

EXHIBIT A1

Date: <u>5/20/2021</u>	Application #: <u>049-21</u>
Fees Paid: <u>\$300</u> + \$15 recording fee = <u>\$315</u>	
Parcel ID #: <u>400-2382</u>	
Tax Map #: <u>13-249.000</u>	

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: Elizabeth Brown
 Mailing Address: 2271 Gregg Hill Rd.
Waterbury Ctr VT 05677
 Home Phone: _____
 Work/Cell Phone: 802 279 8328
 Email: ejbrown8@gmail.com

PROPERTY OWNER (if different from Applicant)

Name: Elizabeth Brown / Clarke Colon
 Mailing Address: 2271 Gregg Hill Rd
Waterbury Ctr. VT 05677
 Home Phone: 802-279-8328
 Work/Cell Phone: 802-598-7228
 Email: Soul

PROJECT DESCRIPTION

Physical location of project (E911 address): TBD Perry Hill Rd.
Lot # 400-2382
 Lot size: 12 acres Zoning District: 1200ft ringeline / conservation
 Existing Use: undeveloped Proposed Use: single family home
 Brief description of project: new construction of 3600sqft
single family residence

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 _____

Cost of project: \$ 1.3M Estimated start date: 6/21
 Water system: well PRIVATE Waste water system: septic PRIVATE
EXISTING Square footage: _____ Height: _____
PROPOSED Square footage: 3600 Height: 32'±
 Number of bedrooms/baths: _____ Number of bedrooms/bath: 3/4
 # of parking spaces: _____ # of parking spaces: 3
 Setbacks: front: _____ Setbacks: front: 2100'
 sides: 1 rear: _____ sides: 2340'± rear: 2250'

- 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 _____

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.

#049-21

BROWN/COLON

EXHIBIT A2

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.

Applicant Signature _____ date _____

 Property Owner Signature _____ date 4/14/21

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) / Ridgeline (RHS)
 Review type: Administrative DRB Public Warning Required: Yes No
 DRB Referral Issued (effective 15-days later): _____
 DRB Mtg Date: 7/7/21 Decision Date: _____
 Date Permit issued (effective 16-days later): _____
 Final Plat due (for Subdivision only): —
 Remarks & Conditions: Project must comply with the Residential Building Energy Standards (RBES), info. enclosed.
 Authorized signature: _____ Date: _____

REVIEW/APPLICATIONS:
 Conditional Use Waiver
 Site Plan
 Variance
 Subdivision:
 Subdv. BLA PUD
 Overlay:
 DDR SFHA RHS CMP
 Sign (minor)
 Other _____
 n/a

Date: 5/20/21 Application #: 049-21
 Fees Paid: _____ (\$15 recording fee already paid)
 Parcel ID #: _____
 Tax Map #: _____

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.

Brown, Perry Hill Rd.

PROJECT DESCRIPTION

Brief description of project: new construction of 3600 sqft 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:

- 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):
Children are already in school system. Access to Perry Hill Rd from Rowl driveway. Private septic.
- 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:
Meets requirements for minor ridgeline / conservation development.
- Describe how the proposed use will not violate any municipal bylaws and ordinances in effect:
Meets requirements - setbacks, use. Waste water permit already in place.
- Describe any devices or methods to prevent or control fumes, gas, dust, smoke, odor, noise, or vibration:
Remote location. Quiet family residence. No anticipated impact.
- 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?
No impact.

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 Municipal Website: www.waterburyvt.com

Date:	<u>5/20/21</u>	Application #:	<u>049-21</u>
Fees Paid:	<input checked="" type="checkbox"/>	(\$15 recording fee already paid)	
Parcel ID #:	_____		
Tax Map #:	_____		

Brown, Perry Hill Rd.

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: New construction single family home

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.

RIDGELINE, HILLSIDE, STEEP SLOPE OVERLAY DISTRICT (RHS)

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

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 is 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

- 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.

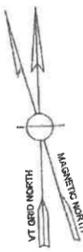
CONTACT Zoning Administrator Phone: (802) 244-1018
Mailing address: Waterbury Municipal Offices, 28 North Main Street, Suite 1, Waterbury, VT 05676
Municipal Website: www.waterburyvt.com

EXHIBIT **B**

#049-21
BROWN-COLON
5/20/21

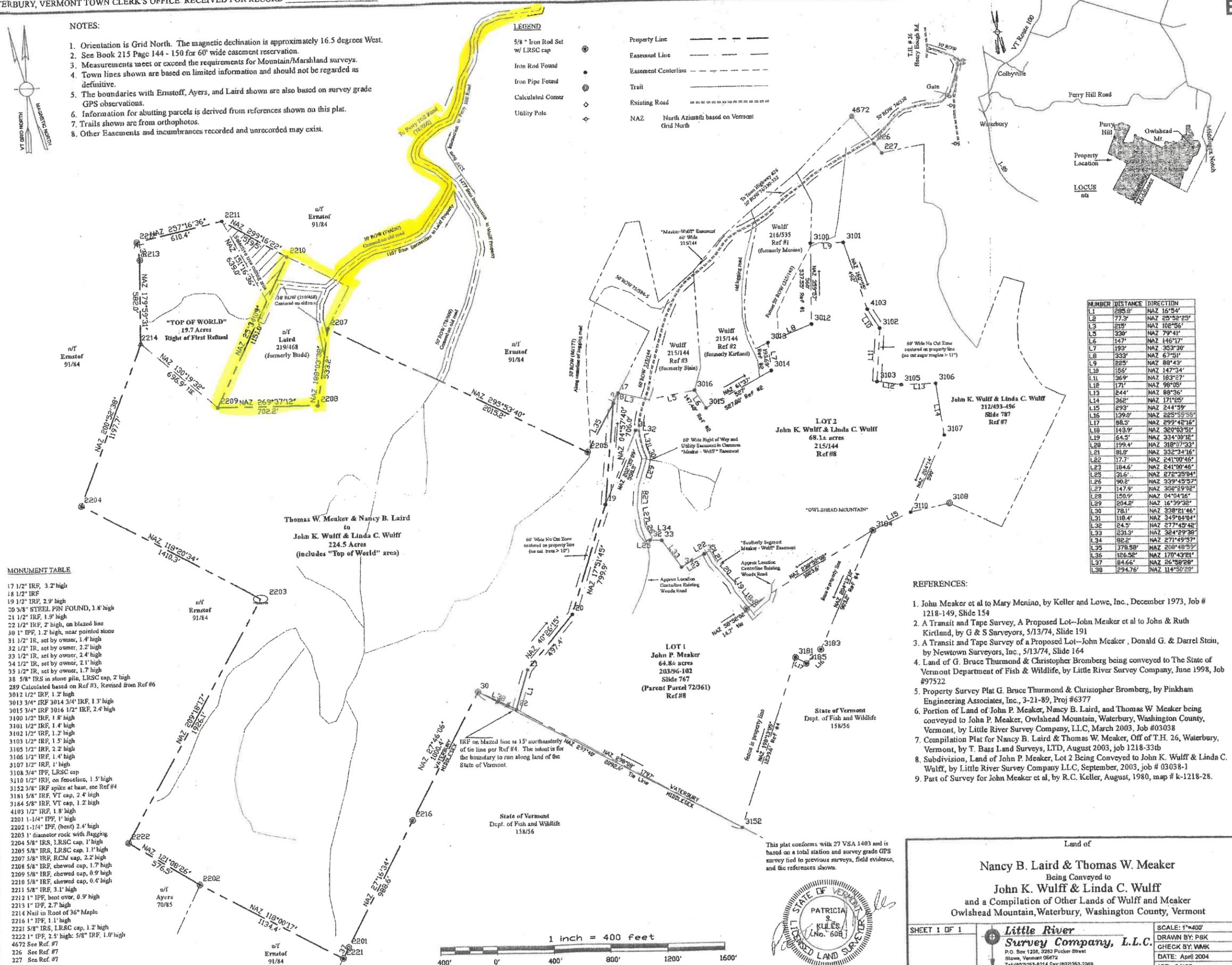
NOTES:

- Orientation is Grid North. The magnetic declination is approximately 16.5 degrees West.
- See Book 215 Page 144 - 150 for 60' wide easement reservation.
- Measurements meet or exceed the requirements for Mountain/Marshland surveys.
- Town lines shown are based on limited information and should not be regarded as definitive.
- The boundaries with Ernstoff, Ayers, and Laird shown are also based on survey grade GPS observations.
- Information for abutting parcels is derived from references shown on this plat.
- Trails shown are from orthophotos.
- Other Easements and encumbrances recorded and unrecorded may exist.



LEGEND

- 5/8" Iron Rod Set w/ LRSC cap
- Iron Rod Found
- Iron Pipe Found
- Calculated Corner
- Utility Pole
- Property Line
- Easement Line
- Easement Centerline
- Trail
- Existing Road
- NAZ North Azimuth based on Vermont Grid North



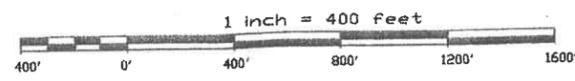
MONUMENT TABLE

- 17 1/2" IRF, 3.2' high
- 18 1/2" IRF
- 19 1/2" IRF, 2.9' high
- 20 3/8" STEEL PIN FOUND, 1.8' high
- 21 1/2" IRF, 1.9' high
- 22 1/2" IRF, 2' high, on blazed line
- 30 1" IRF, 1.2' high, near pointed stone
- 31 1/2" IR, set by owner, 1.4' high
- 32 1/2" IR, set by owner, 2.2' high
- 33 1/2" IR, set by owner, 2.4' high
- 34 1/2" IR, set by owner, 2.1' high
- 35 1/2" IR, set by owner, 1.7' high
- 38 5/8" IRS in stone pile, LRSC cap, 2' high
- 289 Calculated based on Ref #3. Revised from Ref #6
- 3012 1/2" IRF, 1.2' high
- 3013 3/4" IRF 3014 3/4" IRF, 1.3' high
- 3015 3/4" IRF 3016 1/2" IRF, 2.4' high
- 3100 1/2" IRF, 1.8' high
- 3101 1/2" IRF, 1.4' high
- 3102 1/2" IRF, 1.2' high
- 3103 1/2" IRF, 1.5' high
- 3105 1/2" IRF, 2.2' high
- 3106 1/2" IRF, 1.4' high
- 3107 1/2" IRF, 1' high
- 3108 3/4" IRF, LRSC cap
- 3110 1/2" IRF on fence line, 1.5' high
- 3152 3/8" IRF spike at base, see Ref #4
- 3181 5/8" IRF, VT cap, 2.4' high
- 3184 5/8" IRF, VT cap, 1.2' high
- 4103 1/2" IRF, 1.8' high
- 2201 1-1/4" IPF, 1' high
- 2202 1-1/4" IPF (rent) 2.4' high
- 2203 1" diameter rock with flagging
- 2204 5/8" IRS, LRSC cap, 1' high
- 2205 5/8" IRS, LRSC cap, 1.1' high
- 2207 5/8" IRF, RCM cap, 2.2' high
- 2208 5/8" IRF, chewed cap, 1.7' high
- 2209 5/8" IRF, chewed cap, 0.9' high
- 2210 5/8" IRF, chewed cap, 0.4' high
- 2211 5/8" IRF, 3.1' high
- 2212 1" IPF, bent over, 0.9' high
- 2213 1" IPF, 2.7' high
- 2214 Nail in Root of 36" Maple
- 2216 1" IPF, 1.1' high
- 2221 5/8" IRS, LRSC cap, 1.2' high
- 2222 1" IPF, 2.5' high; 5/8" IRF, 1.0' high
- 4672 See Ref. #7
- 226 See Ref. #7
- 227 See Ref. #7

NUMBER	DISTANCE	DIRECTION
L1	285.8'	NAZ 16°54'
L2	77.3'	NAZ 25°52'25"
L3	215'	NAZ 106°56'
L4	330'	NAZ 79°41'
L5	147'	NAZ 146°17'
L6	193'	NAZ 353°30'
L7	333'	NAZ 67°51'
L8	229'	NAZ 88°43'
L9	156'	NAZ 147°34'
L10	369'	NAZ 183°27'
L11	171'	NAZ 98°05'
L12	244'	NAZ 88°36'
L13	362'	NAZ 171°25'
L14	293'	NAZ 244°39'
L15	139.0'	NAZ 225°55'55"
L16	88.3'	NAZ 299°42'16"
L17	143.9'	NAZ 320°03'51"
L18	64.5'	NAZ 334°00'12"
L19	199.4'	NAZ 318°07'33"
L20	81.0'	NAZ 332°34'16"
L21	17.7'	NAZ 241°00'46"
L22	184.6'	NAZ 241°00'46"
L23	31.6'	NAZ 272°25'04"
L24	96.2'	NAZ 359°45'52"
L25	147.9'	NAZ 350°29'02"
L26	150.9'	NAZ 04°04'16"
L27	204.2'	NAZ 16°39'32"
L28	78.1'	NAZ 338°21'46"
L29	118.4'	NAZ 349°04'04"
L30	24.5'	NAZ 277°45'42"
L31	231.3'	NAZ 324°29'38"
L32	82.2'	NAZ 271°49'57"
L33	378.58'	NAZ 206°46'59"
L34	126.58'	NAZ 170°43'21"
L35	84.66'	NAZ 26°58'28"
L36	294.76'	NAZ 114°50'20"

REFERENCES:

- John Meaker et al to Mary Menino, by Keller and Lowe, Inc., December 1973, Job # 1218-149, Slide 154
- A Transit and Tape Survey, A Proposed Lot--John Meaker et al to John & Ruth Kirtland, by G & S Surveyors, 5/13/74, Slide 191
- A Transit and Tape Survey of a Proposed Lot--John Meaker, Donald G. & Darrel Stein, by Newtown Surveyors, Inc., 5/13/74, Slide 164
- Land of G. Bruce Thurmond & Christopher Bromberg being conveyed to The State of Vermont Department of Fish & Wildlife, by Little River Survey Company, June 1998, Job #97522
- Property Survey Plat G. Bruce Thurmond & Christopher Bromberg, by Pinkham Engineering Associates, Inc., 3-21-89, Proj #6377
- Portion of Land of John P. Meaker, Nancy B. Laird, and Thomas W. Meaker being conveyed to John P. Meaker, Owlshead Mountain, Waterbury, Washington County, Vermont, by Little River Survey Company, L.L.C., March 2003, Job #03038
- Compilation Plat for Nancy B. Laird & Thomas W. Meaker, Off of T.H. 26, Waterbury, Vermont, by T. Bass Land Surveys, LTD, August 2003, job 1218-33b
- Subdivision, Land of John P. Meaker, Lot 2 Being Conveyed to John K. Wulff & Linda C. Wulff, by Little River Survey Company L.L.C., September, 2003, job # 03038-1
- Part of Survey for John Meaker et al, by R.C. Keller, August, 1980, map # k-1218-28.



Land of
Nancy B. Laird & Thomas W. Meaker
 Being Conveyed to
John K. Wulff & Linda C. Wulff
 and a Compilation of Other Lands of Wulff and Meaker
 Owlshead Mountain, Waterbury, Washington County, Vermont

Little River Survey Company, L.L.C.
 P.O. Box 1208, 3283 Pucker Street
 Stowe, Vermont 05672
 Tel: (802)253-8214 Fax: (802)253-2269

SCALE: 1"=400'
 DRAWN BY: P8K
 CHECK BY: VMK
 DATE: April 2004
 JOB: 04135

DESIGN DEVELOPMENT SET - FOR PRICING ONLY

EXHIBIT **D1**

STAMP
#049-21
BROWN-COLON
7/6/21

THESE DRAWINGS ARE THE PROPERTY OF KARYN SCHERER ARCHITECTURE PLLC. NO PART THEREOF SHALL BE COPIED, DISCLOSED TO OTHERS OR USED IN CONNECTION WITH ANY WORK OTHER THAN FOR THE SPECIFIC PROJECT FOR WHICH THEY HAVE BEEN PREPARED WITHOUT WRITTEN CONSENT OF THE ARCHITECT. © 2021



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P.O. Box 1495
Waitsfield, VT 05673
kalsman@gmavt.net
802.793.4855

REVISIONS
07/06/21: BUILDING HEIGHT INFO FOR PERMIT

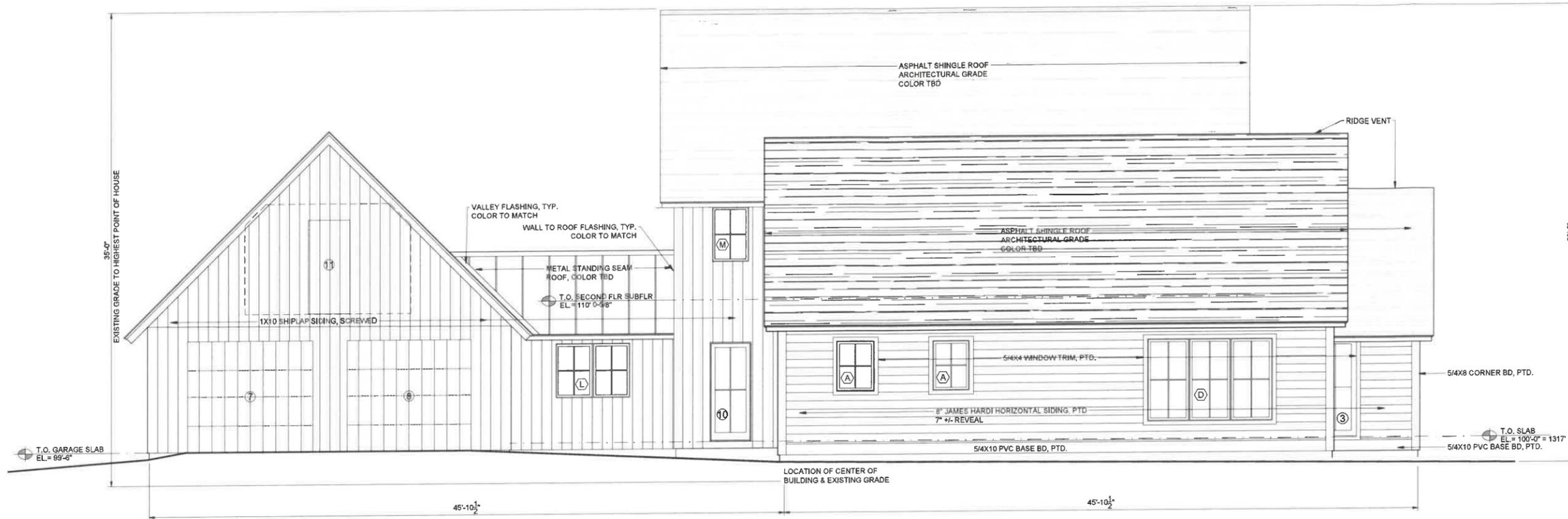
PROJECT
**BROWN/
COLON
RESIDENCE**
PERRY HILL
RD,
WATERBURY,
VT

DATE
04.16.21

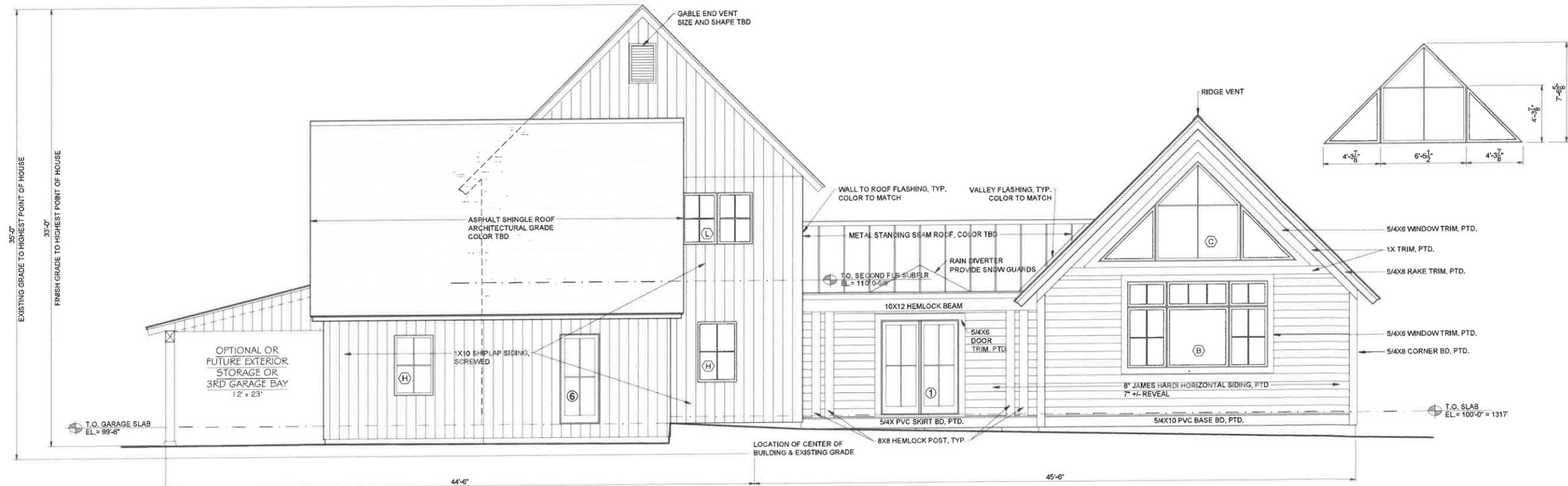
TITLE
**EXTERIOR
ELEVATIONS**

SCALE AS NOTED
SHEET NO.

A3.1



1 EAST ELEVATION
A3.1 SCALE: 1/4"=1'-0"



2 SOUTH ELEVATION
A3.1 SCALE: 1/4"=1'-0"

7/6/21 em PDF fr E. Brown



0 Perry Hill Rd, Brown (CNS/RHS)

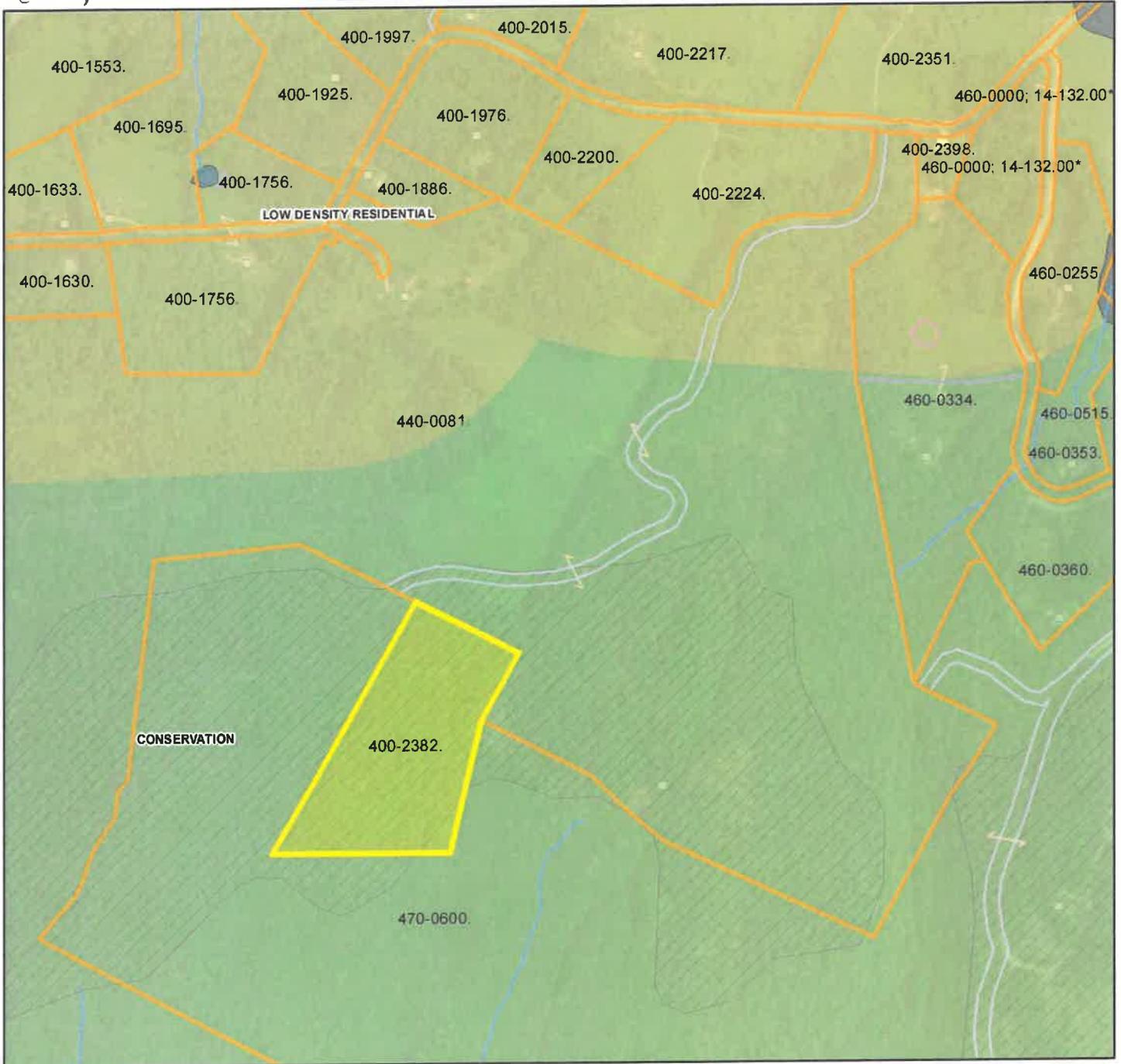
Waterbury, VT

EXHIBIT E1

May 25, 2021
(Staff)

1 inch = 600 Feet

www.cai-tech.com
#041-21



	Lakes and Ponds		CONSERVATION
	Rivers and Streams		LOW DENSITY RESIDENTIAL
	NWI Wetlands		E911 Address Points
	1200 ft		

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.



0 Perry Hill Rd, Brown (ESRI)

Waterbury, VT

1 inch = 200 Feet

EXHIBIT **E2**

www.cai-tech.com

#049-21

May 24, 2021

(Staff)



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0 Perry Hill Rd, Brown

Waterbury, VT

EXHIBIT **E3**

1 inch = 200 Feet

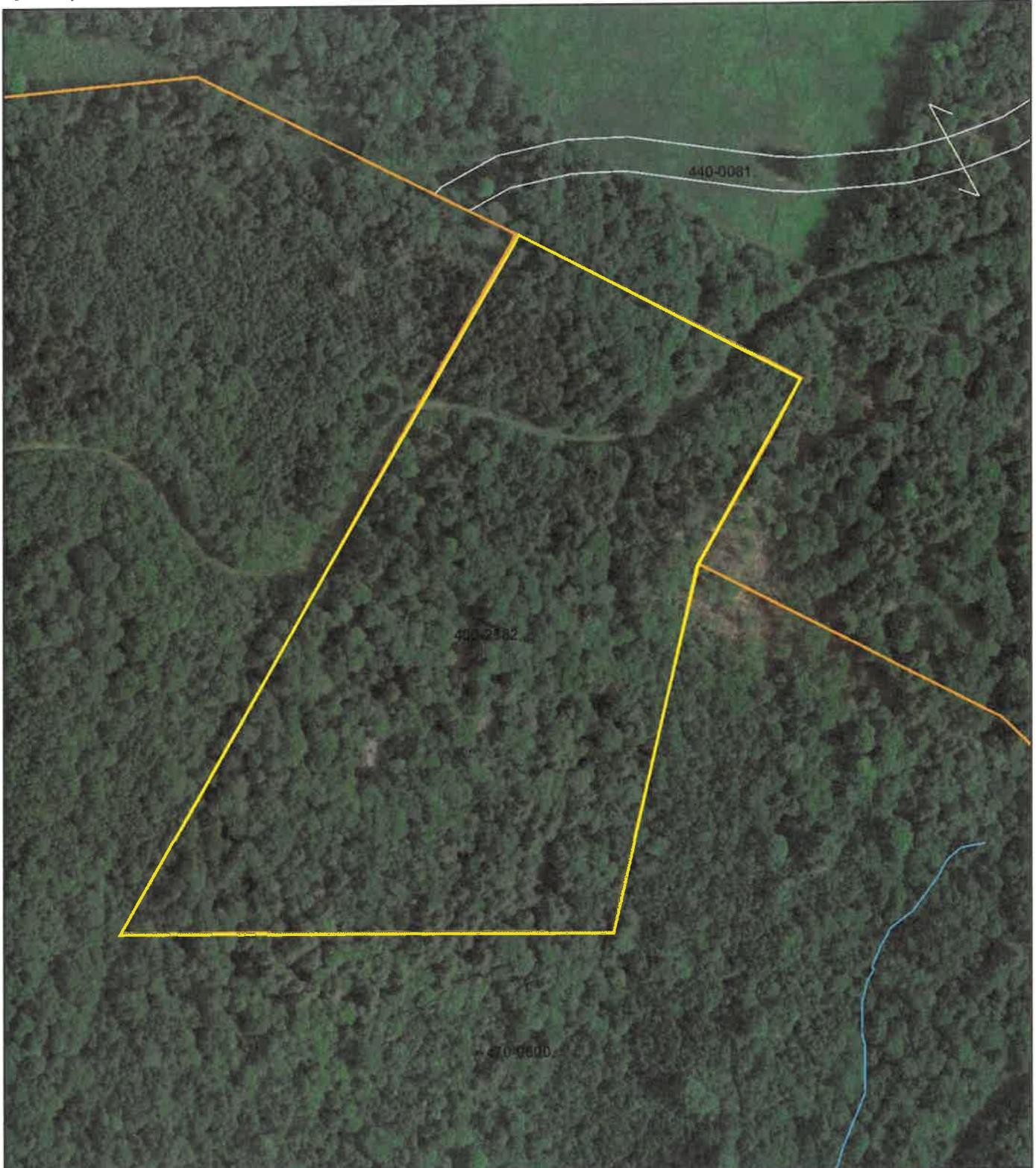
www.cai-tech.com

May 24, 2021

(Staff)



#049-21



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0 Perry Hill Rd, Brown (CNS 100' setback-box)

Waterbury, VT

1 inch = 200 Feet

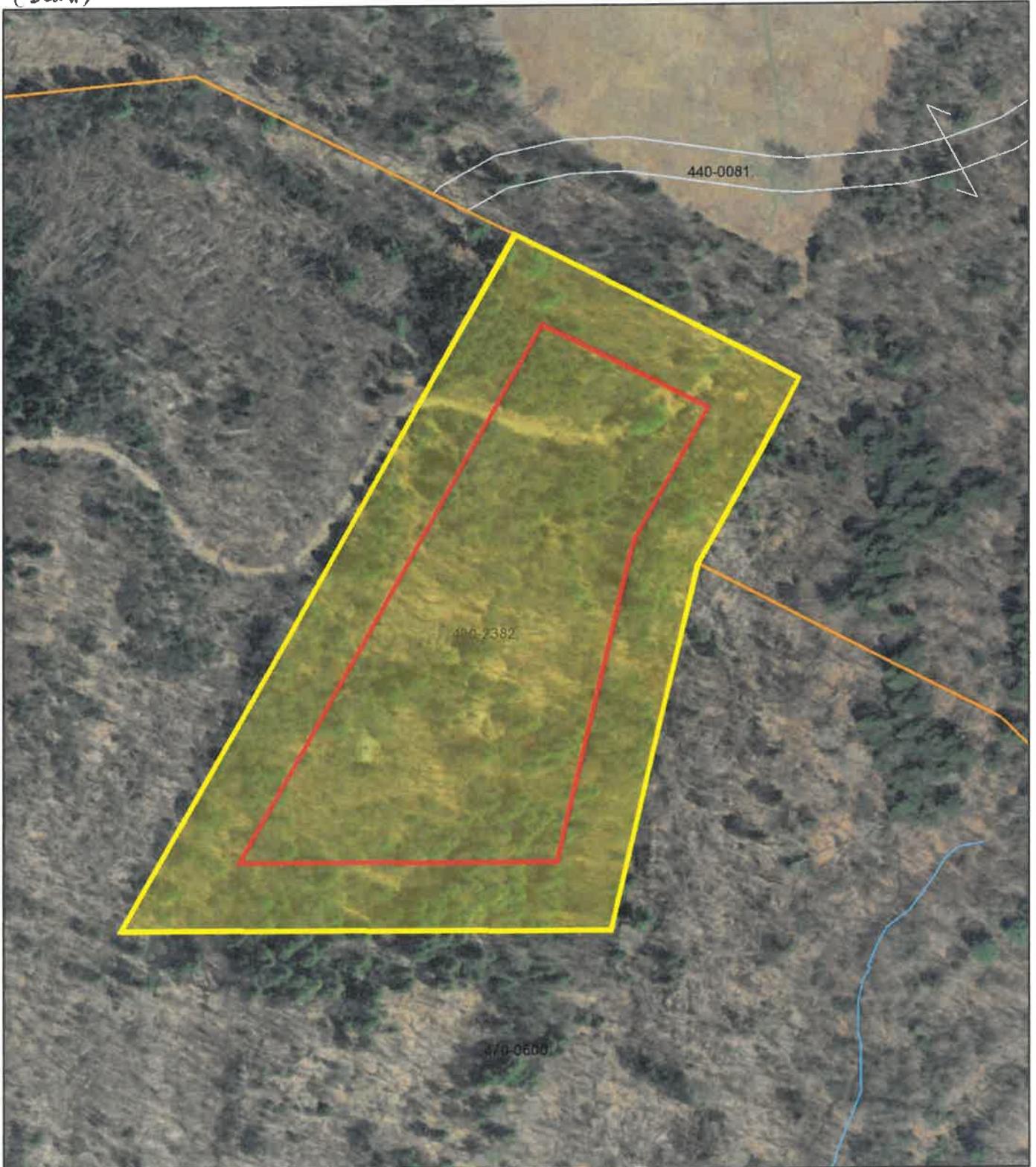
EXHIBIT E4

#049-21

www.cai-tech.com

May 24, 2021

(Staff)



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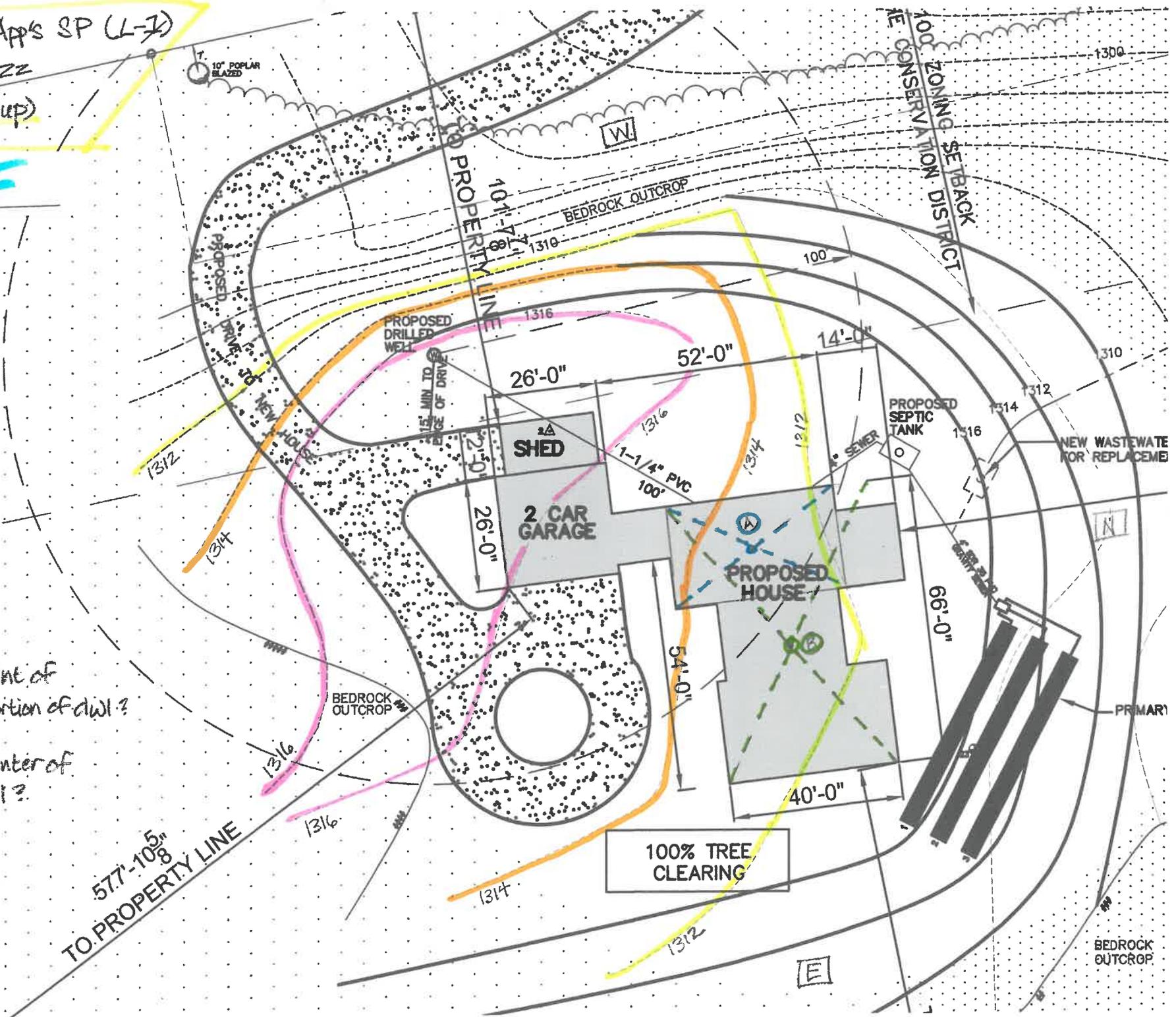
Excerpt, App's SP (L-7)
Not actual ZZ
(Staff mark-up)

EXHIBIT F

[S]

- (A) Center-point of highest portion of dwl?
- (B) Approx. center of entire dwl?

577-105⁵
TO PROPERTY LINE



[E]

BEDROCK OUTCROP



State of Vermont

EXHIBIT

#049-21
BROWN-COLON
5/20/21

AGENCY OF NATURAL RESOURCES WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT

EXHIBIT G1

LAWS/REGULATIONS INVOLVED:

- 10 V.S.A., Chapter 64, Potable Water Supply and Wastewater System Permit and Environmental Protection Rules;
- Chapter 1, Wastewater System and Potable Water Supply Rules:
 - Subchapter 4, Water Supply and Wastewater Permits
 - Subchapter 5, Technical Standards for Wastewater Systems and Potable Water Supplies
 - Appendix 1-A, Design Guidelines
- Chapter 21, Water Supply

CASE No: WW-5-4280
 APPLICANT: James and Nancy Laird
 ADDRESS: P.O. Box 4004
 Westport MA 02790

PIN No. BR07-0193

This permit affects property identified as Town Tax Parcel ID #400-2382 and referenced in deeds recorded in Book 219 Page(s) 468 of the Land Records in Waterbury, Vermont.

This project, consisting of constructing a 5-bedroom single-family residence on a 12.0± acre lot, located on Perry Hill Road in Waterbury, Vermont, is hereby approved under the requirements of the regulations named above, subject to the following conditions:

1. GENERAL CONDITIONS

The project must be completed as described on the plans and/or documents prepared by Charles J. Grenier, P.E., listed as follows:

Septic System Site Plan, Sheet 1 of 2, Dated 1/30/06

Septic System Details, Sheet 2 of 2, Dated 1/30/06

and which have been stamped "APPROVED" by the Wastewater Management Division. No alteration of these plans and/or documents shall be allowed except where written application has been made to the Agency of Natural Resources and approval obtained.

1.2. Each prospective purchaser of any portion of the project shall be shown a copy of the permitted plans and the Wastewater System and Potable Water Supply Permit prior to conveyance of any portion of the project.

1.3. This project has been permitted for the construction of one 5-bedroom single-family residence on the lot. No other buildings are allowed without prior permitting by the Wastewater Management Division and such permit may not be granted unless the proposal conforms to the applicable laws and regulations.

1.4. The conditions of this permit shall run with the land and will be binding upon and enforceable against the permittee and all assigns and successors in interest. The permittee shall be responsible for recording this permit in the Waterbury Land Records within thirty (30) days of receipt of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.

1.5. This permit does not relieve you, as landowner, from obtaining all approvals and permits as may be required from the Water Quality Division (phone 241-1418) and local officials PRIOR to construction.

1.6. By acceptance of this permit the permittee agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with the permit.

1.7. This permit shall in no way relieve you of the obligations of Title 10, Chapter 48, Subchapter 4, for the protection of groundwater.

(CONTINUED)

2. WATER CONDITIONS

2.1. No permit issued by the Secretary shall be valid for a substantially completed potable water supply until the Secretary receives a certification from a designer or the installer, signed and dated, that states:

"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply was installed in accordance with the permitted design and all permit conditions, was inspected, was properly tested, and has successfully met those performance tests."

2.2. This project is permitted for an on-site water supply from a drilled well provided that the well is located as shown on the permitted plans and meets or exceeds the isolation distances required in the Water Supply Rule.

3. SEWAGE DISPOSAL CONDITIONS

3.1. No permit issued by the Secretary shall be valid for a substantially completed wastewater system until the Secretary receives a certification from a designer or the installer, signed and dated, that states:

"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the wastewater system was installed in accordance with the permitted design and all permit conditions, was inspected, was properly tested, and has successfully met those performance tests."

3.2. This project is permitted for the on-site subsurface disposal of wastewater in accordance with the design depicted on the permitted plans for a maximum of 560 gallons of sewage per day. Should the system fail, the current owner must engage a Licensed Designer to evaluate the cause of the failure and to submit an amendment application to this office prior to repair or replacement of the system.

3.3. A site for the future replacement of the wastewater disposal system has been identified on the permitted plans. There shall be no construction of this replacement area for wastewater disposal until a complete design has been submitted to the Wastewater Management Division.

3.4. The wastewater disposal system shall be constructed as shown on the permitted plans and shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State.

3.5. The septic tank filter should be cleaned and the septic tank pumped out at least once every 3 to 5 years. Routine inspection is recommended for restaurants and other commercial operations with high organic loading.

Jeffrey Wennberg, Commissioner
Department of Environmental Conservation

By Robert Pelosi 6/11/07
Robert Pelosi, Assistant Regional Engineer

CC Charles Grenier
Waterbury Planning Commission

**Statement of Billy Vigdor
To the Waterbury Development Review Board (DRB)
Regarding Application 49-21
July 7, 2021 (corrected version)**

Thank you for allowing me to comment on the proposed project. I understand that a copy of my remarks and exhibits are contained in your package but I will not assume you have had a chance to familiarize yourself with the materials in detail. I will be referring to the Exhibits and reading from my prepared remarks. Please feel free to ask any questions at any time. The Open Records Act requires me to disclose that I am a Conservation Commissioner but my remarks do not necessarily reflect the views of the Commission or any Commissioner.

As I will discuss, the proposed development lies within the middle of and will fragment hundreds of undeveloped high priority interior forest and bear habitat on Perry Hill. Such fragmentation poses a substantial risk of having undue adverse impact on Perry Hill. The Waterbury Municipal Plan requires the DRB to undertake careful study and evaluation before concluding there is no undue adverse impact. More specifically, the Plan states that development must minimize forest fragmentation, provide adequate buffering and promote retention unfragmented forest. Yet, the Application is silent on these issues. Rather than rejecting the application, I am asking the DRB to require the applicant to provide or otherwise obtain natural features, landscape, access and, if applicable, storm water plans to allow the DRB to fully evaluate the impact of this and future development on Perry Hill.

The Property Is Within Unfragmented and Undeveloped High Priority Interior Forest and Bear Habitat

Let me start by showing you Perry Hill and the property. Exhibit 1 is a June 25, 2021 Apple Maps view of Perry Hill and the proposed project, annotated to show the .7-mile access trail from Perry Hill Road. The Exhibit shows the proposed project is within hundreds of heavily forested acres. Exhibit 2 provides Agency of Natural Resources data showing Perry Hill, other than the proposed project, is entered into the Use Appraisal (Current Use) Program.¹ Exhibit 3 shows the property accesses Perry Hill Road using a heavily forested and vegetated double track. The trail is about .7-miles from Perry Hill to the closest part of the property and averages about 13 feet wide with grades as steep as 12.5%. Water bars have been erected to prevent erosion on the steeper parts of the trail.

Exhibit 4 shows two photos along the trail showing it is heavily forested, with heavy tree cover and vegetation, making for a healthy wildlife habitat, including bear habitat. Exhibit 5 shows the back of a bear walking along the trail at the property boundary and a June 8 photo showing fresh bear scat on the property. Unfortunately, the time stamp function of my game camera reset the date, so I cannot give you an exact date of the photo, but the January date shown is not accurate. I set up the camera on June 11 and took it down on June 18, so the bear was on the trail between those dates. These photos confirm what the Municipal Plan Wildlife Resources Map 2-2 concludes; namely that Perry Hill and the property hosts a highly active bear community. Exhibit 6 is an annotated Wildlife Resources Map showing Bear Habitat in the hatched area.

¹ Agency of Natural Resources, <https://anr.vermont.gov/maps/biofinder>, ("BioFinder"). "BioFinder is a database and mapping tool for identifying Vermont's lands and waters that support important ecosystems, natural communities, habitats, and species." *Id.*

As you might expect, this area also hosts a great deal more wildlife than bear. Exhibit 7 shows views of the forest and various wildlife on the access trail over time. I am unaware of an accounting of all the wildlife on Perry Hill. Suffice it to say it is extensive because the Municipal Plan's Forest Resources and Connectivity Map 2-5 shown at Exhibit 8 (annotated) shows that Perry Hill is designated as High Priority Interior Forest. The Vermont Fish & Wildlife Department describes interior forest blocks as "playing a significant role in maintaining the regional ecosystem."² In a recent presentation to the DRB, the Waterbury Conservation Commission explained the significance and role of interior forest blocks and wildlife travel corridors. Although that presentation was focused on the Shutesville Hill Wildlife Corridor, I believe the general principles regarding high priority interior forest blocks applies to Perry Hill. It is certainly worth examining. The Agency of Natural Resources explains that high priority interior forest blocks "are the largest and/or highest ranked forest blocks from all biophysical regions that provide the foundation for interior forest habitat and associated ecological functions."³

All told, Perry Hill hosts a healthy, unfragmented, high priority forest and wildlife habitat that I would argue is not replaceable. The area is only used for recreation; hiking, biking, horseback riding, snow shoeing and skiing. I understand the landowners do not allow motorized vehicles on the property and the gate located at the intersection of the access trail and Perry Hill prevents motor vehicles from accessing the property. I encourage the DRB to walk the property.

I respectfully submit the proposed project will fragment and to some extent deforest Perry Hill and put this habitat at risk of "a serious negative impact on natural resources," that is, an undue adverse effect, which is contrary to the Municipal Plan. The proposal includes building a 3200 square foot home, 32 feet high with a long driveway. The proposal includes clear cutting about two-thirds of an acre, then cutting 50% of some forest and 25% of other forest. The plan does not explain whether the 50%/25% cutting is thinning, clearing view windows or removing tree canopy, which makes it impossible to assess the size of the tree cutting or the impact of the proposal. Regardless, the project creates significant risk of fragmentation and deforesting on the property.

In addition, the applicants may need improve or resurface the .7-mile trail to ensure it can be plowed, first responders will have safe access and vehicles can pass each other. The application does not explain whether or how this will be implemented. I expect the gate protecting Perry Hill from motorized vehicles will need to be removed to allow the applicants to access their home. This will open all of Perry Hill to motorized recreational vehicle traffic.⁴ It also appears the applicants are planning to have power poles and electric lines installed along the access trail. Stakes have been planted on the access trail and neighbors report seeing Green Mountain Power on the trail. The development along the access trail risks deforesting and fragmentation beyond the applicant's parcel. It is possible that the scale of development would also warrant a storm water permit and the installation of storm water infrastructure that could further impact the habitat.

² Vermont Fish & Wildlife Department, Agency of Natural Resources, Mapping Vermont's Natural Heritage: A Mapping and Conservation Guild for Municipal and Regional Planners in Vermont, 71 (2019) ("Mapping Vermont's Heritage").

³ Source: BioFinder.

⁴ Removing the gate and plowing the access trail would adversely impact skiing and snowshoeing along the route.

Application Deficiencies Preclude the DRB From Finding No Undue Adverse Effect

Let me now turn to the regulatory framework. Section 303(e)(2) of the Zoning Regulations requires the DRB to “find”⁵ that the proposed project “will not have an undue adverse impact on the character of the area affected as defined by the Municipal Plan,” including that it “[w]ill not have an undue adverse effect on the scenic or natural beauty of the area ... or irreplaceable natural areas.” An undue adverse effect is found if there is a serious negative effect on the area. Zoning Regulations Definitions.

The Conditional Use Application requires the applicant to “[d]escribe how the proposed use will not have an undue adverse impact on the character of the area affected as defined by the Municipal Plan.” The application states, the project “[m]eets requirements for minor ridgeline/conservation development.” This response does not inform the DRB on any of the issues raised above.

Municipal Plan includes several passages explaining the importance and sensitivity of High Priority Interior Forest Blocks, Bear Habitat and unfragmented forests to Waterbury. As the excerpts in Exhibit 9 show, the Municipal Plan directs that siting and development minimize forest fragmentation and provide adequate buffering, and development retain unfragmented forests. Based on the applicant’s response and the information provided above, there is no information on which the DRB can make a finding of no undue adverse impact on Perry Hill.

I respectfully submit the best way to address these issues is for the DRB to require the applicant to submit a natural features plan, an access plan and a landscape plan to ensure there is a detailed plan of tree cutting, motor vehicle traffic and an evaluation of the impacts of the plans on the forest and wildlife. If the DRB finds that a storm water permit and added infrastructure is necessary, the applicant should also submit a storm water plan. Applicants should be invited to submit documents and data describing how there is no undue adverse impact to Perry Hill and offer any mitigation to lessen the impact.

In closing, this review process is the only process available to the Town to assess the impact of development on the Town’s natural resources and to balance the two. Just like the detailed review of building structures and location undertaken in site plan reviews, I respectfully suggest the same level of scrutiny be applied to this project and all projects within areas containing sensitive and important wildlife habitat and forest as defined in the Municipal Plan.

Thank you for your time and attention.

⁵ A finding requires a deliberative body to investigate and determine facts; it is not sufficient for the DRB to base a decision on an unsupported assertion that a project is consistent with the Municipal Plan and Zoning Regulations. See, Black’s Law Dictionary (2d Ed, Online), <https://thelawdictionary.org/finding/> (last visited June 28, 2021) (finding means “decision upon a question of fact reached as the result of a judicial examination or investigation”); Meriam Webster Online Dictionary, <https://www.merriam-webster.com/dictionary/find> (last visited June 28, 2021) (finding means “to come upon by searching or effort”).

Exhibits to the Statement of Billy Vigdor

**Exhibit 1 – Perry Hill Project Overview
(Annotated to Illustrate the Extent of the Wooded Double Track Access Road)**



**Exhibit 2 – Perry Hill Properties Surrounding the Project Have Been Conserved
(Yellow Depicts Property in the Use Appraisal (Current Use) Program)**



Exhibit 3 – Perry Hill Project Access Point



Exhibit 4 – Perry Hill Access Road (1) & (2)



**Exhibit 5 – Game Camera Photo of Bear and Scat on Access Road
(June 8 and between June 11 and 18; incorrect date and time stamp)**



Exhibit 6 - Wildlife Resources Map 2-2 (annotated) (Bear Habitat in Hashes)

11:23



waterburyvt.com

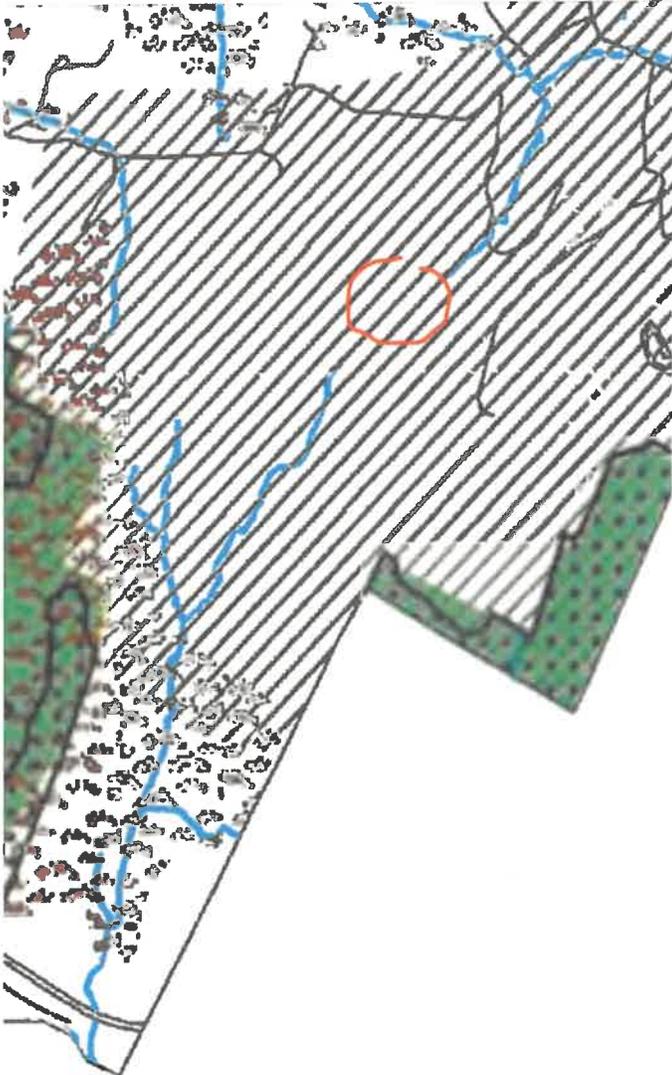


Exhibit 7 – Views of Perry Hill From and Along the Access Road



Exhibit 8 –Forest Resources and Connectivity Map 2-5 (annotated)



**Exhibit 9 – Municipal Plan Discussion of High Priority Interior Forest Blocks and Bear Habitat
(emphasis added)**

1. Land development outside of designated growth areas must “promote use and management of forest land, and the retention of un-fragmented forest blocks.” (Page 66) because “[f]ragmented forests are considered less resilient to disturbances, less diverse, support less wildlife and recreational opportunities, and reduce the viability of local forest products economy. Waterbury should encourage development patterns that reduce the likelihood of these outcomes.” (Municipal Plan, Page 59)
2. “Retaining contiguous forested cover in these hillside areas has many additional benefits including the protection of wildlife habitat. For example, most of the higher elevation forested area in the Worcester Range is mapped habitat for bears that rely on large un-fragmented blocks of forest for food sources and species health.” (Page 49)
3. “The mountainous, forested landscape we appreciate in Waterbury for recreation and beauty is also a stronghold for the black bear.” (Page 61-62)
4. “[C]ontiguous” forest lands are “essential for the long-term stability of Vermont’s bear population.” (Page 61-62)
5. “The upland portions of the Worcester Range in Waterbury as referenced in the Wildlife Resources Map have been identified as seasonal bear habitat, a region frequently used by bears, including cub-producing females. These areas contain critical seasonal feeding areas and travel corridors.” (Page 61-62)
6. “To ensure the survival of the black bear (and other species with similar habitat needs), Waterbury’s forest lands should be carefully managed with appropriate siting and management of new development to minimize habitat fragmentation and provide adequate buffering. Forestry, agriculture, and recreation are generally compatible uses; however, low density housing, even if scattered proportionately across the land, can diminish bear habitat if located inappropriately. (Page at 62)
7. “Waterbury’s planning protects forest resources in order to preserve scenic resources, recreational opportunities, wildlife habitat, water and soil quality, and timber and non-timber forest products and producers. Planning identifies important forest areas and carefully consider development in these areas. Consolidating development in areas that do not impact productive forest landscapes, forest soils, keeping forests intact and unfragmented, and plan for the access to forest lands during subdivision are all important tools in the protection of forest resources.” (Page 59)

#049-21: Elizabeth Brown and Clarke Colon

(Parcel 400-2382) off of Perry Hill Road.

Project to construct a new single-family dwelling and attached garage on an undeveloped lot in CNS/RHS zoning/overlay districts.

Elizabeth Brown has written, regarding the slope of the driveway:

(May-26 & 27, 2021) It is 0.7-miles to the property on the ROW. The elevation change between Perry Hill and the house is 300-ft. No part of the driveway is more than approximately 10% and the average is about 8% (calculated by approximately 300-ft change over 0.7 miles). Regarding the grading of the house site, where we are building is relatively flat. The grading as depicted just shows a slight grade away from the building. No adjoining properties will be impacted by the grading (flow of water away from the house).

Regarding improving the access drive that crosses the Ernstof parcel:

(July 5, 2021) The road is a solid road due to the improvements Nancy Meaker Laird made back in circa 2004 when she planned to build.

I met the Wulff's up there this past week per our agreement on file to discuss improvements. The agreement was made with the Wulff's in 2004 when Wulff bought the adjacent property with the shared ROW. The only planned improvements at this time are scraping down the organic material off the road to get to gravel base again and cleaning the drainage ditches along the road.

Per the deeded information for the ROW going back to at least 1976, the improvements are all in our control (with Wulff's who share the ROW), providing 50-ft access (25-ft each way from centerline) for road and utilities. We incur all costs now. Wulff shares in road cost only if/when they build on their property, and require use of the ROW.