

**Town & Village of Waterbury  
Development Review Board  
Approved General Meeting Minutes  
Date: November 19, 2014**

**IN ATTENDANCE:**

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

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

**6:30 p.m.** Meeting convenes on the second floor of the Main Street Fire Station located at 43 S. Main St.

**6:30p.m.**

**Application #30-14-V, Application for a Zoning Permit** for a setback waiver to allow two temporary trailers within required setbacks at 35 Crossroad, Waterbury, VT. The property is located within the Village Commercial Zoning District (VCOM).

The applicant asked to withdraw application #30-14-V as the two temporary trailers have been removed from the property.

**MOTION:**

Martha Staskus moved and Tom Kinley seconded the motion to approve the withdrawal of this application.

**VOTE:** Passed unanimously.

**7:30 p.m.**

**Application #59-14-T, George Pierce/Paul Reed**, for a PUD/Subdivision amendment to reduce the previously approved 150' property line setback down to a 130' property line setback for Lot 5 on Bear Creek Lane, Waterbury Center, VT 05677 (Tax Map #14-057.050).

Approved, hearing minutes under separate cover.

8:15 p.m.

**Application #60-14-T, Ripley Springs, LLC**, for a Zoning Permit and Ridgeline, Hillside, Steep Slope Overlay District permit for the pre-development site preparation for a single-family dwelling on a 113-acre property off of Woods Farm Road, Waterbury Center, VT 05677 (Tax Map #14-084.080)

Approved, hearing minutes under separate cover.


MINUTES:

Review of previous meeting minutes:

Tom Kinley moved and Dave Rogers seconded the motion to approve the general minutes of 11/5/14 and the hearing minute of Appl. #27-14-V, #48-14-T and #54-14-T, as amended.

Vote: Passed unanimously.

Adjourned at 9:40 p.m.

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

Date: 12.3.14

THESE MINUTES WERE APPROVED ON

**Town & Village of Waterbury  
Development Review Board  
Approved Hearing Minutes Appl. #30-14-V  
Date: November 19, 2014**

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**IN ATTENDANCE:**

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

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

Application for a Zoning Permit for a setback waiver to allow two temporary trailers within required setbacks at 35 Crossroad, Waterbury, VT. The property is located within the Village Commercial Zoning District (VCOM).

Permit Application #: 30-14-V  
Applicant: Alchemy Canning, LTD.  
Property Owner: Alchemy Holding Waterbury, LLC  
Tax Map #: 13-043.000  
Location of Project: 35 Crossroad, Waterbury, VT

Present and sworn in:

Chris Nordle, Representing Applicant and Landowner  
Greg Haskins, Adjoining Neighbor  
Michael Sherran, Adj. Landowner

**INTRODUCTION**

*The applicant seeks a reduction in the required side yard setback to accommodate two existing storage trailers.*

**EXHIBITS**

Exhibit A: Application # 30-14-V  
Exhibit B: Zoning Violation Warning Letter, dated 10/1/14  
Exhibit C: Letter from Christopher Nordle, dated 10/15/14  
Exhibit D: Site Plan, dated 3/20/13  
Exhibit E: ANR Atlas maps of property  
Exhibit F: Email from Randy Snyder, dated 11/6/14  
Exhibit G: Notice of Public Hearing, dated 10/23/14  
Exhibit H: Letter to Adjoining landowners, dated 11/3/14

## TESTIMONY

1. 2 trailers have been removed as of Saturday, 11/15/14.
2. The applicant asked to withdraw application #30-14-V as the two temporary trailers have been removed from the property.

## MOTION

Martha Staskus moved and Tom Kinley seconded the motion to approve the withdrawal of this application.

VOTE: Passed unanimously.

## FINDINGS OF FACT

1. *The 1.34 acre property at 35 Crossroad is located within the Village Commercial (VCOM) Zoning District.*
2. *The applicant located two storage trailers within the side yard setback (west property line).*
3. *On October 1, 2014, the Town of Waterbury issued an enforcement warning letter (Exhibit B) requiring the applicant to either relocate the trailers so that setbacks would be complied with, or submit a Setback Waiver application to permit them in their location.*
4. *On October 15, 2014, the applicant submitted the application for a setback waiver to permit the trailers in their location.*
5. *The VCOM Zoning District's setback requirements are: Front 50', Side 20', and Rear 20'.*
6. *The applicant is seeking a Waiver from the Side setback requirement, as the trailers propose the following setback: Side (west) 3'.*
7. *The trailers will meet/exceed the other side (east) setback requirement, as well as front and rear setback requirements.*
8. *The setback Waiver request is: Side (west) setback waiver of 17'.*
9. *A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.*
10. *Excerpts from Waivers and Conditional Uses are listed below.*

### **Section 309 Waivers**

*(a) Notwithstanding the minimum setback standards set forth in Table 5.2, in accordance with 24 V.S.A. § 4414(8), the Development Review Board may grant a waiver of building setbacks as a conditional use reviewed in accordance with Section 303; provided, however, that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties from which the setback waiver is sought.*

*(b) Any applicant for a setback waiver pursuant to Section 309(a) must notify adjacent land owners by certified mail of the nature of the application and of upcoming Development Review Board public hearing at least ten days prior to such hearing. The applicant must submit copies of certified mail receipts indicating that all adjacent landowners have received notice, and a copy of the notice sent.*

**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*

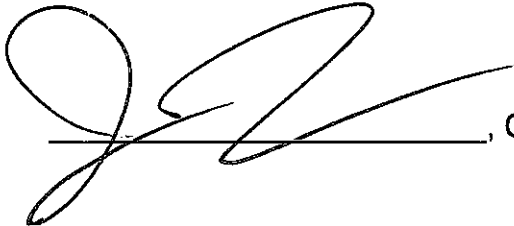
*(E) Will not cause danger of fire, explosion, or electrical hazard, or in any other way jeopardize the health and safety of the area.*

*(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.*

*(f) The Board may attach any reasonable conditions and safeguards it may deem necessary to implement the purposes of the district in which the use is located and other provisions in this bylaw...*

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

Date: 12.3.14

**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.

THIS DECISION WAS APPROVED ON

**Town & Village of Waterbury  
Development Review Board  
Approved Hearing Minutes Appl. 59-14-T  
Date: November 19, 2014**

**IN ATTENDANCE:**

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

Jeff Grace recused himself from this hearing.

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

Application to amend the 150' setback requirement as conditioned under PUD/Subdivision Permit #06-14-T to allow for a 130' setback for the construction of a single-family dwelling located at 741 Bear Creek Lane, within the 'major' Ridgeline, Hillside, Steep Slope Overlay District and the Conservation Zoning District

Permit Application #: 59-14-T  
Applicant: George & Virginia Pierce  
Property Owner: SAME  
Tax Map #: 14-057.050  
Location of Project: 741 Bear Creek Lane, Waterbury Center, VT

**INTRODUCTION**

*The applicant seeks to amend the 150' setback as conditioned under PUD/Subdivision Permit #78-09-T to place a new single family dwelling as close as 130' to property lines.*

Present and sworn in:

George and Ginger Pierce, Applicants

Chris Austin, Consultant

John Grenier, Consultant

**EXHIBITS**

Exhibit A: Application # 59-14-T  
Exhibit B: Letter from Chris Austin, dated 10/23/14  
Exhibit C: Site Plan dated 10/23/14  
Exhibit D: Letter from applicant and adjacent property owner, dated 10/30/14  
Exhibit E: ANR Atlas map of property  
Exhibit F: Planning Commission decision of Permit #78-09-T, dated 6/30/10  
Exhibit G: Development Review Board decision of Permit #06-14-T, dated 3/20/14  
Exhibit H: Notice of Public Hearing, dated 10/23/14  
Exhibit I: Letter to Adjoining landowners, dated 10/31/14

## TESTIMONY

1. This request offers several good changes to the property:
  - a. the house is 6-8 feet lower in elevation than previously approved
  - b. there will be less blasting required
  - c. there will be no additional clearing
  - d. there are no changes to the original plan

## FINDINGS OF FACT

1. *The property is located within the Conservation Zoning District and the lot was approved as part of a Planned Unit Development (PUD) under application #78-09-T. Under a PUD lots maybe smaller than the District's minimum lot size.*
2. *The Property also falls within the Ridgeline, Hillside, Steep Slope (RHS) Overlay District and is considered a 'major' development as its elevation is above 1,500 feet.*
3. *The DRB approved Permit #06-14-T on March 20, 2014, for the construction of a new single-family dwelling in the 'major' RHS Overlay District (Exhibit G).*
4. *The applicant now proposes to modify the previously approved Building Zone and relocate the location of the proposed footprint of the new dwelling.*
5. *Section 702(b) requires setbacks to be twice the dimensions as established for the Zoning District in which it lies. Because the Conservation Zoning District requires 100' setbacks to all property lines (front, rear & side), the setbacks for the subject property would have been 200'.*
6. *Under Permit 78-09-T, the Planning Commission approved a reduction in the 200' setback requirement down to a 150' setback (Exhibit F)*
7. *The applicant now proposes to amend the setbacks approved under Permit #78-09-T down to 130'.*
8. *The subject property was created through the PUD/Subdivision process, as was the 150' setback. In order to modify the building setbacks, the Development Review Board must approve the application to amend the PUD/Subdivision.*
9. *Excerpts from Planned Unit Development are listed below.*

## **ARTICLE VII PLANNED UNIT DEVELOPMENT (PUD)**

### Section 700      General Purpose

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

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



Section 702      Permitted Densities

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

Section 705      Standards for Review

*The following standards must be met for PUD approval.*

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

*(b) A residential density increase of up to 25 percent may be permitted only if the Development Review Board finds that such increase:*

*(1) Will not have an undue adverse impact on the capacity of community facilities and services;*

*(2) Will not have an undue adverse impact on the character of the area as defined by the Municipal Plan and the zoning district in which the use is located; and*

*(3) Is compensated for by substantial efforts to provide one or more of the following: the provision of low- and moderate-income housing; preservation of agricultural land; or the provision of publicly accessible park or recreation land.*

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

*(d) Phasing of the development shall be scheduled or phased to ensure that adequate municipal facilities and services will be provided. In the event it is determined that the project will unduly burden municipal facilities or services, the municipality may require contributions to cover costs or dedication of land or interests in land for the purpose of providing or contributing toward the provision of necessary facilities or services.*

*(e) If a project is to be served by a public water supply or a public sewer system, a letter from the appropriate municipal department shall be submitted to the Development Review Board certifying that such services can be provided to all habitable units before occupancy.*

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

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

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

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

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

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

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

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

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

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

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

*(4) Be conveyed to:*

*(A) The municipality, if it agrees to maintain the undeveloped land and any buildings, structures, or other improvements on it; or*

*(B) An association of homeowners or tenants, which adopts and imposes covenants and restrictions on the undeveloped land that adequately provide for its continuing maintenance; or*

*(C) Another suitable organization, which agrees to appropriate conservation restrictions placed on the land which would then be recorded with the deed. Provisions must be made for the organization to adequately provide for the continuing maintenance of the land. The land must be used for its intended purpose.*

#### **Conclusion:**

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Appl. #59-14-T, to amend the 150' setback requirement as conditioned under PUD/Subdivision Permit #78-09-T to allow for a 130' setback for the construction of a single-family dwelling located at 741 Bear Creek Lane, within the 'major' Ridgeline, Hillside, Steep Slope Overlay District and the Conservation Zoning District (Tax Map 14.057.050) meets the standards in Article VII Section 700, 702 and 705 of the Waterbury Zoning Bylaws.

#### **MOTION:**

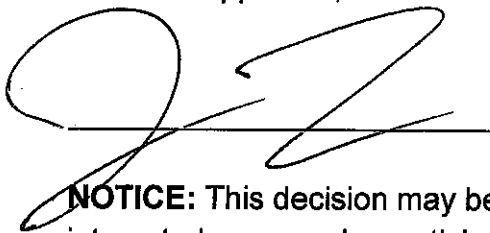
On behalf of the Waterbury Development Review Board, Dave Rogers moved and Nat Fish seconded the motion to approve Application #59-14-T, George Pierce and Paul Reed to allow for a 130' setback at 741 Bear Creek Lane, Waterbury Center.

1. The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;
2. Exterior lights will be downcast and shielded.

#### **VOTE:**

The motion passed unanimously.

Decision Approved,

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

Date: 12.3.14

**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.

THIS DECISION WAS APPROVED ON

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

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**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

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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:**

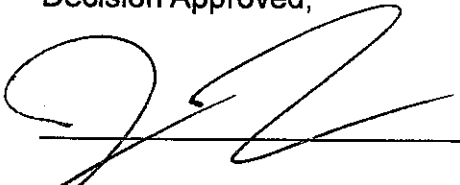
On behalf of the Waterbury Development Review Board, Tom Kinley moved and Nat Fish seconded the motion to approve Application #60-14-T, Ripley Springs LLC, with the following conditions:

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,

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

Date: 12.3.14

**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.

THIS DECISION WAS APPROVED ON