

## TOWN OF WATERBURY ZONING PERMIT APPLICATION

Date: 01.31.	20 Z 2 Application #: 00 6 - 2 Z
Fees Paid: 3	00 + \$15 recording fee = 315
Parcel ID #:	563-0700
Tax Map #:	14-084.070

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

CONTACT INFORMATION				
APPLICANT		PROPERTY OWNER (if different from Applicant)		
Name: Susan and Wayne VanBenschoten		Name:same as applicant		
Mailing Address:13 Windswept Ridge Rd.		ailing Address:		
7 OTT				
Home Phone :	Н	ome Phone :		
Work/Cell Phone:	W	Work/Cell Phone:		
Email: svanbenschoten@fhistudio.com	E1	nail: <u>wvanbenschot</u>	en@gmail.com	
PROJECT DESCRIPTION		С	HECK ALL THAT APPLY:	
Physical location of project (E911 address	s): Lot 5 Wood Farm Roa	d	NEW CONSTRUCTION  Single-Family Dwelling  Two-Family Dwelling	
Lot size:10.04 acres Zoning Distric	t: Conservation		☐ Multi-Family Dwelling	
Existing Use: Undeveloped Prop			□ Commercial / Industrial Building	
		e and attached garag	e 🗆 Residential Building Addition	
within the previously approved building	zone on Lot 5 of Wood Far	m Rd. The original	□ Comm./ Industrial Building Addition	
developer has cleared the site in conform			□ Accessory Structure (garage, shed)	
depicted on the attached site plan. Building elevations are also inclu		uded.	□ Accessory Apartment □ Porch / Deck / Fence / Pool / Ramp	
Cost of project: \$Unknown Estimated start date:			□ Development in SFHA (including repairs and renovation)	
Water system: W	aste water system:		□ Other	
EXISITING Not Applicable	PROPOSED		USE	
Square footage: Height:	Square footage: 2,334 s	f Height: 34' 2" garage	□ Establish new use	
Number of bedrooms/baths:		ath: 3 bed-3.5bath	☐ Change existing use	
# of parking spaces:	# of parking spaces: 4		<ul><li>Expand existing use</li><li>Establish home occupation</li></ul>	
Setbacks: front: Setbacks: front:		-	OTHER	
sides:rear:	sides: 285'+/+ 330' +/-	rear: 172' +/-	□ Subdivision (# of Lots:)	
ADDITIONAL MUNICIPAL PERMITS REQUI			Boundary Line Adjustment (BLA)	
	ddress Request	-	☐ Planned Unit Development (PUD)	
□ Water & Sewer Allocation □ none of			<ul><li>□ Parking Lot</li><li>□ Soil/sand/gravel/mineral extraction</li></ul>	
[Additional State Permits may also be required]			□ Other	

Date created: Oct-Nov 2012 / Revised: July 2019

PAGE 1 of 2



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 site plan and building elevations

BIGNATURE	The undersigned hereby applies for a Zoning Perm the basis of the representations made herein all of Applicant Signature  Property Owner Signature - same as applicant	which the applicant swears to be complete and true.  12822 date 12822 date
CONTACT	Zoning Administrator Phone: (802) 244-1018 Mailing Address: Waterbury Municipal Offices, 28 No Municipal Website: www.waterburyvt.com	
	OFFICE USE O	
Zoning District/Overlay:		Yes   No
Final Plat due (for Subdivision only):Remarks & Conditions:		DDR G SFHA G RHS G CMP
Authorized sig	nature:Date:	



### TOWN OF WATERBURY CONDITIONAL USE INFORMATION

This Conditional Use (and Setback Waiver) information sheet supplements the Zoning Permit application. Please provide all of

Date:	Application #:
Fees Paid:	(\$15 recording fee already paid)
Parcel ID #:	
Tax Map #:	

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:To construct a single family residence and attached garage within the
previously approved building zone on Lot 5 Wood Farm Rd. The original developer has cleared the site in
conformance with previous approvals, as depicted on the enclosed site plan. Building elevations are also
_included

### 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): The proposed use is residential which is consistent with the lots original approval. The lot was previously reviewed and approved in terms of community facilities. The lot has approved water/sewer on-site. The proposed residence meets the maximum building height.
- 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 lots use will be residential, as previously approved. The building has been designed in conformance with the ridgeline overlay district guidance and is located in the approved building zone, therefore no adverse impacts are anticipated.
- 3. Describe how the proposed use will not violate any municipal bylaws and ordinances in effect: The residential use is previously approved and allowed in the conservation zoning district. The proposed building is within the previously approved building zone and meets all applicable regulations.
- 4. Describe any devices or methods to prevent or control fumes, gas, dust, smoke, odor, noise, or vibration: Other than standard noise during construction, none of these items are anticipated to occur with a proposed residence within the approved building zone. Any dust during construction will be controlled on-site by the contractor.
- 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?

Not applicable. No removal of earth or mineral products is involved, other than possibly incidental to construction.

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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EXHIBIT	part !	Cherry Co.
ion #		(3)

TOWN OF WA	TERBURY		
<b>OVERLAY</b>	<b>DISTRICT</b>	<b>INFORM</b>	ATION

Date:	Application #:	
Fees Paid:	(\$15 recording fee already page 15)	
Parcel ID #:		
Тах Мар #:		

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: To construct a single family residence and attached garage within the previously approved

building zone on Lot 5 of Wood Farm Rd. The original developer has cleared the site in conformance with previously approved plans, as shown on the enclosed site plan. Building elevations are also included.

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 20feet 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
- $\square$  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:	SUBMISSION REQUIREMENTS:
X For both Minor & Major Development Projects see	Minor Development Projects (1,200—1,499 FIE)
Conditional Use Criteria	<ul> <li>All information required under Site Plan</li> </ul>
X For Major Development Projects:	Review (see Site Plan Review Application)
_X_ Screening	<ul> <li>Completed Conditional Use Application</li> </ul>
_X_ Access	X Major Development Projects (1,500 & up FIE)
_X_ Placement of Structures	All information required under Site Plan
_X_ Exterior Lighting	Review (see Site Plan Review Application)
_X_ Clearcutting and Pre-Development Site	X Completed Conditional Use Application
Preparation _X_ Natural Resources	⅓ Grading Plan
_X_ Building Design	Visibility Studies
	X Stormwater Drainage/Erosion Control Plan
	Landscape Plan
	Access Plan Autural Features
SPECIAL FLOOD HAZARD AREA OVE	RLAY DISTRICT (SFHA)
DESIGN STANDARDS:	•
	All fuel storage tanks are either elevated or floodproofed.
All substantial improvements and new construction (inc.	
Designed, operated, maintained, modified and adeq	quately anchored to prevent flotation, collapse, release, or lateral
movement of the structure	
Constructed with materials resistant to flood damage	ge
Constructed by methods and practices that minimiz	ze flood damage
Constructed with electrical, heating, ventilation, plu	imbing and air-conditioning equipment and other service facilities
that are designed and/or located so as to preven	t water from entering or accumulating within the components
during conditions of flooding	
All new subdivisions and other proposed developme	ents that are greater than 50 lots or 5 acres, whichever is the lesser
shall include within such proposal base flood ele	evation 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
	signed to automatically equalize hydrostatic flood forces on exterior
walls by allowing for the entry and exit of floodw	vaters.
A non-residential, appurtenant structure of 500 st C	or less need not be elevated to or above the base flood
	placed on the building site so as to offer the minimum resistance to
the flow of floodwaters	vations and/or floodway limits have not been determined, new
annetraction and substantial improvement shall	not be permitted unless it is demonstrates additional standards
(see Regulations)	
	s of residential structures within Zones A1-30, and AE must have
the lowest floor of all residential structures (incl	uding basement) elevated to at least one foot above the base flood
level.	
	ls and practices which minimize flood damage. Manufactured
homes must be elevated on a permanent foundar	tion such that the lowest floor of the manufactured home is at least
one foot above base flood elevation, and they mu	ıst be anchored to an adequately anchored foundation to resist
flotation collapse, or lateral movement.	
All new construction and substantial improvements	s of non-residential structures within Zones A1-30, and AE shall:
$\hfill\Box$ Have the lowest floor (including basement) elevated	to at least two feet above the base flood level; or
$\hfill\Box$ Be designed so that below the base flood level the str	ructure 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 b	ase i	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			structural design
	_ Adequate drainage paths shall be required around struct	ures	on slopes to guide floodwaters around and away from
	proposed structures.		
	_ The flood carrying and sediment transport capacity with	in th	e altered or relocated portion of any watercourse shall
	be maintained, and any alteration or relocation shall	not 1	result in any decrease of stream stability.
	Bridge and culverts, which by their nature must be place		
	permit from the Agency of Natural Resources, if requi	ired.	
SU	BMISSION REQUIREMENTS:		Where an application requires Board review the applica-
	Plans in triplicate, drawn to scale, showing the location,		tion shall include certification by a registered profes-
	dimensions, contours, and elevation of the lot; the size		sional engineer or architect demonstrating that the pro-
	and location on the site of existing or proposed struc-		posed development will not increase base flood eleva-
	tures, fill or storage of materials; the location and eleva-		tions more than 0.25 foot
	tions of streets, water supply, and sanitary facilities; and		Certification by a registered professional engineer or
	the relation of the above to the location of the channel,		architect demonstrating compliance with the elevation
	floodway, and base flood elevation		requirements
	Specifications for building construction and materials,		A description of the extent to which any watercourse wil
	floodproofing, mining, dredging, filling, grading, paving,		be altered or relocated as a result of the proposed devel-
	excavation, or drilling, channel improvement, storage of		opment
	materials, water supply, and sanitary facilities		A Vermont Agency of Natural Resources Project Review
	Base flood elevation data for all subdivisions, new con-		Sheet for the proposal
	struction, and substantial improvements		Proposed floodproofing must be supported by a FEMA
	The elevation, in relation to mean sea level, of the lowest		Floodproofing Certificate
	floor, including basement, of all new construction or		
	substantial improvement of structures		
	Where floodproofing is used in lieu of elevation, the ele-		
	vation, in relation to mean sea level, to which any struc-		

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

ture or substantial improvement will be floodproofed

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

Municipal Website: www.waterburyvt.com



Steve Lotspeich- Zoning Administrator Town of Waterbury 28 North Main St. Waterbury, VT 05676 January 31, 2022

RE:

Proposed Residence on Previously Approved Lot 5 of Wood Farm Rd. (Former Ripley Springs, LLC.). RHS Overlay and Conditional Use Review. Owners/Applicants: Susan and Wayne Vanbenschoten.

Dear Steve.

Please find enclosed a Town of Waterbury zoning application, conditional use information, district overlay information, building elevation, building renderings, lighting layout, erosion control plan, site plan with view cross sections, and a fee check made payable to Town of Waterbury for \$315.00 to cover the fee.

Susan and Wayne Vanbenschoten are applying to construct a new 3-bedroom single family residence on previously approved Lot 5 of Wood Farm Rd/Ripley Springs subdivision in Waterbury Center. The original site developer has done pre-development site clearing that was approved in 2015. The enclosed site plan depicts the as-built site clearing envelope, and we have found the site clearing to be in general conformance with the previously approved plans for the lot as at least 30% of the cut 70/leave 30 zone has remained forested on the northern side of the site. The cut 20/leave 80 zone has had less than 20% of trees removed, and the cut 100 zone around the State of VT approved septic system site has been cleared.

The Vanbenschoten's proposed residence has been designed by Moore Design Builders, a local company. The building height is proposed at 34' 2", so maximum height limit of 35' is met. The residence is proposed at the lowest elevation of the previously approved building zone. This portion of the building zone allows for southern exposure and proper site grading. The lower portion of the building zone also allows for the most screening to any possible off-site vantage points.

The as-built clearing limits depicted on the site plan exhibit that a majority of natural forested screening toward the Waterbury Reservoir has been preserved. The view toward Camel's Hump and a southerly direction was mostly cleared, creating a view corridor to the distant green mountain views. The house site contains significant immediate backdrop and the building site is surrounded by natural forest tree cover. The house site is not on a prominent knoll that will stand out into the viewshed, and the house will be "tucked" into the surroundings as shown on the proposed plans.

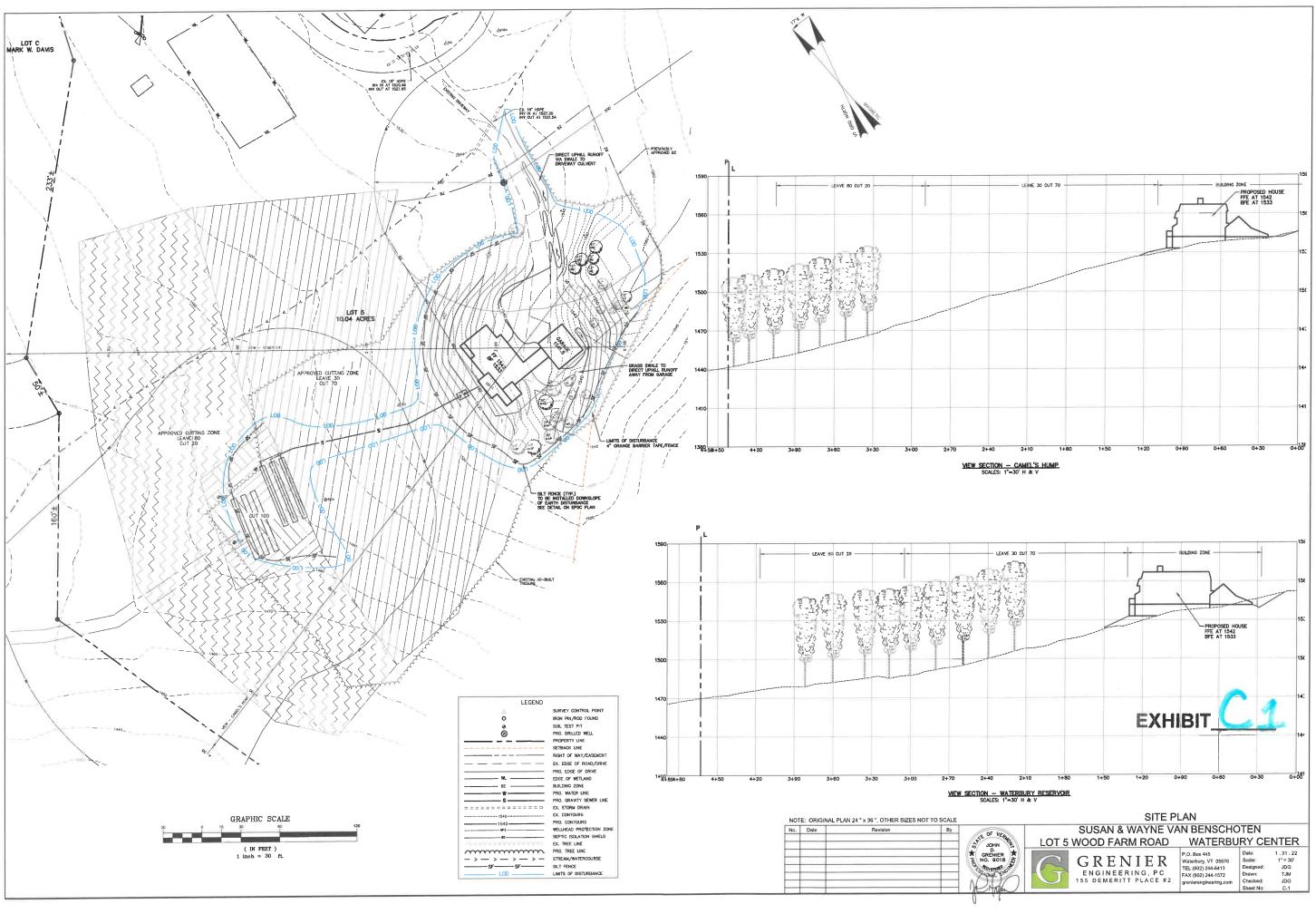
Please review the enclosed application materials. We hope that you can schedule this project for review with the Development Review Board on the evening of March 2, 2022. Please send referral and notice information to Grenier Engineering, PC, as we will handle notice requirements for the applicant. Please let us know if you have any further questions regarding this matter.

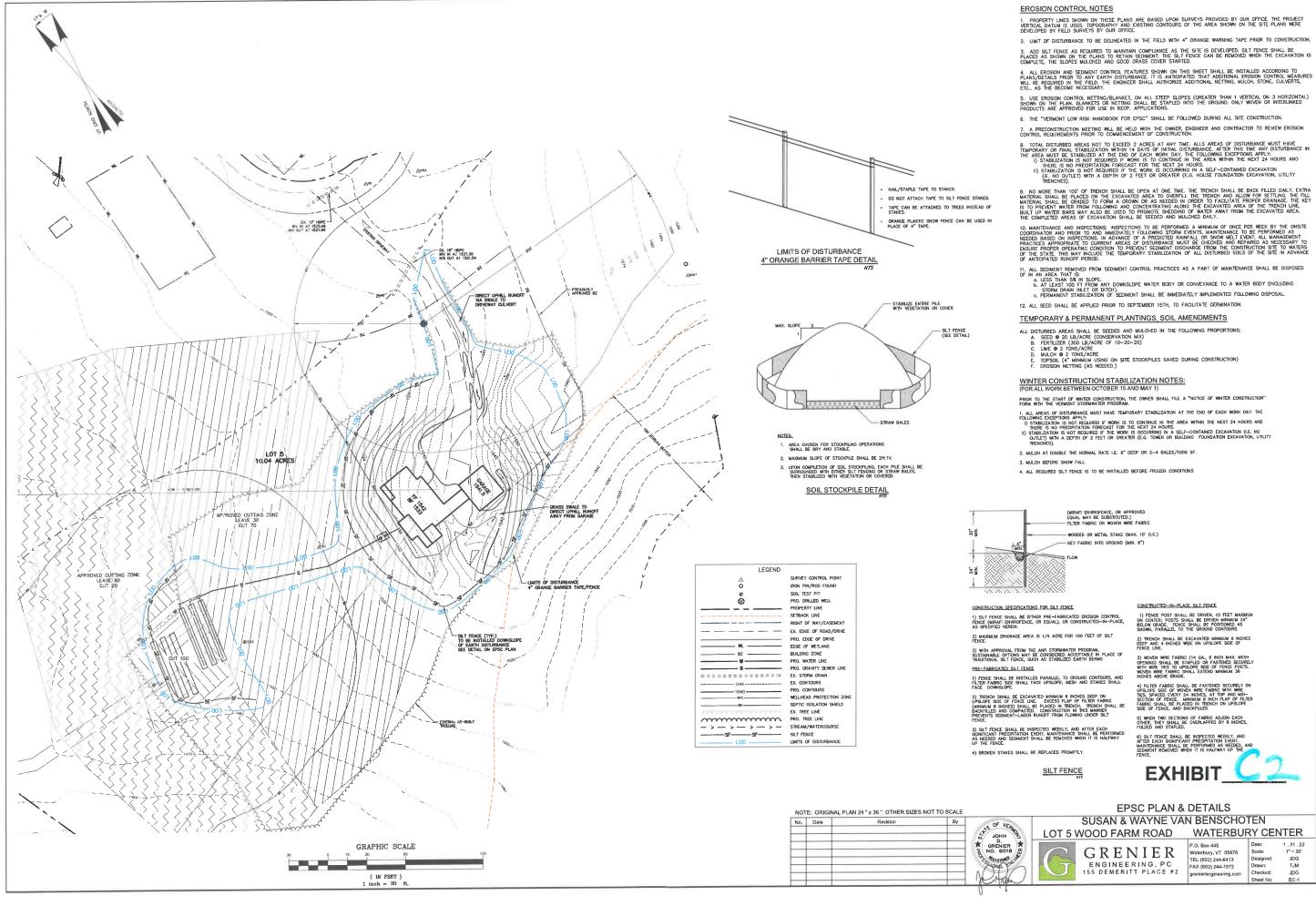
Respectfully,

Chris Austin

Permit Coordinator Grenier Engineering, PC Enclosures

Susan and Wayne Vanbenschoten William Moore CC:

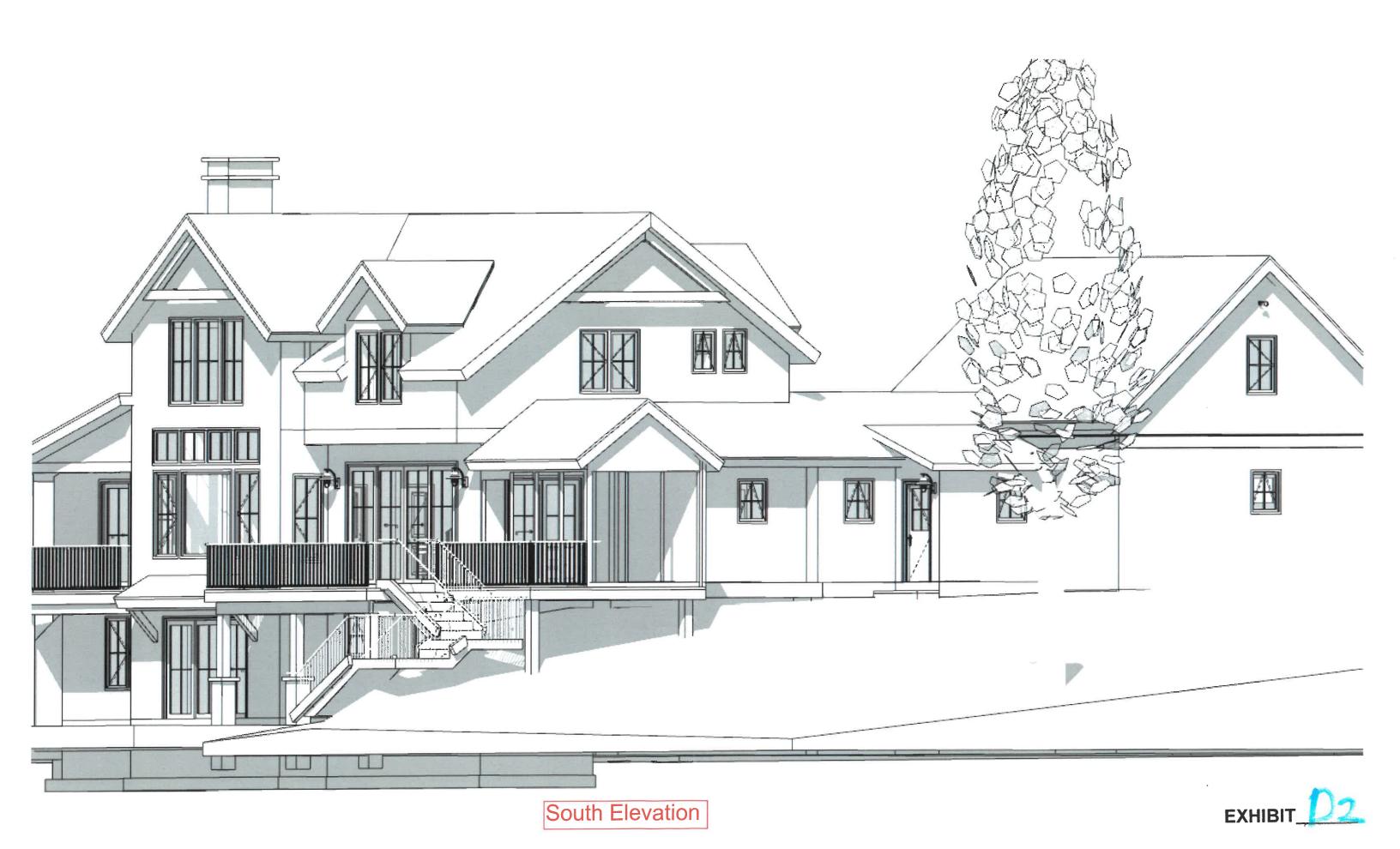




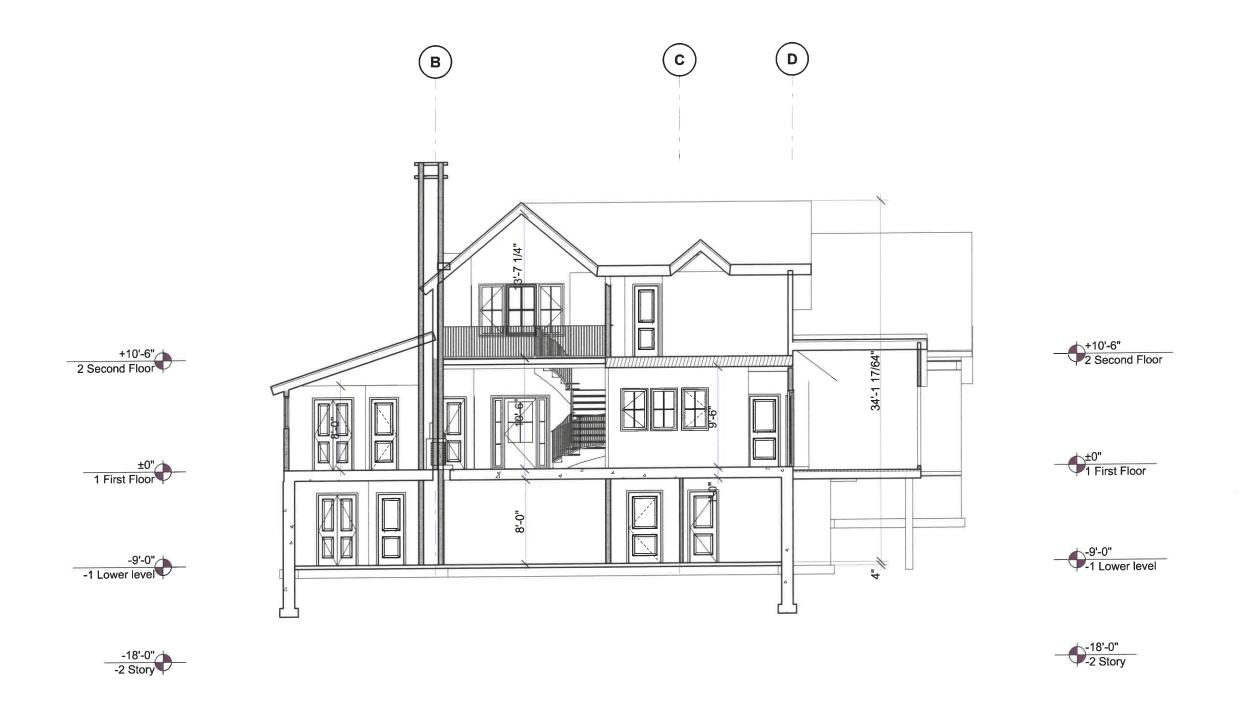


West Elevation









## **Building Section A**

Contact Company
Contact Full Address 1
Contact City, Contact State/Province Contact Postcode/ZIP

SCALE: 1/8" = 1'-0"

VanBenschoten

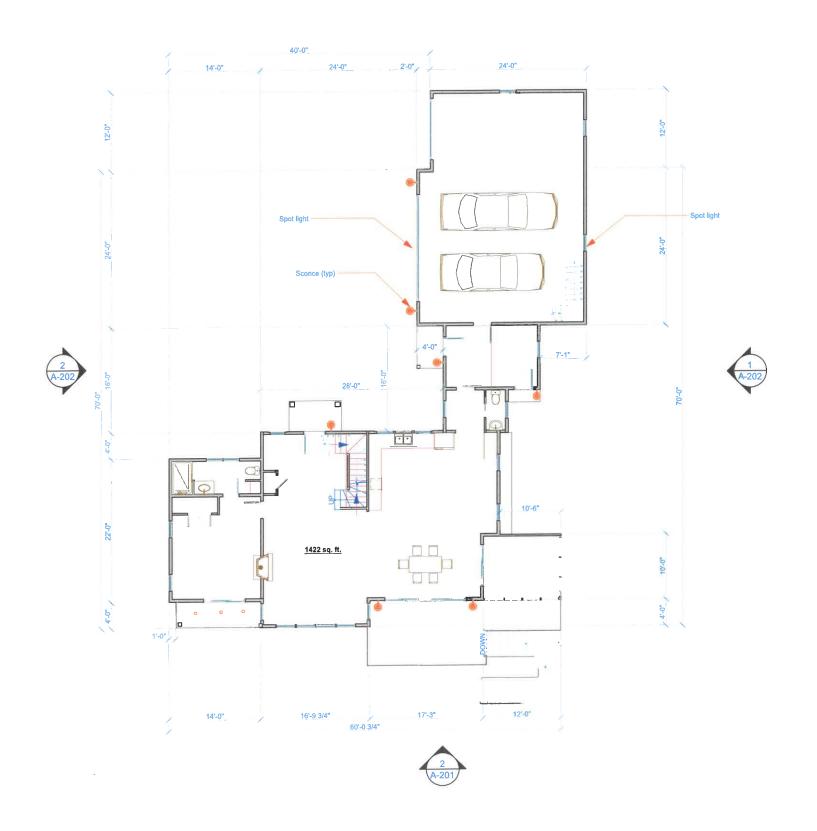
Residence

Client Company

Sections 1/28/22 SD11

EXHIBIT 24

## Lighting Plan Layout-Exterior





February 25, 2022



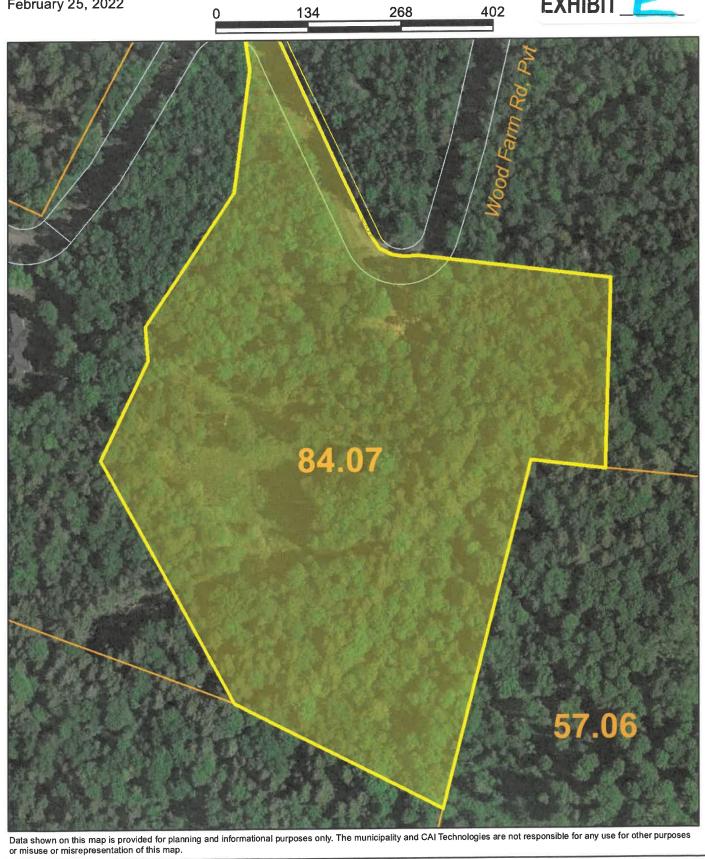
## VanBenshoten Lot #5 Wood Farm Rd.

Waterbury Center, VT

1 inch = 134 Feet



EXHIBIT\_\_\_\_\_





# REVISED PER CONDITION

### WILDLIFE RESOURCE ASSESSMENT

AND EVALUATION

**FOR** 

## RIPLEY SPRINGS, LLC

**WOODS FARM ROAD** 

WATERBURY, VERMONT

November 2009

Amended March 2010

P.O. Box 250 • Waterbury, VT 05676 • Phone/Fax ~ (802) 244-7344 • HMF@PSHIFT.COM FORESTRY, WILDLIFE & GIS SERVICES

PREPARED BY:

DANIEL A. SWEET, WILDLIFE BIOLOGIST

DATE

REVIEWED BY:

BRIAN T. SWEET, FORESTER

DATE

3/30/2010

DATE

3/30/2010

DATE

ACCEPTED BY:

DAVID LACHTRUPP FOR RIPLEY SPRINGS, LLC

DATE

### Introduction

The following report addresses the natural resource criteria identified in the Town of Waterbury, Ridgeline/Hillside/Steep Slope Zoning Amendment dated February 21, 2006. The natural resources addressed in this report are those found on proposed house lots of the Woods Farm Subdivision on property owned by Ripley Springs, LLC.

The natural resources addressed in this report include tree cover, species, size classes and density of the overstory vegetation; Wildlife habitat and evidence of travel corridors and other uses by specific wildlife species; unique or fragile resources; water features; soils and unique geological features.

### SCOPE OF ASSESSMENT

The project area was systematically inventoried on November 23, 2009. Overstory and understory vegetative conditions are based on data collected using a systematic Variable Plot Cruise [Bitterlich Method] with a 10 factor prism to sample overstory vegetation and general point observations to sample understory vegetation. All data was entered on field data collection forms for SILVAH a computer program for analyzing and prescribing silvicultural treatments for hardwood stands in the Allegheny Plateau in northeastern Pennsylvania. The inventory program has been adapted to reflect conditions found in Vermont and the Northern Hardwood [beech / birch / maple] forest type.

A total of 36, 10 factor sample plots were taken in the proposed development area encompassing an area of 45 acres. The sample points were located 125 feet from exterior boundaries, 250 feet between points and cruise lines 250 feet apart. The field sampling intensity was 1 plot per 1.25 acres.

The resource descriptions resulting from the analysis of the field data are intended to give the owner / manager a clear picture of the existing conditions and sufficient information to make a conclusive judgment regarding the best treatment.

Evidence of the presence of wildlife populations and use was recorded during the inventory process.

### **DESCRIPTION OF PROPERTY**

The subject area is a 45 acre area located in the westerly part of a 160 acre parcel owned by Ripley Springs, LLC. The property extends easterly to the Town Line between the Town of Waterbury and the Town of Middlesex on the upper elevations of the Worcester Mountain Range south of Densmore Mountain.

The property is situated in a relatively undeveloped part of the Town of Waterbury. Approximately half of the parcel is in the process of being enrolled in the Use Value Appraisal program for forest land. The property is being managed under a professionally prepared Forest Resource Management Plan dated October 2009.

The 45 acres which is the subject of this report is located in the westerly part of the larger parcel and is best described as the foothills area of the Worcester Range.

ACCESS: Access to the 45 acre area is over a Right of Way on a constructed development road known as Woods Farm Road which originates from Ripley Road (Waterbury Town Highway #6). The access road presently provides access to one other dwelling adjacent to the subject property. The access road stops just short of the westerly boundary of the 45 acre parcel. There are existing woods roads within the proposed development area but there have been no new access roads developed into the interior parcel at the time of this report.

TOPOGRAPHY AND ELEVATIONS: The elevations of the 45 acres ranges from a low 1420 feet above Mean Sea Level (MSL) on the perennial stream located in the southwest corner to a high of 1880 feet on the easterly line of the 45 acre area estimated to be 550 feet northeast of the easterly proposed house site.

The topography is relatively gently sloping land with slopes generally in the range of 10% to 27% with occasional areas of steeper slopes scattered throughout the area. Slopes at various locations adjacent to the three existing streams commonly exceed 40%. Both the West and East house sites are located on very gently sloping plateaus. The entire area has a generally west / southwest aspect.

Prominent rock outcrops are located to the north and east of both proposed house site areas.

### **NATURAL RESOURCES**

EXISTING WATER FEATURES: The subject area contains three perennial flowing streams as well as numerous seeps and intermittent drainages. The streams are identified as North, Center and South. All of these streams are high energy fast moving mountain streams that originate in whole or in part on lands owned by Ripley Springs, LLC.

The South stream is the most prominent perennial stream and is located in the southerly portion of the subject 45 acres and flows westerly from the property. The stream has a relatively low flow during the summer months with higher flows during spring runoff periods and heavy rain events. The stream is located 450 south of the center of the proposed "East" house site at its nearest point and approximately 150 feet south of the area impacted by the proposed development. The water resources will not be compromised if accepted site practices are implemented during the construction process.

The Center stream, which appears to be a perennial flowing stream, is a tributary to the South stream and is generally located in the southerly third of the proposed development area. This stream is the only one of the three that will be crossed by the proposed access road to the East house site. The proposed road also approaches the north side of the stream to distance of 50 feet in two locations. Protective measures consisting of seeding and mulching with erosion control fence on the downhill side should adequately protect the crossing area.

The North stream is located northerly of the West house site and on the northern edge of the area reviewed. The impact area approaches to within the buffer zone area along the stream. To protect the existing water resource little or no cutting should occur within 50 feet of the stream.

While all three of these streams appear to flow year round, none of them are large enough to support a viable fisheries population within the subject area. They do have a direct impact on downstream areas that are large enough to support fish populations and every effort should be made to protect this important resource.

There are numerous seeps and small wet areas scattered throughout the subject 45 acres. The location and impacts on these wet areas will be addressed by the engineering design.

<u>VEGETATIVE RESOURCES</u>: The 45 acre subject area has been separated into three distinct forest types or stand areas. Stand #1 is a 13 acre young or immature northern hardwood type. The majority of Stand #1 is located in the northeast corner of the subject area with a small portion situated along the westerly boundary. Stand #2 is a 12 acre old pasture area located in the northwest corner of the subject area. This stand was planted to red pine with hardwoods naturally regenerated throughout the area. Stand #3 is a 20 acre mixed hardwood and softwood area in the southerly portion of the area reviewed. The softwood component is a mixture of red spruce and hemlock while the hardwoods are comprised of typical northern hardwood species.

<u>VISUAL RESOURCE</u>: The visual impact of the proposed development has not been considered as a part of this report.

WILDLIFE HABITAT: A report prepared for the Town of Waterbury Planning Commission entitled, "A Natural Resource Assessment of Ridgelines, Hillsides and Steep Slope Regions of Waterbury, Vermont" prepared by David E. Capen, PhD places the subject property in the Densmore Mountain Natural Resource Unit. Capen states, "Wildlife values for this unit are not as conspicuous as for Hunger Mountain. The major attribute is the connection to a large, unfragmented forest in higher elevations and across the ridge to Middlesex, as well as the stretch of forest connecting the Hunger Mountain unit to the Owl's Head unit. The value of this connection should not be underestimated, however. This relatively undisturbed (by development and roads) stretch of forest links significant parcels of public land along the Winooski River-Putnam State Forest and Middlesex Wildlife Management Area-to similar bodies of public lands to the north."

From the above description and analysis of the Densmore Mountain unit it appears the primary wildlife attribute of the subject property and surrounding area is as a component of a large unbroken forested area and for travel corridors to enable movement of resident wildlife populations. Every reasonable effort should be made to minimize the impacts of the proposed development to maintain the benefits of this unbroken forested area.

The subject property and surrounding areas provide a variety of habitat for Moose, Black Bear, Red Fox, Fisher, White-tailed deer, Bobcat, Eastern Coyote, Ruffed Grouse, Varying Hare, other small mammals and a large variety of woodland dwelling songbirds.

Each of the wildlife species utilizing the woodland habitat have differing needs at different times of the year. The variety of habitat needs is far more complex than can be addressed in this assessment.

The forest cover in the subject area varies from areas that are homogeneous and somewhat lacking in diversity as in Stands #1 and #2 to areas that are highly variable and very diverse as in Stand #3. Diversity of vegetative types provides food and cover for a large variety of wildlife. Where diversity is minimal or nonexistent the populations of various wildlife species is limited. Stand #1 and #2 of the subject property have a very low diversity index and therefore have low

densities of wildlife species. In contract Stand #3 has a high diversity index and will tend to have a significantly higher density of wildlife.

The value of the wildlife habitat on the subject property is discussed relative to its value for individual species.

MOOSE: Evidence of the presence of moose was noted to the north of the East house site during the field inventory phase. Moose are known to inhabit the upland ridge areas to the north and east of the proposed development area. Moose likely pass through the subject property to more desirable feed areas or to escape deep snow conditions. There appears to be no or very little browse available because of the relative dense over story throughout the area. It appears that the subject property is transient habitat for moose.

RED FOX, FISHER, EASTERN COYOTE, BOBCAT: These wildlife species tend to inhabit areas that support relatively high rodent populations or, in the case of Red Fox, areas which also provide soft mast such as berries. Bobcat are shy woodland dwellers and may inhabit the upper elevations of the Worcester range. Their preferred habitat areas are rocky outcrops and ledges like those found to the north and east of the area inventoried. Fisher tend to travel within softwood cover and rely on high rodent populations and porcupines for food. Eastern Coyote will be present almost anywhere but tend to have higher populations in area of high diversity such as near open farmland. A healthy fox was directly observed during the inventory process in the area along the southerly boundary (Stand #3) of the area. Evidence of the other species was not noted during the field inventory phase.

<u>WHITE-TAILED DEER</u>: White-tailed deer evidence was noted throughout the area with a concentration in Stand #3. Tracks in moist soil in old logging roads and along the streams were abundant. Bedding areas were noted during the inventory along the south facing slopes above the Center and South streams. Browsing of the abundant, readily available food source was clearly obvious.

The subject property and surrounding area are classed as non winter range or more commonly referred to as deer summer range. Deer summer range optimum habitat is found in areas with access to a mix of forested and agricultural lands. Deer travel long distances to take advantage of the diverse conditions afforded by the optimum mix. The subject parcel provides the forested component and is presently being utilized by the resident white-tailed deer population as that part of the optimum mix.

Forested deer summer range normally provides hard mast such as beech nuts. The forested area within and adjacent to the subject area has very sparse stocking of American beech old enough to produce mast. The mature beech has succumbed to the Beech Scale-Nectria Complex and most of the trees are dead. Young beech exist adjacent to the subject area but are not old enough to

produce a significant crop of nuts. No concentrations of healthy beech are located within the subject area.

There is no critical habitat for white-tailed deer within the area proposed for the two lots. The nearest deer winter range area, (critical deer habitat area) is located northwest of the Perry Hill area approximately 1.7 miles southwest of the subject area.

Random use patterns and travel corridors may be impacted by road and dwelling construction. The more likely impact will be from the intensive uses in the dwelling area, driveway and road construction and the probability of the presence of domestic dogs.

There does not appear to be a need for any negative impact mitigation to protect the deer summer range other than reduction of fragmentation discussed in this report. Protection of young beech which in time will produce mast may be a desirable covenant for the owner to consider.

BLACK BEAR: Black Bear are primarily forest dwelling animals. Black bear are wary of human presence and require large areas of relative undisturbed land areas uninhabited by humans. Good Black Bear habitat includes a mixture of mature hardwoods and softwoods, abandoned farmlands, small forest cuttings and mountain terrain which tend to escape human interference and development (Alt, 1980), (Hugo, 1982), (Willey, 1980)

The Densmore Mountain area is classified as "Seasonal Bear Habitat" by the Vermont Fish and Wildlife Department. Seasonal bear habitat may contain Critical Bear Habitat in the form of concentrations of mast producing American Beech or wooded wetlands and swamps capable of producing herbaceous growth desirable for spring feeding.

The subject property does not contain any concentrations of American beech capable of producing beech nuts. Immature American beech was observed northerly of the proposed house site areas.

American Beech represents 1% of the stocking in the Stand #1 area and is not present in the Stand #2 and #3 areas. The observed American beech stocking is in the 6 inch DBH class and therefore is probably 20 to 25 years away from producing a viable beech nut crop.

Wooded wetlands providing herbaceous growth for spring habitat need to be large enough to encourage use. The small wetlands located within the proposed site development area do not appear to contain the desirable herbaceous growth but may be explored periodically by young animals moving through the area.

TRAVEL CORRIDORS: The obvious travel corridor for all wildlife species is north of and adjacent to the South stream in the mixed hardwood and softwood area identified as Stand #3. Cover and concealment are at the highest level of anywhere in the impacted area. The area now contains travel corridors which appear to be well used at this time. These travel corridors provide a safe area for movement of animals from upper to lower slopes as weather and seasonal conditions

dictate. The travel corridor appears to approach within about fifty feet of the identified cutting zone limit on the proposed East lot.

Random travel corridors are also known to exist in the upper elevations in the easterly part of the large ownership and State of Vermont lands to the east and northeast.

If limited to the current clearing limit design, the proposed development does not appear that it will have a direct impact on any of the existing travel corridors.

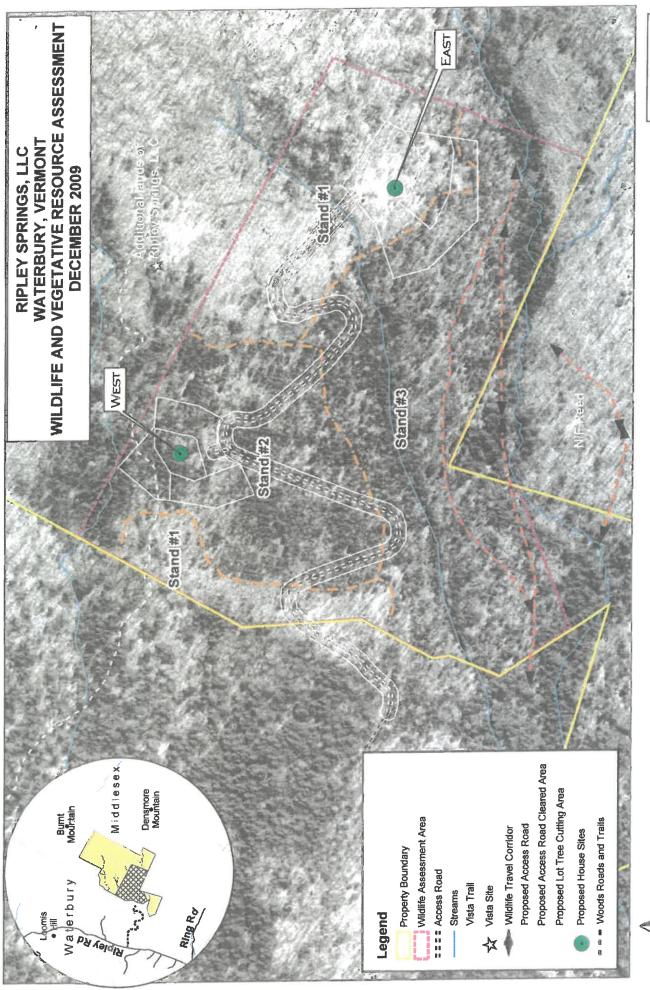
The construction of access roads and driveways will create fragmentation of the forest type which may have a negative impact on travel corridors. Reducing the width of clearing limits for road ways and planting native grasses to control erosion will help to reduce the impact.

OTHER ANIMALS OF NOTE: An active porcupine den is situated within and to the east of the West house site. Ledge outcrops throughout the inventoried area provide suitable denning sites for porcupines as well as other animals.

RARE AND ENDANGERED PLANTS: The available GIS data base does not indicate the presence of any rare or endangered plants in the area proposed for development. The indicator plants for the possible presence of wild ginseng were found in portions of the property. An investigation did not result in the identification of any wild ginseng.

HOUSE SITES: The clearing and thinning for the house sites will likely cause some temporary disruption in travel patterns of local wildlife populations however most animals will adjust to the changed conditions over time. These sites and potential future dwellings will introduce some diversity of habitat and may actually provide a usable food resource for white tailed deer in the form of planted woody ornamentals. Bird feeders while providing a resource for wintering birds should be discouraged as they will encourage the exploration by transient black bear. Some animals will be displaced by the introduction of activities associated with any dwelling however the adjacent large and undeveloped area will tend to mitigate these concentrated impacts. Considering the current relative lack of wildlife activity in the identified house sites the proposed activity may actually serve to increase the habitat diversity and wildlife.

ACCESS ROAD: The access road like the house site will create a significant change in the unbroken forest. Some species will benefit from the change, most will adjust to the change and some will be hurt by the changed conditions. White tailed deer will benefit from the opening where grasses that are planted to stabilize the edges of the road will provide an accessible food resource. If there is little traffic on the road most animals will adjust to the change over time. Some species that are particularly vulnerable to the impacts of the road cut are interior forest dwelling birds that are subject to predation by animals that typically inhabit edge areas of a forest. Minimizing the width of the road where trees on either side have crowns that stretch out and over the road will help to mitigate the impact of the road cut.





1 inch equals 300.00 feet

900 300 150

THIS IS NOT A SURVEY HUNGER MOUNTAIN FORESTRY, INC., PO BOX 250, WATERBURY, VT 05676 PHONE / FAX (802) 244-7344 EMAIL-HMF@PSHIFT.COM / FORESTRY, WILDLIFE & GIS SERVICES

### AMENDMENT 1

## CONSERVATION ZONE WILDLIFE ASSESSMENT MARCH 2010

This amendment will outline the Ripley Spring, LLC proposed conservation zone lands, the forest types on that land and their wildlife value relative to the area being considered for development and which was studied in the first part of this report.

The forest types and wildlife assessment on the conservation zone lands is based on inventory work that was completed in September 2009 as a part of work to enroll a significant portion of the Ripley Springs, LLC ownership in the Use Value Appraisal program.

### CONSERVATION ZONE DESCRIPTION

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The area identified as conservation zone is located in the northeast corner of the Ripley Springs, LLC property and is approximately 70 acres in size. The area is situated on the upper slopes of the Worcester Mountain range as it approaches the ridgeline. The low elevation of the Conservation Zone (CZ) is approximately 1760 feet and is located at the western most corner. The high elevation of the CZ is approximately 2480 and is located at the northeasterly corner adjacent to lands owned by the State of Vermont and along the ridgeline of the Worcester Mountain Range. Areas of land to the north and the east along the ridgeline are owned by the State of Vermont. The CZ area will serve to permanently connect these two areas and allow for unrestricted wildlife movement throughout this area. (Refer to the Forest Type Map Dated February 2010 at the back of this report)

### CONSERVATION ZONE FOREST TYPES AND WILDLIFE SPECIES

The CZ area has been separated into specific forest types based on the dominant tree species. This separation by type has allowed the identification of wildlife species that utilize these areas and which will benefit from the Conservation effort. While the identification of wildlife species found within these forest types is meant to provide an idea of the diversity found, it is by no means a complete or exhaustive list of all species present within these forest types.

Stand Area #4 is the largest area in the CZ located in the center of the area and is comprised of Mature Northern Hardwoods. This type is characterized by the presence of sugar maple, american beech and yellow birch. White ash is also sometimes present. The terrain in the stand tends to be steep with generally deep well drained soils. This wildlife found in this area can be identified as the classic species in the state of Vermont. They include forest interior dwellers like the black throated blue warbler, the black throated green warbler, the barred owl, the winter wren, the oven bird, the red eyed vireo, the wood thrush and the Vermont state bird the hermit thrush. Large Mammal populations include the possibility of black bear, moose, fisher cat, bobcat and white tailed deer. Small mammals including a variety of shrews, the red squirrel,

varieties of mice species and chipmunks. Evidence of some of these species was noted during the inventory process in the fall of 2009.

Stand Area #5 is located along the westerly boundary of the CZ and is identified as being comprised of red spruce and paper birch. The terrain is steep and quite rocky with shallow soils throughout the area. The wildlife found here are typical of upper elevation dynamic sites like this one. Bird species in this area include the white throated sparrow, the cedar waxwing a variety of flycatchers and the black capped chickadee. Small mammals include hare, mice, shrews and squirrels. Large mammals Include moose and the possibility for bear denning areas and rearing sites for bobcat.

Stand Area #6 is located along the easterly boundary of the CZ and is comprised of red spruce and paper birch. The area is extremely steep with rock outcrops present throughout the area however soils appear to be somewhat deep in the west part of the stand and much shallower in the east part of the area. The wildlife found here are generally the same as those found in Area #5 except that this area is more suitable for the bird species and less for the larger mammals.

### VALUE OF CONSERVATION ZONE VS AREA OF DEVELOPMENT

n 6

The Conservation Zone area is comprised of what can be considered to be climax forest types. These types are very stable and change little from year to year. This stability of forest type and the habitats and variety food sources it supplies is relied upon by many of our native wildlife species. In addition the CZ is situated as a connector to two areas of land owned by the State of Vermont, one to the north and one to the east. The guarantee that this CZ will remain intact will allow continued use and unrestricted movement of existing wildlife populations along the Worcester Mountain Range. David Capen identified the connection aspect as the primary benefit for this portion of the town.

In contrast, the area identified in the first section of this report as the area to be developed was all old farmland and is comprised of fairly young trees which will tend to change over time and may change fairly dramatically. Area #1 is northern hardwoods, mostly small trees with scattered large sugar maples and area #3 is mixed spruce and hardwood that was harvested about 1995 and now has a large percentage of short lived pioneer species. The final area, stand #2, was planted to red pine when farming activities stopped. Red Pine is a native tree to the northeast but it is not a native to the state of Vermont.

While there are wildlife to be found in both of these areas the relative benefit to local wildlife populations is significantly greater in the area identified in the Conservation Zone based on the stability of the forest in the and proximity to two large blocks of conserved State of Vermont Land.



# TOWN OF WATERBURY DEVELOPMENT REVIEW BOARD Approved Hearing Minutes Appl. 60-14-T November 19 2014

### IN ATTENDANCE:

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

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

Application for Pre-Development Site Preparation in the Conservation Zoning District and Ridgeline, Hillside, Steep Slope Overlay District.

Permit Application #:

60-14-T

Applicant:

Ripley Springs LLC

Landowner:

SAME

Location of Project:

Off of Woods Farm Road, Waterbury Center, VT

### Present and sworn in:

Dave Lachtrupp

### **EXHIBIT LIST:**

Exhibit A	Permit Application #60-14-T
Exhibit B	Site Plan, dated 8/7/14
Exhibit C	View Study, dated 10/23/14
Exhibit D	ANR Atlas maps of property
Exhibit E	Tax Map of property
Exhibit F	Notice of Public Hearing, dated October 27, 2014
Exhibit G	Notice to Adjacent Landowners, dated Nov. 3, 2014, receipts from Nov. 4, 2014
Exhibit H	Clearing goals for Lot 5, dated November 19, 2014 and revised

### **TESTIMONY:**

- 1. A reduction in the build zone was discussed.
- 2. Be sensitive to the wildlife assessment.
- 3. The applicant agreed to provide an updated wildlife plan prior to the next application for this property.

### **FINDINGS OF FACT:**

The applicant is seeking approval for pre-development site preparation for a future single family dwelling site, including clearing and the construction of a driveway on a 113 acre property located off of Wood Farm Road and Stagecoach Lane, Waterbury Center, VT (Tax map # 14-084.080)

- 1. The existing 113 parcel is located off Wood Farm Road and falls within the Conservation Zoning District, and is also within the Ridgeline, Hillside, Steep Slope Overlay Zoning District.
- 2. The applicant proposes pre-development site preparation for a future single family residence, including clearing and constructing a driveway. House Site #5 will be accessed directly off of Woods Farm Road, a private road.
- 3. The Conservation Zoning District requires a minimum lot size of 10 acres. The zone also requires building setbacks of 100 feet to all property lines. The site plan shows that the SE corner of House Site #5 slightly encroaches into a portion of the 100' setback, by approximately 10 feet. However future construction of any structure greater than 80 sq ft in size will be required to comply with the 100-foot setback to this property line.
- 4. Section 403 of the Waterbury Zoning Regulations allows more than one building on a lot in cases where it can be demonstrated that each home would be constructed as if they were on their own individual lot (i.e. meeting minimum lot size requirements, setback requirements, dimensional requirements, etc., of the underlying zoning district).
- 5. Section 1001(b) states "... Development and pre-development site preparation at or above 1,500 feet in elevation... shall be considered "major" development.
- 6. House Site #5 is located at an elevation between 1512 feet and 1560 feet (approx.), thus putting it into the "major" development category.
- 7. The applicant has submitted a site plan (Exhibit B) that shows where the cleared home site will be, as well as where additional view corridor cutting will occur.
- 8. The applicant has also submitted a visibility study for the future home site.
- 9. Major Development Projects in the Ridgeline, Hillside, Steep Slope Overlay Zoning District are subject to review by the Development Review Board.
- 10. Development projects in the RHS District are subject to review under the conditional use criteria.
- 11. The applicant agreed to provide an updated wildlife plan prior to the next application for this property.
- 12. Below are excerpts of the RHS Review Criteria for 'major' projects and Conditional Use criteria:

## ARTICLE X RIDGELINES, HILLSIDES, STEEP SLOPES Section 1004 Standards of Review (RHS)

- (a) Development of lands identified within the RHS Overlay District shall comply with all other applicable regulations, including conditional use review standards, within this bylaw and with the standards of review set forth in the following subsections.
- (b) Minor Development: Minor development projects shall be subject to conditional use review, as set forth in Section 303, and all other applicable regulations.
- (c) Major Development: In addition to the review applicable to minor development projects, the Development Review Board shall find that the application for a major development project complies with all of the following standards:
- (1) Screening: Forest cover shall be maintained to the greatest extent possible. If there is to be tree-clearing for views from the site, it shall be done so as to create view corridors. The

Development Review Board may limit the amount of tree-clearing and require the planting of additional trees or other vegetation in order to assure adequate screening, and the Board may require the applicant to submit a plan for maintaining and replacing designated trees during or after site development and construction.

- (2) Access: Access roads and utility corridors, including the conversion of logging roads to private roads or driveways, shall use or share existing accesses and rights-of-way where feasible, and shall follow existing contours and linear features (e.g., tree lines, stone walls) where possible. In addition, they shall be located to:
- (A) Minimize stream and wetland crossings;
- (B) Minimize impacts on steep slopes; and
- (C) Minimize the need for road or driveway corridors of widths greater than 50 feet, with the exception of limited lengths of the road or driveway where wider side slopes are needed to prevent erosion.
- (3) Placement of Structures: Consideration shall be given to the location of proposed or potential structures relative to site conditions, existing vegetation, and the location of fragile features (including but not limited to steep slopes, streams, and identified habitat and natural areas). The clustering of houses and other structures is encouraged to retain larger blocks of forest and fields and to help retain the aesthetic character and wildlife value of the RHS Overlay District. The location of proposed or potential structures may be restricted to ensure that development:
- (A) Is minimally visible, as defined in this bylaw;
- (B) Is designed so that the height of any structure does not exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure;
- (C) Is located so that buildings are not placed on existing steep slopes equal to or greater than 25 percent;
- (D) Is located down-grade of ridgelines and is designed so that the proposed structures shall not break the skyline; and
- (E) Is located at or near the edge of existing and new clearings and fields or in the interior of existing wooded areas.
- (4) Exterior Lighting: The off-site visual impacts of proposed exterior lighting shall be minimized. All exterior lights shall be shielded and downcast. The use of reflective surfaces and outdoor lighting fixtures more than 15 feet above the ground shall be minimized. Bollard, low-post lighting and low-level, indirect lighting is recommended. Spot or flood lights are prohibited.
- (5) Clearcutting and Pre-Development Site Preparation: The proposed clearcutting and all harvesting activities associated with it shall comply with "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont," as published by the Vermont Department of Forests, Parks and Recreation, effective August 15, 1987, (as may be amended from time to time) and all other applicable regulations.

- (6) Natural Resources: The proposed development will be designed and maintained so that there is no undue adverse impact on, or undue fragmentation of, critical wildlife habitat and wildlife travel corridors, unique or fragile resources, or natural and scenic resources.
- (7) Building Design: The massing of a single building or group of buildings shall be designed to minimize visual impacts and contribute to, and harmonize with, the scenic quality of the surrounding landscape. Building materials, including windows and roofs should minimize year-round visibility, reflectivity, and night-time light impacts as viewed from off site.

### Section 303 Conditional Uses

- (e) Prior to granting any approval for conditional use, the Board must find that the proposed use conforms to the following general and specific standards:
  - (1) The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities to accommodate it. The proposed use:
    - (A) Will not cause the level of service on roads and highways to fall below a reasonable standard;
    - (B) Will not cause an unmanageable burden on municipal water or sewer systems;
    - (C)Will not lead to such additional school enrollments that existing and planned school system capacity is exceeded; and
    - (D) Will not cause an unmanageable burden on fire protection services.
    - (E) 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. The Board will also take into account sections of the Municipal Plan and of any duly adopted capital plan which specify anticipated demand growth, service standards, and facility construction plans.
  - (2) 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. Specifically, the proposed use:
    - (A)Will not result in undue water pollution, undue adverse impacts to downstream properties, and will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result; in making this determination, the Board shall at least consider the elevation, the slope of the land, and the nature of soils and subsoils and their ability to adequately support waste disposal;
    - (B) Will not result in undue noise, light, or air pollution, including offensive odors, dust, smoke, or noxious gasses;
    - (C)Will not have an undue adverse effect on the scenic or natural beauty of the area, historic sites, or rare and irreplaceable natural areas;
    - (D)Will not be otherwise inconsistent with existing uses in the immediate area; in determining the appropriateness of the use or structure in an area, the Board shall consider the scale and design of the proposed use or structure in relation to the scale and design of existing uses and structures in the same district; and

(E) Will not cause danger of fire, explosion, or electrical hazard, or in any other way jeopardize the health and safety of the area.

(3) The proposed use will not violate any municipal bylaws and ordinances in effect. (4) The proposed use will comply with the specific lot area, setbacks, and lot coverage requirements set forth in this bylaw. The Board may require the proposed use to conform to more stringent lot area, setback, and lot coverage requirements as it may deem necessary to implement the purposes of the district in which the use is located and other provisions in this bylaw.

### Conclusion:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Appl. #60-14-T, for Pre-Development Site Preparation in the Conservation Zoning District and Ridgeline, Hillside, Steep Slope Overlay District (Tax Map #14.084.080) meets, as applicable, the standards in Article X, Section 1004 and Sections 303 of the Waterbury Zoning Bylaws.

### MOTION:

On behalf of the Waterbury Development Review Board, Tom Kinley moved and Nat Fish seconded the motion to approve Application #60-14-T, Ripley Springs LLC, with the following conditions:

- 1. The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;
- 2. The applicant provides a revised building zone.
- 3. The applicant provides a revised site plan.

### VOTE:

The motion passed unanimously.

Decision Approved,

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

THIS DECISION WAS APPROVED ON

### Town of Waterbury **Development Review Board** Decision #103-18 = October 17, 2018

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

Dave Lachtrupp (applicant), Ripley Springs, LLC (owner) Owner/Applicant:

Ripley Springs lands on Wood Farm Road, Waterbury Center, VT Address/Location:

Conservation (CNS) and Ridgelines/Hillsides/Steep Slopes (RHS) overlay district Zones:

Tax Map # 14-084.080 103-18 Application #

### **Applicant Request**

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

### Present and sworn in:

Dave Lachtrupp (owner/applicant)

### **Exhibits**

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

### **Findings of Fact**

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

Zoning permit history: (applicable recent permits)

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

Page 1 of 3 10/17/18 DRB Decision: Ripley Springs, Lot 5 Wood Farm Road, #103-18 SD-RHS

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

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

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

DRB Decision: Ripley Springs, Lot 5 Wood Farm Road, #103-18 SD-RHS 10/17/18 Page 2 of 3

### Conclusion:

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

### **Decision Motion:**

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

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

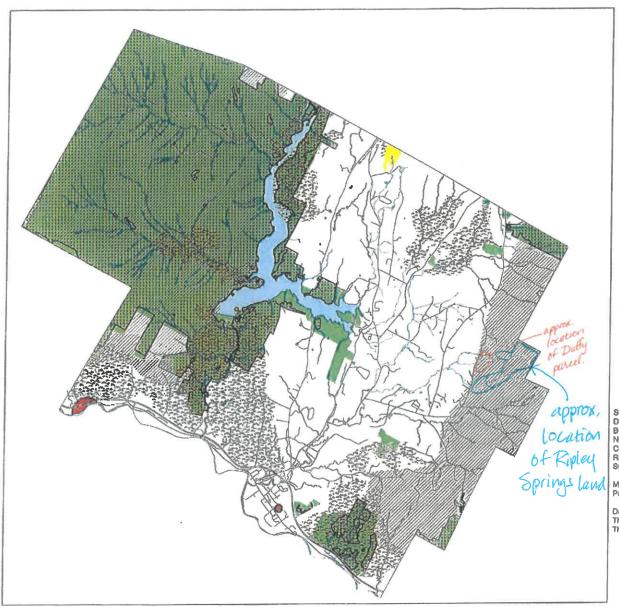
**Vote:** The motion was approved 5–0.

Chair) (Vice-Chair) (Acting Chair)

Approved: ////5/2018

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

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



### WATERBURY WILDLIFE RESOURCES



### Legend

Deer Wintering Yards ////// Bear Habitat // Roads Rivers, Lakes, and Ponds Streams Public Lands Vermont Land Trust Natural Heritage Sites (Significant Natural Communities, Rare, Threatened, and Endangered Species) Animal Species **Plant Species** Significant Natural Community



Source:
Dear Wintering Yerds: VT ANR 2010.
Bear Habitat: VT ANR 1989.
Natural Heritage Sites: Vermont Nongame and Natural Heritage Program and VT ANR 2013.
Conserved Lands: Vermont Conserved Land Database
Roads: VTrans 2012
Surface Water: VHD 2008

Map created 2013 by CVRPC
Path; N:\Towns\Waterb\TownPlan\Wildlifee Resources.mxd

Data is only as accurate as the original source materials. This map is for planning purpose only.

This map may contain errors and omissions.

Map 2-4





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Coverage for \$11.99 What's Covered

### **Product Overview**

Wet Location (Direct

Water Exposure)

Water Exposure)

Water Exposure

Wired (120V)

Description

Utility and style come together in this light. This farmhouse-inspired duo is a versatile collection where light is the hero. Large open shades offer the maximum light in your outdoor spaces (and indoor too). This light is dark sky compliant and will add a touch of style and flair throughout your home. It has built-in dusk to dawn photocell that automatically turns the light on at dusk and turns it off at dawn, saving energy during daylight hours. Mount these barn lights on your covered porch, entryway, or garage and experience this

See More

Weights & Dimensions

Specifications