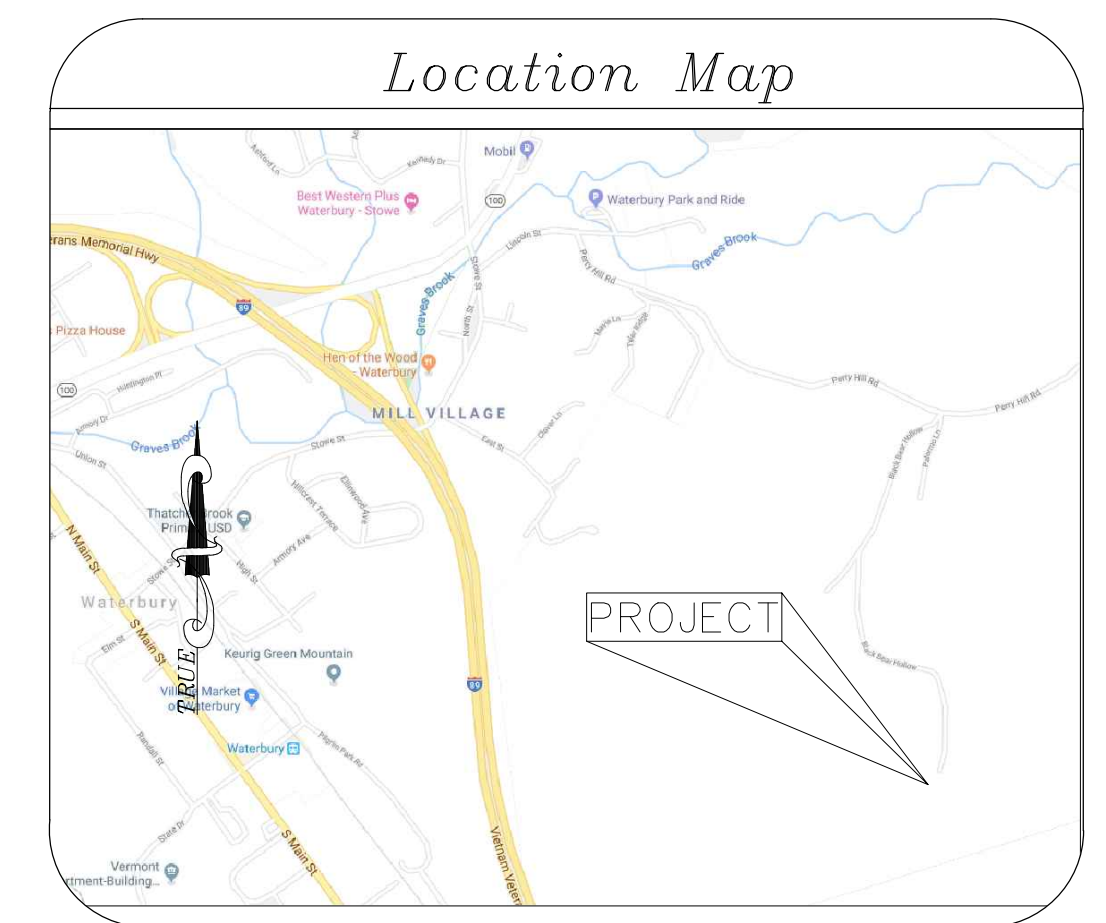
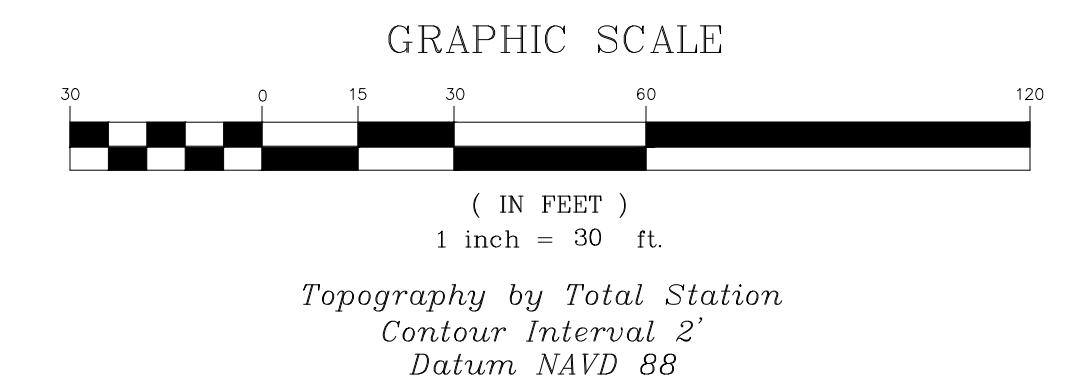
ZONING INFORMATION  
DISTRICT - CNS  
LOT AREA - 10 ACRE  
FRONTAGE - 300'  
FRONT SETBACK - 100'  
SIDE SETBACK - 100'  
BACK SETBACK - 100'

**LEGEND**

- △ TP-1 Traverse point
- SB-1 Test pit
- IPF Iron pipe found
- IRF Iron rod found
- ⊙ Proposed well
- Setback line
- - - Septic easement
- 100' 10' contours
- 2' contours
- LIDAR contours
- ~ Tree line
- Property line
- Right of way line
- Woods road/field road
- ▨ Exposed rock



PLOT PLAN  
SCALE: 1" = 200'



NOTE:  
CONTRACTOR TO CONTACT  
DIG-SAFE AND VERIFY THE  
LOCATION OF ALL UTILITIES  
PRIOR TO CONSTRUCTION.

THE CONTRACTOR SHALL REVIEW ALL  
CONSTRUCTION ACTIVITIES, COMPONENT  
LOCATIONS, SPECIFICATIONS, AND DETAILS  
PRIOR TO COMMENCEMENT OF SITE WORK AND  
SHALL NOTIFY MCCAIN CONSULTING OF ANY  
ISSUES OR DISCREPANCIES THAT ARISE FROM  
THAT REVIEW.

THIS IS NOT A SURVEY. THIS PLAN DOES NOT  
MEET THE REQUIREMENTS OF 27 VSA SEC. 1403  
FOR THE FILING OF SURVEY PLATS.

FOR TOWN PERMITTING

SITE PLAN  
**HAZEN POWELL**  
SETBACK WAIVER FOR PROPOSED STRUCTURE  
BLACK BEAR HOLLOW WATERBURY, VT

SCALE : 1" = 30'  
DESIGNED BY: GMJr PROJECT #39043  
DRAWN BY: WDB  
CHECKED BY: GMJr

**McCain Consulting, Inc.**  
93 SOUTH MAIN STREET  
WATERBURY, VERMONT 05676

DATE: AUGUST 4, 2020

SHEET C-3

ENGINEER:  
GEORGE N. McCain Jr., P.E.  
VT P.E. 92506



WATERBURY MUNICIPAL OFFICE  
802.244.7033 OR 802.244.5858  
FAX: 802.244.1014  
28 NORTH MAIN ST., SUITE 1  
WATERBURY, VT 05676  
WATERBURYVT.COM

Permit Application # 110-19  
Tax Map #s 16-002.000  
Permit Issuance Date: December 2, 2019  
Permit Effective Date: December 18, 2019

#### ZONING PERMIT

---

Applicant: Hazen Powell  
(mail address) 480 Black Bear Hollow  
Waterbury, VT 05676

Landowner: Mark Powell and Beth Gilpin  
(same)

Project: Two lot subdivision.

Project 480 Black Bear Hollow  
Location: Waterbury, VT

---

Your application for a zoning permit has been reviewed by the Zoning Administrator. The proposal, as represented in the attached application, conforms to the requirements of the Zoning Regulations for the Town of Waterbury<sup>1</sup> and is hereby approved, subject to the representations made in your application. Any change from the information provided on your application must be approved by the Zoning Administrator.

Title 24 V.S.A. §4465(a) requires a 15-day appeal period for this permit. Provided no appeal has been made within 15 days of the Permit Issuance Date above, this permit is effective on the sixteenth day. The enclosed *Permit Notice Poster* must be posted on your property for the 15-day appeal period within view of the nearest adjacent public right-of-way.

Any action or construction started prior to the effective date is in violation of the Zoning Regulations and a penalty may be imposed. All requests made on this permit must be completed within two years of the issuance date of this permit. *Please note:* State permits may be required. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367, and the appropriate state agencies to determine what permits must be obtained.

This permit is valuable. It is a part of the property records and must be retained.

ZONING PERMIT ISSUED BY:

*Dina Bookmyer-Baker*

Dina Bookmyer-Baker, Zoning Administrator

Enclosures: *Permit Notice Poster* –must be posted on the subject property within view of the nearest adjacent public right-of-way. Post upon receipt; remove on/after the Permit Effective Date.

cc: Town Clerk, Listers, & File

---

<sup>1</sup> *Waterbury Zoning Regulations*, as amended through May 16, 2016.

# TOWN OF WATERBURY ZONING PERMIT APPLICATION

Date: <u>11-05-19</u>	Application #: <u>110-19</u>
Fees Paid: <u>250</u>	+ \$15 recording fee = <u>290</u>
Parcel ID #: <u>405-0014</u>	
Tax Map #: <u>16-002.000</u>	

Please provide all of the information requested in this application.

Read the Zoning Regulations and familiarize yourself with the requirements. Failure to provide all the required information will delay the process of this application. Based upon the nature of the project you may need to submit additional information. For instructions on how to fill out this form please refer to the *Zoning Permit Application Instructions & Fee Schedule* available on the municipal website or at the municipal offices. Submit one copy of the completed application and a check payable to the *Town of Waterbury* according to the zoning fee schedule. For questions about the permit process, please contact the Zoning Administrator at 802-244-1018.

## CONTACT INFORMATION

### APPLICANT

Name: Hazen Powell  
 Mailing Address: 480 Black Bear Hollow, Waterbury VT 05676  
 Home Phone: \_\_\_\_\_  
 Work/Cell Phone: 802-595-5031  
 Email: hazemp802@gmail.com

### PROPERTY OWNER (if different from Applicant)

Name: Mark Powell & Beth Gilpin  
 Mailing Address: 480 Black Bear Hollow, Waterbury, VT  
 Home Phone: 802-244-4145  
 Work/Cell Phone: \_\_\_\_\_  
 Email: beth@bethgilpin.com

## PROJECT DESCRIPTION

Physical location of project (E911 address): (None Assigned)

480 Black Bear Hollow

Lot size: 10.59 ± Zoning District: Conservation

Existing Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

Brief description of project: 2 Lot subdivision

Lot 1: 480 Black Bear Hollow w-dwl & 86.8 ac (bf) / 76.21 ± (af)

Lot 2: undeveloped; 10.59 ± ac (create)

Cost of project: \$ \_\_\_\_\_ Estimated start date: \_\_\_\_\_

Water system: Private Waste water system: Private

### EXISTING

Square footage: \_\_\_\_\_ Height: \_\_\_\_\_

Number of bedrooms/baths: \_\_\_\_\_

# of parking spaces: \_\_\_\_\_

Setbacks: front: \_\_\_\_\_

sides: \_\_\_\_\_ / rear: \_\_\_\_\_

### PROPOSED

Square footage: \_\_\_\_\_ Height: \_\_\_\_\_

Number of bedrooms/bath: \_\_\_\_\_

# of parking spaces: \_\_\_\_\_

Setbacks: front: \_\_\_\_\_

sides: \_\_\_\_\_ / rear: \_\_\_\_\_

## ADDITIONAL MUNICIPAL PERMITS REQUIRED:

- Curb Cut / Access permit  E911 Address Request  
 Water & Sewer Allocation  none of the above

[Additional State Permits may also be required]

## CHECK ALL THAT APPLY:

### NEW CONSTRUCTION

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Commercial / Industrial Building
- Residential Building Addition
- Comm./ Industrial Building Addition
- Accessory Structure (garage, shed)
- Accessory Apartment
- Porch / Deck / Fence / Pool / Ramp
- Development in SFHA (including repairs and renovation)
- Other \_\_\_\_\_

### USE

- Establish new use
- Change existing use
- Expand existing use
- Establish home occupation

### OTHER

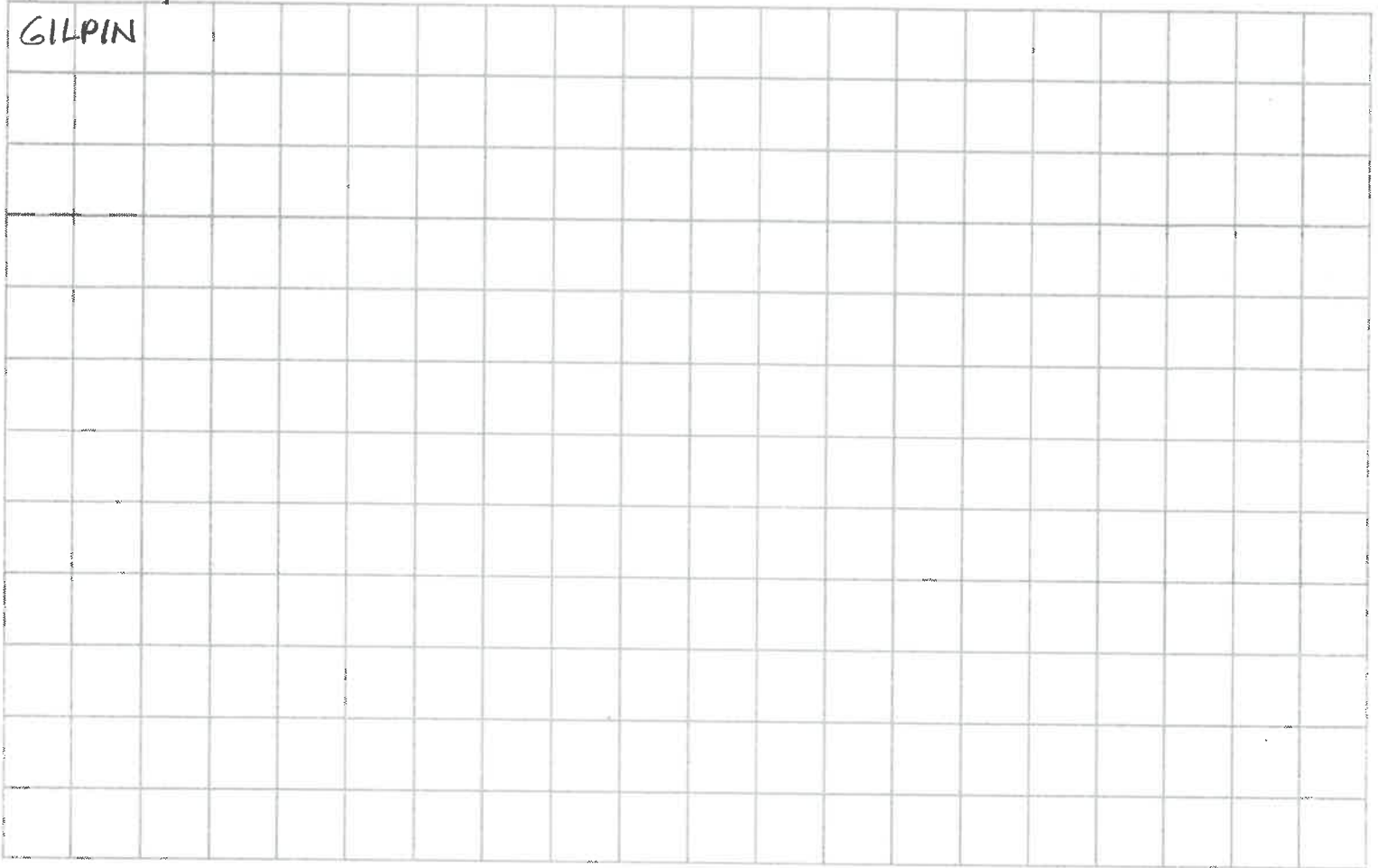
- Subdivision (# of Lots: 2)
- Boundary Line Adjustment (BLA)
- Planned Unit Development (PUD)
- Parking Lot
- Soil/sand/gravel/mineral extraction
- Other \_\_\_\_\_



**SKETCH PLAN**

Please include a sketch of your project, drawn to scale, with all required measurements - see *Zoning Permit Application Instructions*. You may use the space below or attach separate sheets. For plans larger than 11"x17" please provide a digital copy (pdf. file format) in addition to a paper copy.

#110-19  
POWELL/  
GILPIN



**SIGNATURES**

The undersigned hereby applies for a Zoning Permit for the use described in this application to be issued on the basis of the representations made herein all of which the applicant swears to be complete and true.

[Handwritten Signature] 11-5-19  
Applicant Signature date

[Handwritten Signature] 11/5/19  
Property Owner Signature date

**CONTACT**

Zoning Administrator Phone: (802) 244-1018  
Mailing Address: Waterbury Municipal Offices, 28 North Main Street, Suite 1, Waterbury, VT 05676  
Municipal Website: www.waterburyvt.com

**OFFICE USE ONLY**

Zoning District/Overlay: Conservation (CNS)  
Review type:  Administrative  DRB Public Warning Required:  Yes  No  
DRB Referral Issued (effective 15-days later): -  
DRB Mtg Date: - Decision Date: -  
Date Permit issued (effective 16-days later): Dec. 2, 2019  
Final Plat due (for Subdivision only): May 30, 2020

REVIEW/APPLICATIONS:

- Conditional Use  Waiver
- Site Plan
- Variance
- Subdivision: (2-lot)  
 Subdv.  BLA  PUD
- Overlay:  
 DDR  SFHA  RHS  CMP
- Sign
- Other \_\_\_\_\_
- n/a

Remarks & Conditions:

File final plat, signed by the ZA, within 180 days of the zoning permit issuance, per S. 1204(a).

**SLIDE #503-02**  
**recorded 3/24/20**

Authorized signature: Dina Bookmyer-Baker Date: 12/2/2019

+ 2 full-size paper copies please ->

# Survey Notes

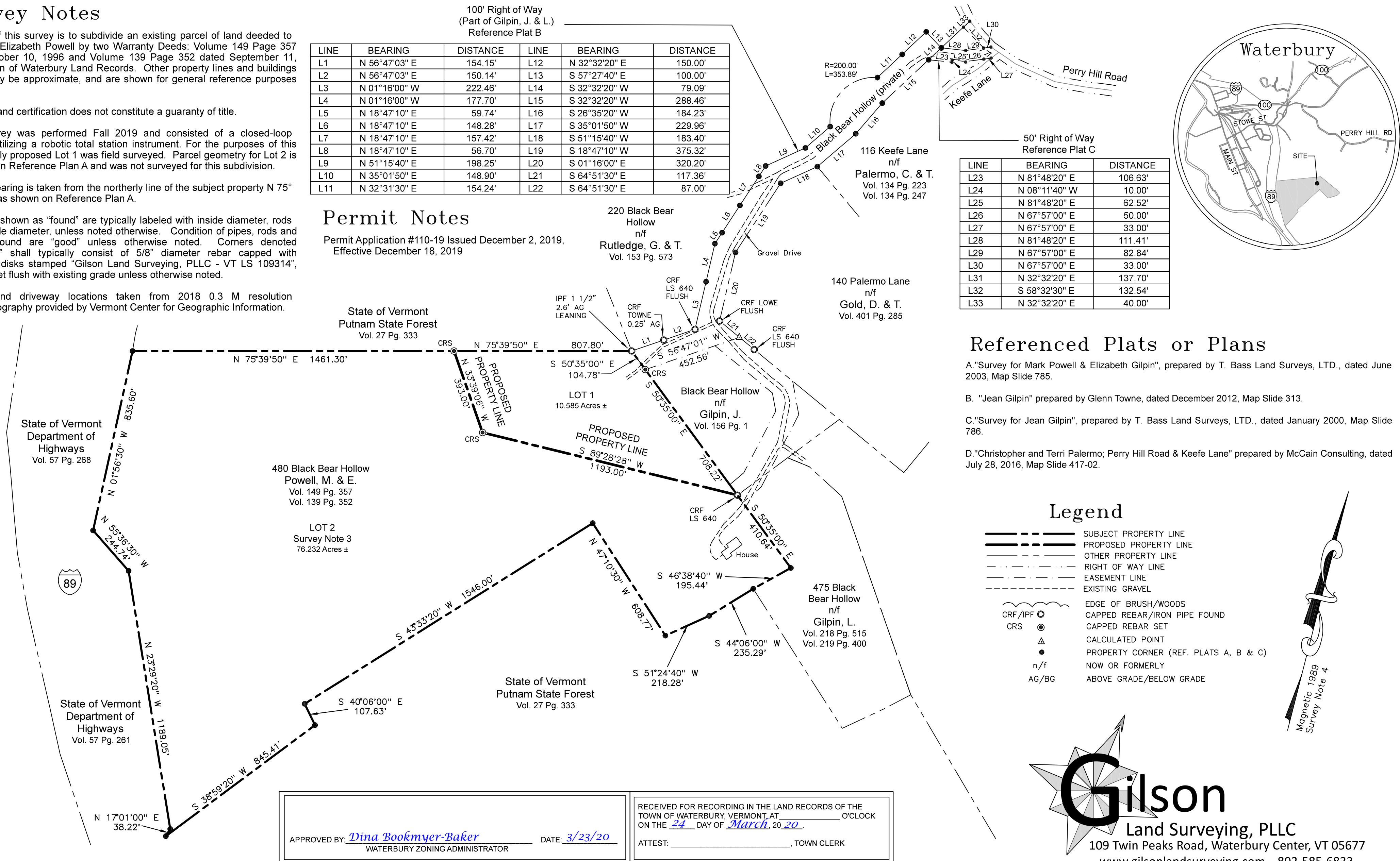
- Purpose of this survey is to subdivide an existing parcel of land deeded to Mark and Elizabeth Powell by two Warranty Deeds: Volume 149 Page 357 dated October 10, 1996 and Volume 139 Page 352 dated September 11, 1994, Town of Waterbury Land Records. Other property lines and buildings shown may be approximate, and are shown for general reference purposes only.
- This plan and certification does not constitute a guaranty of title.
- Field survey was performed Fall 2019 and consisted of a closed-loop traverse utilizing a robotic total station instrument. For the purposes of this survey, only proposed Lot 1 was field surveyed. Parcel geometry for Lot 2 is based upon Reference Plan A and was not surveyed for this subdivision.
- Basis of bearing is taken from the northerly line of the subject property N 75° 39' 50" E as shown on Reference Plan A.
- Iron pipes shown as "found" are typically labeled with inside diameter, rods with outside diameter, unless noted otherwise. Condition of pipes, rods and markers found are "good" unless otherwise noted. Corners denoted "Proposed" shall typically consist of 5/8" diameter rebar capped with aluminum disks stamped "Gilson Land Surveying, PLLC - VT LS 109314", typically set flush with existing grade unless otherwise noted.
- House and driveway locations taken from 2018 0.3 M resolution orthophotography provided by Vermont Center for Geographic Information.

100' Right of Way  
(Part of Gilpin, J. & L.)  
Reference Plat B

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 56°47'03" E	154.15'	L12	N 32°32'20" E	150.00'
L2	N 56°47'03" E	150.14'	L13	S 57°27'40" E	100.00'
L3	N 01°16'00" W	222.46'	L14	S 32°32'20" W	79.09'
L4	N 01°16'00" W	177.70'	L15	S 32°32'20" W	288.46'
L5	N 18°47'10" E	59.74'	L16	S 26°35'20" W	184.23'
L6	N 18°47'10" E	148.28'	L17	S 35°01'50" W	229.96'
L7	N 18°47'10" E	157.42'	L18	S 51°15'40" W	183.40'
L8	N 18°47'10" E	56.70'	L19	S 18°47'10" W	375.32'
L9	N 51°15'40" E	198.25'	L20	S 01°16'00" E	320.20'
L10	N 35°01'50" E	148.90'	L21	S 64°51'30" E	117.36'
L11	N 32°31'30" E	154.24'	L22	S 64°51'30" E	87.00'

## Permit Notes

Permit Application #110-19 Issued December 2, 2019,  
Effective December 18, 2019



## Referenced Plats or Plans

- A. "Survey for Mark Powell & Elizabeth Gilpin", prepared by T. Bass Land Surveys, LTD., dated June 2003, Map Slide 785.
- B. "Jean Gilpin" prepared by Glenn Towne, dated December 2012, Map Slide 313.
- C. "Survey for Jean Gilpin", prepared by T. Bass Land Surveys, LTD., dated January 2000, Map Slide 786.
- D. "Christopher and Terri Palermo; Perry Hill Road & Keefe Lane" prepared by McCain Consulting, dated July 28, 2016, Map Slide 417-02.

## Legend

- SUBJECT PROPERTY LINE
- PROPOSED PROPERTY LINE
- OTHER PROPERTY LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- EXISTING GRAVEL
- EDGE OF BRUSH/WOODS
- CAPPED REBAR/IRON PIPE FOUND
- CAPPED REBAR SET
- CALCULATED POINT
- PROPERTY CORNER (REF. PLATS A, B & C)
- NOW OR FORMERLY
- ABOVE GRADE/BELOW GRADE

APPROVED BY: Dina Bookmyer-Baker DATE: 3/23/20  
WATERBURY ZONING ADMINISTRATOR

RECEIVED FOR RECORDING IN THE LAND RECORDS OF THE TOWN OF WATERBURY, VERMONT, AT \_\_\_\_\_ O'CLOCK ON THE 24 DAY OF March, 2020.

ATTEST: \_\_\_\_\_ TOWN CLERK

**Gilson**  
Land Surveying, PLLC  
109 Twin Peaks Road, Waterbury Center, VT 05677  
www.gilsonlandsurveying.com 802-585-6833

To the best of my knowledge and belief this plat depicts the results of a survey conducted by me as described in "Survey Notes" above, based upon our analysis of land records and evidence found in the field. Existing boundaries shown are in substantial conformance with the records, except as noted. This plat is in substantial compliance with 27 VSA 1403, "Recording of Land Plats". This statement valid only when accompanied by my original signature and seal.

Rebecca Gilson, PLS VT LS 109314

REDUCED FOR RECORDING  
ORIGINAL GRAPHIC SCALE

( IN FEET )  
1 inch = 200 ft.

SURVEYED: RG & TB 10/28/2019  
DRAWN: RG 11/15/2019  
CHECKED: RG & TB 11/21/2019  
APPROVED: RG 11/21/2019

Date	Revisions	By

2 Lot Subdivision  
Property of  
Mark and Elizabeth Powell  
480 Black Bear Hollow  
Waterbury, VT

ORIGINAL SCALE 1" = 200'  
11/21/2019 DWG# 19013

ORIGINAL INK on MYLAR - REDUCED FOR RECORDING

Magnetic 1989 Survey Note 4



WATERBURY MUNICIPAL OFFICE  
802.244.7033 OR 802.244.5858  
FAX: 802.244.1014  
28 NORTH MAIN ST., SUITE 1  
WATERBURY, VT 05676  
WATERBURYVT.COM

Permit Application # 052-20  
Tax Map # 16-002.000  
Permit Issuance Date: June 8, 2020  
Permit Effective Date: June 24, 2020

ZONING PERMIT

Applicant: Hazen Powell  
(mail address) 480 Black Bear Hollow  
Waterbury, VT 05677

Landowner: (same)

Project: Single-family dwelling

Project 350 Black Bear Hollow  
Location: Waterbury, VT

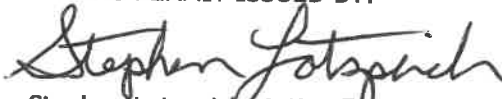
Your application for a zoning permit has been reviewed by the Acting Zoning Administrator. The proposal, as represented in the attached application, conforms to the requirements of the Zoning Regulations for the Town of Waterbury<sup>1</sup> and is hereby approved, subject to the representations made in your application. Any change from the information provided on your application must be approved by the Acting Zoning Administrator.

Title 24 V.S.A. §4465(a) requires a 15-day appeal period for this permit. Provided no appeal has been made within 15 days of the Permit Issuance Date above, this permit is effective on the sixteenth day. The enclosed *Permit Notice Poster* must be posted on your property for the 15-day appeal period within view of the nearest adjacent public right-of-way.

Any action or construction started prior to the effective date is in violation of the Zoning Regulations and a penalty may be imposed. All requests made on this permit must be completed within two years of the issuance date of this permit. *Please note:* State permits may be required. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367, and the appropriate state agencies to determine what permits must be obtained.

This permit is valuable. It is a part of the property records and must be retained.

ZONING PERMIT ISSUED BY:

  
Stephen Lotspeich, Acting Zoning Administrator

Enclosures: *Permit Notice Poster* –must be posted on the subject property within view of the nearest adjacent public right-of-way. Post upon receipt; remove on/after the Permit Effective Date.

cc: Town Clerk, Listers, & File

<sup>1</sup> *Waterbury Zoning Regulations*, as amended through May 16, 2016.



#215

Date:	05.29.2020	Application #:	052-20
Fees Paid:	200	+ \$15 recording fee =	215.-
Parcel ID #:	405-0014		
Tax Map #:	16-002.000		

# TOWN OF WATERBURY ZONING PERMIT APPLICATION

Please provide all of the information requested in this application. Read the Zoning Regulations and familiarize yourself with the requirements. Failure to provide all the required information will delay the process of this application. Based upon the nature of the project you may need to submit additional information. For instructions on how to fill out this form please refer to the *Zoning Permit Application Instructions & Fee Schedule* available on the municipal website or at the municipal offices. Submit one copy of the completed application and a check payable to the *Town of Waterbury* according to the zoning fee schedule. For questions about the permit process, please contact the Zoning Administrator at 802-244-1018.

## CONTACT INFORMATION

### APPLICANT

Name: Hazen Powell  
 Mailing Address: 480 Black Bear Hollow, Waterbury, VT  
 Home Phone : \_\_\_\_\_  
 Work/Cell Phone: 802-595-5031  
 Email: hazenp802@gmail.com

### PROPERTY OWNER (if different from Applicant)

Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Home Phone : \_\_\_\_\_  
 Work/Cell Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

## PROJECT DESCRIPTION

Physical location of project (E911 address): 755 Black Bear Hollow Waterbury VT  
 Lot size: 10.58ac Zoning District: conservation  
 Existing Use: None Proposed Use: residential  
 Brief description of project: New home construction

## CHECK ALL THAT APPLY:

### NEW CONSTRUCTION

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Commercial / Industrial Building
- Residential Building Addition
- Comm./ Industrial Building Addition
- Accessory Structure (garage, shed)
- Accessory Apartment
- Porch / Deck / Fence / Pool / Ramp
- Development in SFHA (including repairs and renovation)
- Other \_\_\_\_\_

### USE

- Establish new use
- Change existing use
- Expand existing use
- Establish home occupation

### OTHER

- Subdivision (# of Lots: \_\_\_\_\_)
- Boundary Line Adjustment (BLA)
- Planned Unit Development (PUD)
- Parking Lot
- Soil/sand/gravel/mineral extraction
- Other \_\_\_\_\_

Cost of project: \$ 150,000 Estimated start date: June 1, 2020

Water system: private well Waste water system: private septic

### EXISTING

Square footage: \_\_\_\_\_ Height: \_\_\_\_\_  
 Number of bedrooms/baths: 1/1  
 # of parking spaces: 2  
 Setbacks: front: 1  
 sides: 1 rear: \_\_\_\_\_

### PROPOSED

Square footage: 1600 Height: 30  
 Number of bedrooms/bath: 1/1  
 # of parking spaces: 2  
 Setbacks: front: 100'  
 sides: 100' / 130' rear: 500'

## ADDITIONAL MUNICIPAL PERMITS REQUIRED:

- Curb Cut / Access permit
- E911 Address Request
- Water & Sewer Allocation
- none of the above

[Additional State Permits may also be required]

**SKETCH PLAN** Please include a sketch of your project, drawn to scale, with all required measurements - see *Zoning Permit Application Instructions*. You may use the space below or attach separate sheets. For plans larger than 11"x17" please provide a digital copy (pdf. file format) in addition to a paper copy.

see Attached Map

**SIGNATURES** The undersigned hereby applies for a Zoning Permit for the use described in this application to be issued on the basis of the representations made herein all of which the applicant swears to be complete and true.

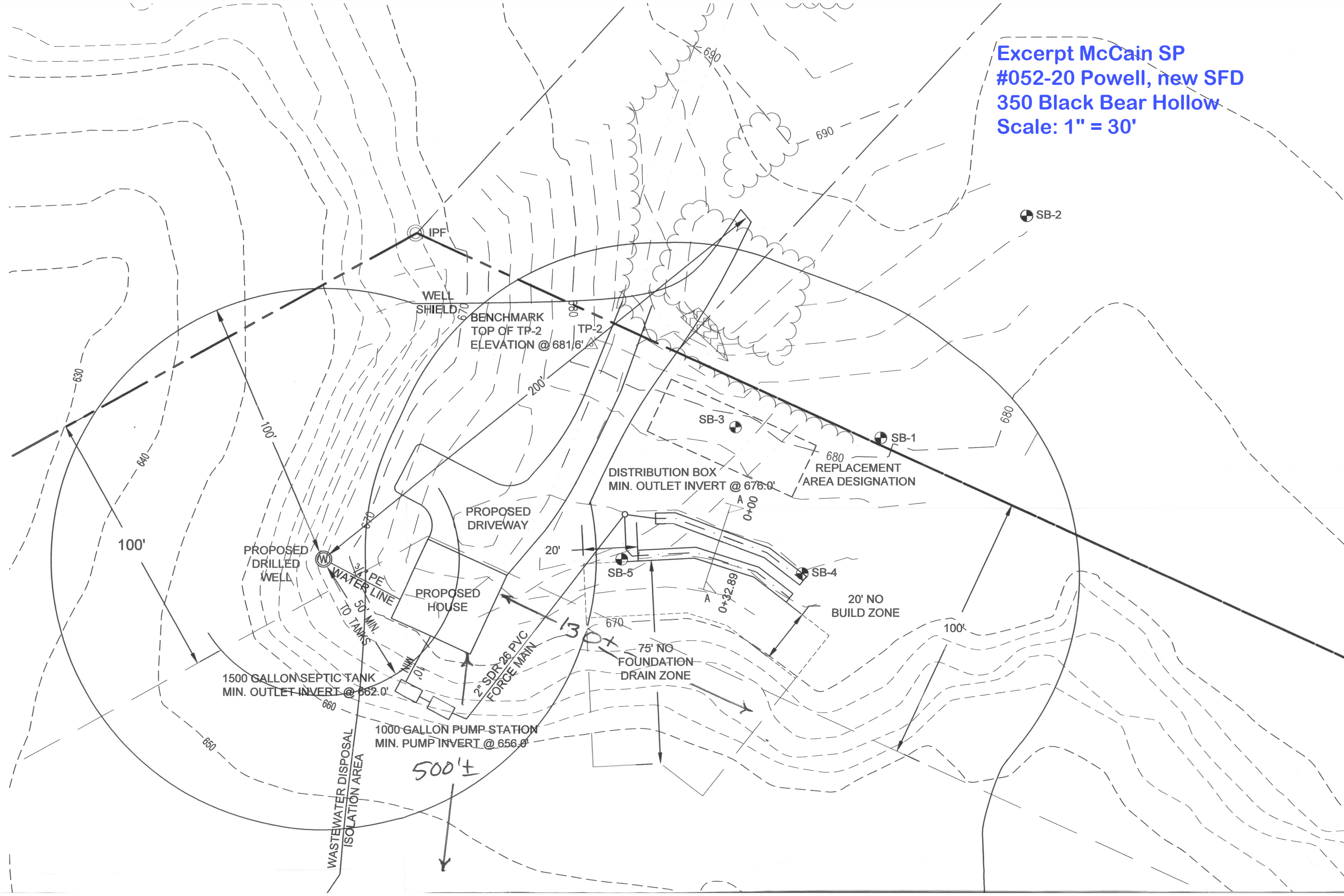
[Handwritten Signature] 5/28/20  
 Applicant Signature date

\_\_\_\_\_  
 Property Owner Signature date

**CONTACT** Zoning Administrator Phone: (802) 244-1018  
 Mailing Address: Waterbury Municipal Offices, 28 North Main Street, Suite 1, Waterbury, VT 05676  
 Municipal Website: www.waterburyvt.com

<b>OFFICE USE ONLY</b>	
Zoning District/Overlay: <u>Conservation (CNS)</u>	<b>REVIEW/APPLICATIONS:</b> <input type="checkbox"/> Conditional Use <input type="checkbox"/> Waiver <input type="checkbox"/> Site Plan <input type="checkbox"/> Variance Subdivision: <input type="checkbox"/> Subdv. <input type="checkbox"/> BLA <input type="checkbox"/> PUD Overlay: <input type="checkbox"/> DDR <input type="checkbox"/> SFHA <input type="checkbox"/> RHS <input type="checkbox"/> CMP <input type="checkbox"/> Sign <input type="checkbox"/> Other _____ <input type="checkbox"/> n/a
Review type: <input checked="" type="checkbox"/> Administrative <input type="checkbox"/> DRB    Public Warning Required: <input type="checkbox"/> Yes <input type="checkbox"/> No DRB Referral Issued (effective 15-days later): _____ DRB Mtg Date: _____    Decision Date: _____ Date Permit issued (effective 16-days later): <u>6/8/20</u> Final Plat due (for Subdivision only): _____	
Remarks & Conditions: _____ _____ Authorized signature: <u>[Handwritten Signature]</u> Date: <u>6/8/20</u>	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">             Project must comply with the Residential Building Energy Standards (RBES), info. enclosed,           </div>

Excerpt McCain SP  
#052-20 Powell, new SFD  
350 Black Bear Hollow  
Scale: 1" = 30'







# 480 Black Bear Hollow, M. Powell

Waterbury, VT

1 inch = 500 Feet

## Exhibit F

### #085-20

### Powell

August 12, 2019



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

**Town of Waterbury  
Development Review Board  
#085-20 ▪ September 2, 2020**

**STAFF REPORT**

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Owner/Applicant:	Hazen Powell	
Address/Location:	350 Black Bear Hollow, Waterbury, VT	
Zone:	Conservation (CNS)	
Application #	085-20	Tax Map # 16-002.000

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**Applicant Request**

The applicant seeks a setback waiver for a new single-family dwelling on an undeveloped lot at 350 Black Bear Hollow in the Conservation zoning district.

**Exhibits**

- A: Application #085-20 (3 pages: zoning, conditional use), submitted 8/7/20.
- B: Project introduction prepared by McCain Consulting, dated 8/6/20.
- C: Site Plan for Hazen Powell, Setback Waiver for Proposed Structure, prepared by McCain Consulting, dated 8/4/20.
- D: Prior zoning permit #110-19 for a 2-lot subdivision of 480 Black Bear Hollow, issued to Hazen Powell, Mark Powell, & Beth Gilpin on 12/2/19;  
(D4) Final plat for zp #110-19, recorded on 3/24/20.
- E: Prior zoning permit #052-20 for a new single-family dwelling on undeveloped Lot 2 issued to Hazen Powell on 6/8/20.
- F: Parcel map with orthophoto. (Staff)
- G: Letter to adjoining landowners, mailed certified on 8/17/20. \*

*\*Not in printed DRB packet.*

**Project Description**

1. Existing conditions: Hazen Powell owns a 10.6± acre parcel located at 350 Black Bear Hollow in the Conservation (CNS) zoning district. The property is undeveloped. The lot does not include frontage, but can access Black Bear Hollow, a private road, via a 100' right-of-way across lands belonging to Jean Gilpin (Exhibit C). The parcel will be served by a private well and an on-site septic system (ww-5-8141).
2. Background: Prior relevant zoning permits include:
  - #110-19 for a 2-lot subdivision of 480 Black Bear Hollow. Issued to Hazen Powell, Mark Powell, & Beth Gilpin on 12/2/19. The final plat for the subdivision was duly filed and recorded on 3/24/20.
  - #052-20 for a new single-family dwelling on undeveloped Lot 2 issued to Hazen Powell on 6/8/20. The proposed location of the dwelling meets the CNS setbacks of 100-feet.
3. Project: The front of the proposed dwelling will be in the front yard setback, 80' from the front property line (Exhibit C).

4. CNS Dimensional Requirements, Table 5.2: Minimum lot size: 10 acres; minimum frontage: 300'; minimum setbacks: 100' (front, sides, & rear). The lot meets the minimum lot size.
5. Waiver Request: The setback waiver request is to encroach on the front yard setback by 20' (100'–80').
6. Conditional Use/Waiver criteria: As set forth in Section 309, the DRB may grant a waiver of building setbacks as a conditional use review in accordance with Section 303; provided that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties. The Board must find that the proposal conforms to the following general and specific standards:
  - (a) Section 303(e)(1) Community facilities: The project is for a single-family dwelling that will be served by a private well and an on-site septic system. The project will not increase traffic, burden the school capacity, or unduly increase the demand for fire protection.
  - (b) Section 303(e)(2)(A–E) Character of the area: The use of the property will be residential. The application states that the character of the area is low-density single-family residences and that the proposed setback waiver will not detract from the existing land-use pattern. The waiver is requested to take advantage of the site topography and the structure will be adequately separated and screened from adjoining properties.
  - (c) Section 303(e)(3) Municipal bylaws in effect: The application states that all dimensional requirements, other than the setback waiver request, have been met.
  - (d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The application states that no fumes, gas, dust, smoke, odor, noise, or vibration will be present, except during construction of the dwelling.
  - (e) Section 303(h) Removal of earth or mineral products conditions: The project does not include earth-removal activities other than excavation and grading incidental to constructing the dwelling. This provision does not apply.

**Staff referral:**

This project was referred to the DRB for a Setback Waiver and Conditional Use under Article III.

**Guiding ordinance sections**

Section 309—Waivers

Section 303—Conditional Uses