

EXHIBIT A1

(4/19/21 revised)

Date:	04.05.2021	Application #:	023-21
Fees Paid:	300	+ \$15 recording fee =	315.-
Parcel ID #:	563-0300		
Tax Map #:	14-084.000		

TOWN OF WATERBURY ZONING PERMIT APPLICATION

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

CONTACT INFORMATION

APPLICANT

Name: John Thrailkill
 Mailing Address: 136 NORTHSIDE DR
SHELBURNE, VT 05482
 Home Phone: 802 264 1940
 Work/Cell Phone: 1-802-324-3836
 Email: jthrailkill@advancedillumination.com

PROPERTY OWNER (if different from Applicant)

Name: _____
 Mailing Address: _____
 Home Phone: _____
 Work/Cell Phone: _____
 Email: _____

PROJECT DESCRIPTION

Physical location of project (E911 address): o Wood Farm Road

Lot size: 10.9+/- acres Zoning District: CNS Low Density Res- RHS Overlay Dist.

Existing Use: Undeveloped Proposed Use: Residential

Brief description of project: To slightly modify the previously approved building zone for Lot A of the Wood Farm Rd subdivision and to construct a new residential dwelling within the modified building zone. The property is in the "minor" category of the RHS overlay district and previous lot approvals demonstrated the site has limited impact on viewshed.

Cost of project: \$ _____ Estimated start date: Spring 2021

Water system: on-site Waste water system: on-site

EXISTING Not applicable

Square footage: _____ Height: _____

Number of bedrooms/baths: _____

of parking spaces: _____

Setbacks: front: _____

sides: _____ / _____ rear: _____

PROPOSED See plans

Square footage: 2900 Height: 34'6"
35'-0"

Number of bedrooms/bath: 3/2 1/2

of parking spaces: 3-4

Setbacks: front: 420' +/-

sides: 325' +/- / 245' +/- rear: 274' +/-

ADDITIONAL MUNICIPAL PERMITS REQUIRED:

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

[Additional State Permits may also be required]

CHECK ALL THAT APPLY:

NEW CONSTRUCTION

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

USE

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

OTHER

- Subdivision (# of Lots: _____)
- Boundary Line Adjustment (BLA)
- Planned Unit Development (PUD)
- Parking Lot
- Soil/sand/gravel/mineral extraction
- Other Review of minor change to BZ

SKETCH PLAN

023-21
THRAILKILL

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 enclosed plans

EXHIBIT A2

SIGNATURES

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

John Thraill 3/29/2012
Applicant Signature date

Property Owner Signature date

CONTACT

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

4/19/21 reus'd to incl. Varic for ht.

OFFICE USE ONLY (also LDR, but not where bldg.)

Zoning District/Overlay: Conservation (CNS) / Ridgeline (RHS) minor
Review type: Administrative DRB Public Warning Required: Yes No
DRB Referral Issued (effective 15-days later): Apr-28-2021
DRB Mtg Date: 5/5/21; 5/19/21 Decision Date: _____
Date Permit issued (effective 16-days later): _____
Final Plat due (for Subdivision only): -

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

Remarks & Conditions: Project must comply with the Residential Building Energy Standards (RBES), info. enclosed.

Authorized signature: _____ Date: _____

Date: <u>4.5.21</u>	Application #: <u>D23-21</u>
Fees Paid: _____	(\$15 recording fee already paid)
Parcel ID #: _____	
Tax Map #: _____	

TOWN OF WATERBURY CONDITIONAL USE INFORMATION

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

Lot A Wood Farm Rd.

PROJECT DESCRIPTION

Brief description of project: To slightly modify the previously approved building zone for Lot A and to construct a new residential dwelling . The property is in the minor category of the RHS overlay district and previous lot approvals demonstrated the site has limited impact on the viewshed.

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 lot is approved and therefore the proposal to construct a residence in a slightly modified building zone will not have an undue adverse impact on community services. The site has direct access to the approved development road.
- 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 slight modification to the building zone only results in an 8' elevation gain and therefore the site will still achieve Waterbury's definition of minimally visible as required. The site is very well screened from any neighboring nearby properties in the area.
- Describe how the proposed use will not violate any municipal bylaws and ordinances in effect:
The proposed use is residential in the residential zoning district. The lot was previously approved and setbacks will be honored.
- Describe any devices or methods to prevent or control fumes, gas, dust, smoke, odor, noise, or vibration:
Not applicable. The residential project will not result in these items.
- 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.

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

EXHIBIT A4

Date:	<u>4.5.21</u>	Application #:	<u>023-21</u>
Fees Paid:	(\$15 recording fee already paid)		
Parcel ID #:			
Tax Map #:			

Lot A Wood Farm Rd.

TOWN OF WATERBURY OVERLAY DISTRICT INFORMATION

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

PROJECT DESCRIPTION

Brief description of project: To slightly modify the previously approved building zone for Lot A and to construct a residential dwelling. The property is in the minor category of the RHS and previous approvals demonstrated the site has limited impact on the viewshed.

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

DOWNTOWN DESIGN REVIEW OVERLAY DISTRICT (DDR)

DESIGN STANDARDS:

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

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

For projects within the Historic/Commercial Sub-District:

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

For projects within the Mixed-Use Sub-District:

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

SUBMISSION REQUIREMENTS:

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

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

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

SUBMISSION REQUIREMENTS:

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

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

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

Date: 4/19/21 Application #: 023-21
Fees Paid: (\$15 recording fee already paid)
Parcel ID #: _____
Tax Map #: 14-084.000

Lot A Wood Farm Rd.

**TOWN OF WATERBURY
VARIANCE INFORMATION**

This Variance 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. For questions about the permit process please contact the Zoning Administrator at 802-244-1018.

- 1) What type of Variance are you requesting? Variance to exceed maximum building height
- 2) Describe the unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, that prevent development occurring in strict compliance with the zoning regulations (Please include relevant site features on the Sketch Plan with the accompanying Zoning Permit Application).

The building does not exceed the maximum height (now at 39'-6") except for a small portion of the basement that I would like to maintain as a walk-out. See "Southern Elevation"

- 3) Describe why the development is necessary to enable the reasonable use of the property. Having an external door into the basement facilitates the movement of items into the basement. More importantly, windows provide natural light.

- 4) What hardship will result if the variance is not granted? The basement will be devoid of natural light and access to the outdoors will be restricted.

- 5) Describe how the proposed development will compliment the essential character of the neighborhood. The Southern side of the house is not exposed to anyone in the neighborhood nor the surrounding community under any circumstances.

- 6) Describe how the development will not permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare. There is no exposure to the south-facing walkout feature to any adjacent property. I have modified the original plan to eliminate any exposure to adjacent properties.

Thank You,
John Thurlkill
Wood Farm Rd, Lot A

Variance withdrawn

Dina Bookmyer-Baker, Zoning Administrator
Town of Waterbury
28 North Main Street
Waterbury, VT 05676

April 5, 2021

RE: Application for Slight Modification of Previously Approved Building Zone and Residential Home Construction on Lot A Wood Farm Road Waterbury Center. Owner/Applicant: John Thraikill.

Dear Dina,

Please find enclosed a Town of Waterbury zoning application, overlay application, conditional use application, site photos, building elevations, lighting detail, and a copy of the site plan for the proposed project. Please also find enclosed a fee check made payable to Town of Waterbury for \$315.00 to cover the application fee.

John Thraikill is applying to adjust the previously approved building zone on Lot A of the former Duffy Wood Farm Rd subdivision and is also applying to construct a residence on the lot under the Ridgeline, Hillside, Steep Slope (RHS) overlay district guidelines.

The previously approved building zone is proposed to be adjusted approximately 50' to the East. The building zone remains the same general size as the previous approval. The adjustment in building zone only results in a 7' to 8' gain in elevation on the site, therefore no adverse impact to the viewshed is anticipated to result. The enclosed site photos demonstrate that the site has screening. Proposed building elevation drawings and a lighting detail for the garage doors are included with the application. Other lighting will be recessed under porch roofs and therefore be shielded. Minor tree clearing of the thinned trees within and near the east edge of the new building zone will be required as noted on the site plan.

The project is located in the minor category of the RHS overlay district as the site is located at approximately 1255' FIE. Please schedule review of this project with the Development Review Board (DRB) on the regularly scheduled meeting night of May 5, 2021. Please send meeting notice and referral information to Grenier Engineering as we will aid in the process.

Thank you for your time in considering this matter. Please do not hesitate to contact our office with any further inquiries.

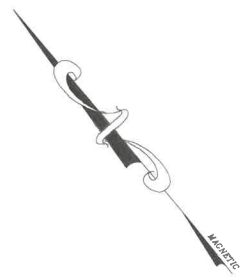
Respectfully,



Chris Austin
Grenier Engineering, PC

Enclosures

CC: John Thraikill



LOT B-1
STEPHEN G. DEVOE
COLLEEN M. OVELMAN

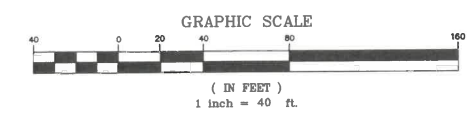
LOT B-2
WENDY PARSLEY HAUPT

LOT A
10.9± ACRES

EXHIBIT **C**

#023-21
THRAILKILL
6/8/2021

THIS IS NOT A SURVEY
PROPERTY LINES SHOWN ARE APPROXIMATE ONLY
AND WERE NOT SURVEYED BY THIS OFFICE.
THEY ARE SHOWN FOR THE PURPOSE OF THE STATE
WATER/WASTEWATER PERMIT APPLICATION ONLY



LEGEND

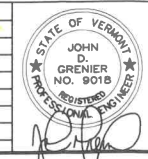
	EXISTING CONTOURS
	PROPERTY LINE
	RIGHT OF WAY
	SETBACK LINE
	BZ
	BUILDING ZONE - EXPANDED
	BUILDING ZONE - REMOVED
	EDGE OF EXISTING CLEARING
	THINNED AREAS
	AREA FOR RE-PLANTING

AREAS TO BE STUMPED & RE-GRADED
& PLANTED WITH A MIX OF
CONIFEROUS & DECIDUOUS PLANTINGS.
PLANTING OPTIONS INCLUDE:
MAPLE, SPRUCE AND/OR APPLE
2'-4" TALL AT TIME OF PLANTING.

DRILLED WELL LOCATION
BY PERMIT WH-5-7468

NOTE: ORIGINAL PLAN 24" x 36". OTHER SIZES NOT TO SCALE

No.	Date	Revision	By
1	6.08.21	REVISED CLEARING & ADDED SITE GRADING	TJM



WOOD FARM ROAD WATERBURY CENTER

GRENIER ENGINEERING, P.C.
155 DEMERITT PLACE #2
grenierengineering.com

P.O. Box 445
Waterbury, VT 05676
TEL (802) 244-6413
FAX (802) 244-1572

Date: 3.31.21
Scale: 1" = 40'
Designed: CMA
Drawn: TJM
Checked: JDG
Sheet No: 1 of 1

#023-21
THRAILKILL
6/16/21



Exhibit A: Western Elevation for Thrailkill Residence, Prepared by J. Thrailkill
Dated 6/8/2021. Submitted 6/2021

Proposed Grade:
34.6' peak
 $1287.0 - 1252.5 = 34.5'$

Existing Grade:
North = 35' Average = 33.75'
East = 31'
South = 32'
West = 37'

EXHIBIT D2

#023-21
THRAILKILL
6/8/21



Exhibit B: Southern Elevation for Thrailkill Residence, Prepared by J. Thrailkil
Dated 6/8/2021. Submitted 6/2021

#023-21
Thraikill
4/5/21

EXHIBIT D3



NORTHERN ELEVATION



Lot A Wood Farm Rd (CNS/RHS)

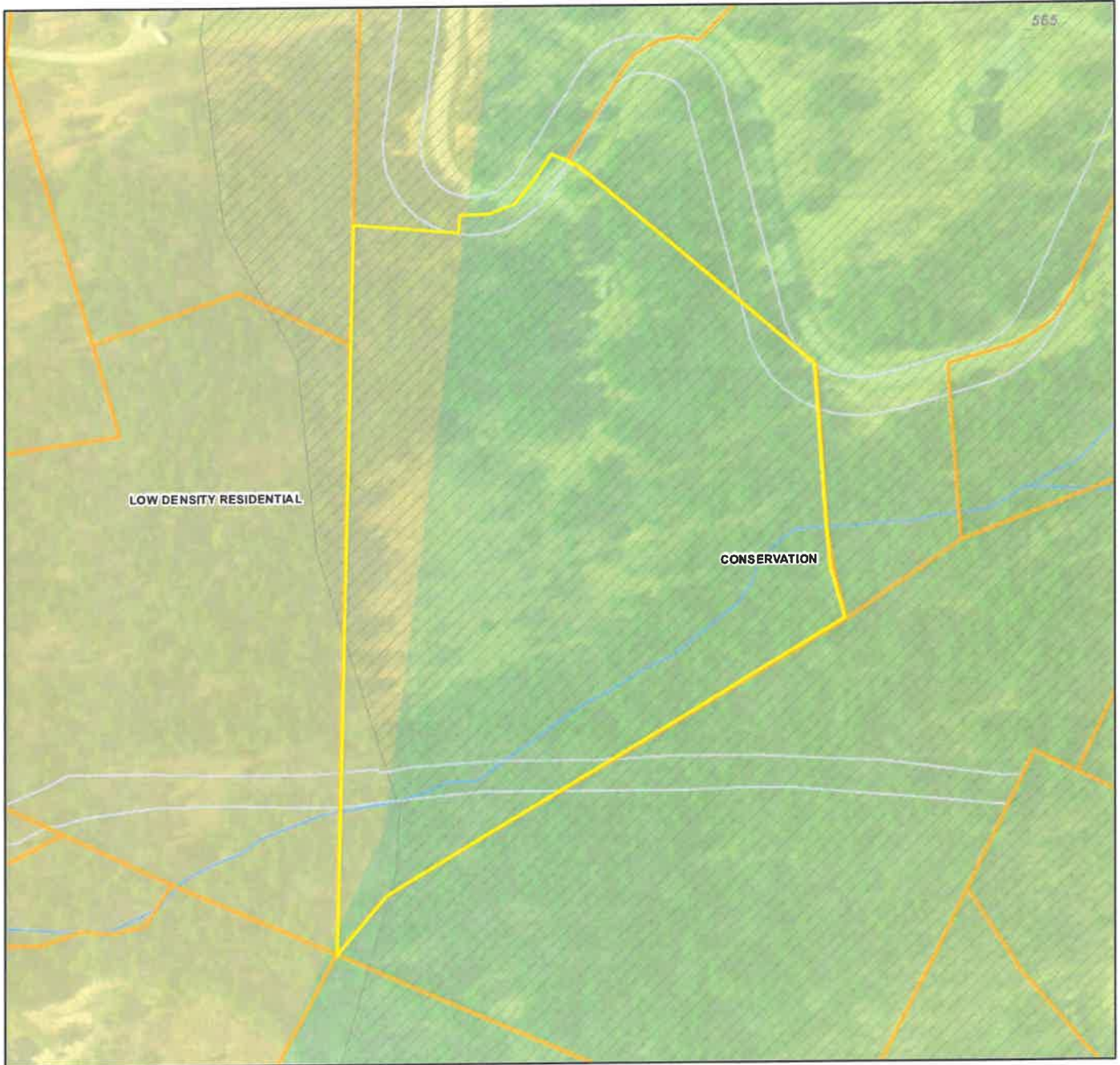
Waterbury, VT

EXHIBIT E1

1 inch = 200 Feet



April 9, 2021



	Rivers and Streams		E911 Address Points
	1200 ft		
	CONSERVATION		
	LOW DENSITY RESIDENTIAL		

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



Lot A Wood Farm Rd (CNS/RHS)

Waterbury, VT

1 inch = 130 Feet

EXHIBIT **E2**



April 9, 2021



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



Wood Farm Rd (VCGI 2011-2015)

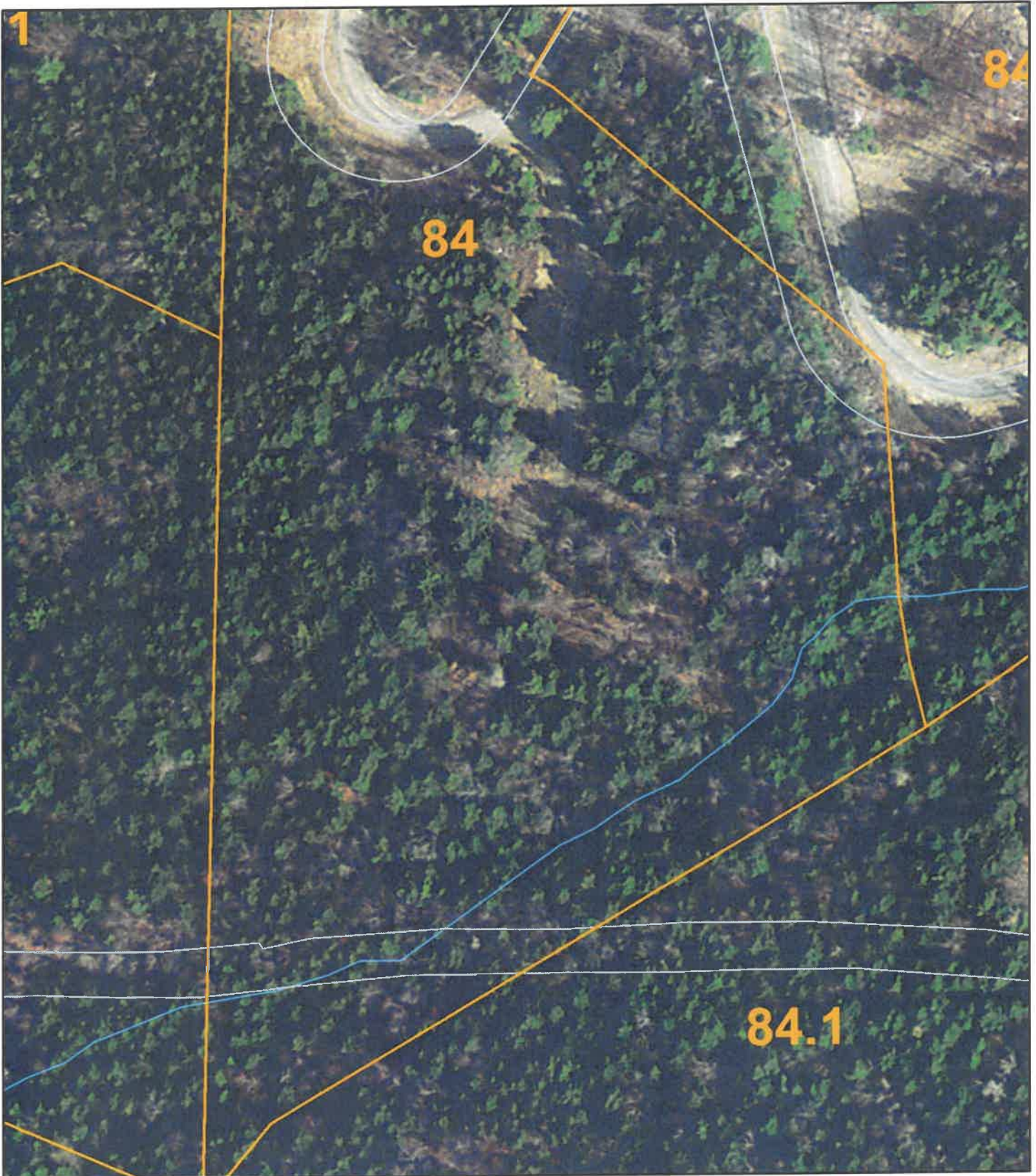
Waterbury, VT

EXHIBIT **E3**

May 18, 2021

1 inch = 130 Feet

www.cai-tech.com



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



Wood Farm Rd (VCGI 2006-2010)

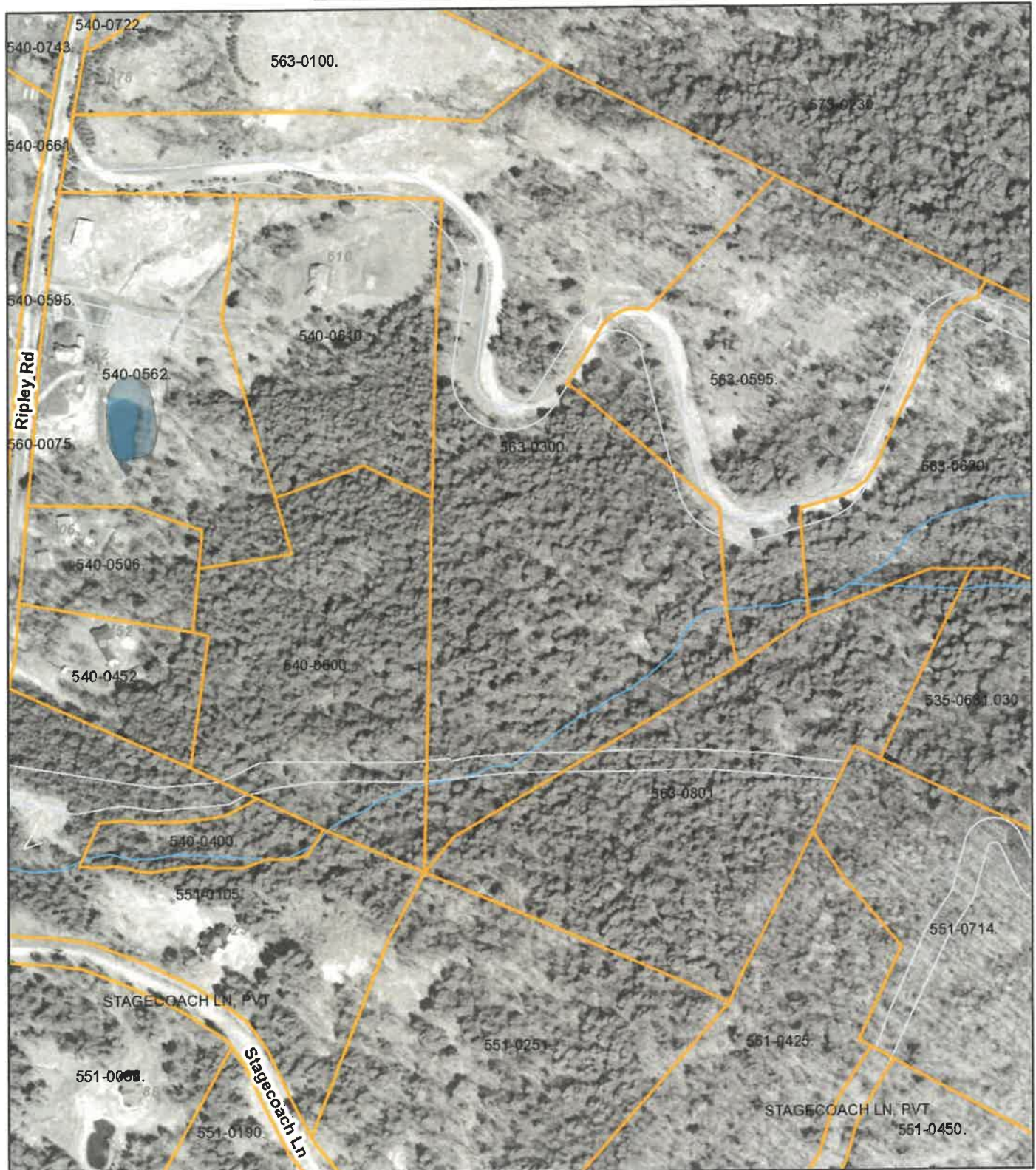
Waterbury, VT

EXHIBIT E4

May 18, 2021

1 inch = 300 Feet

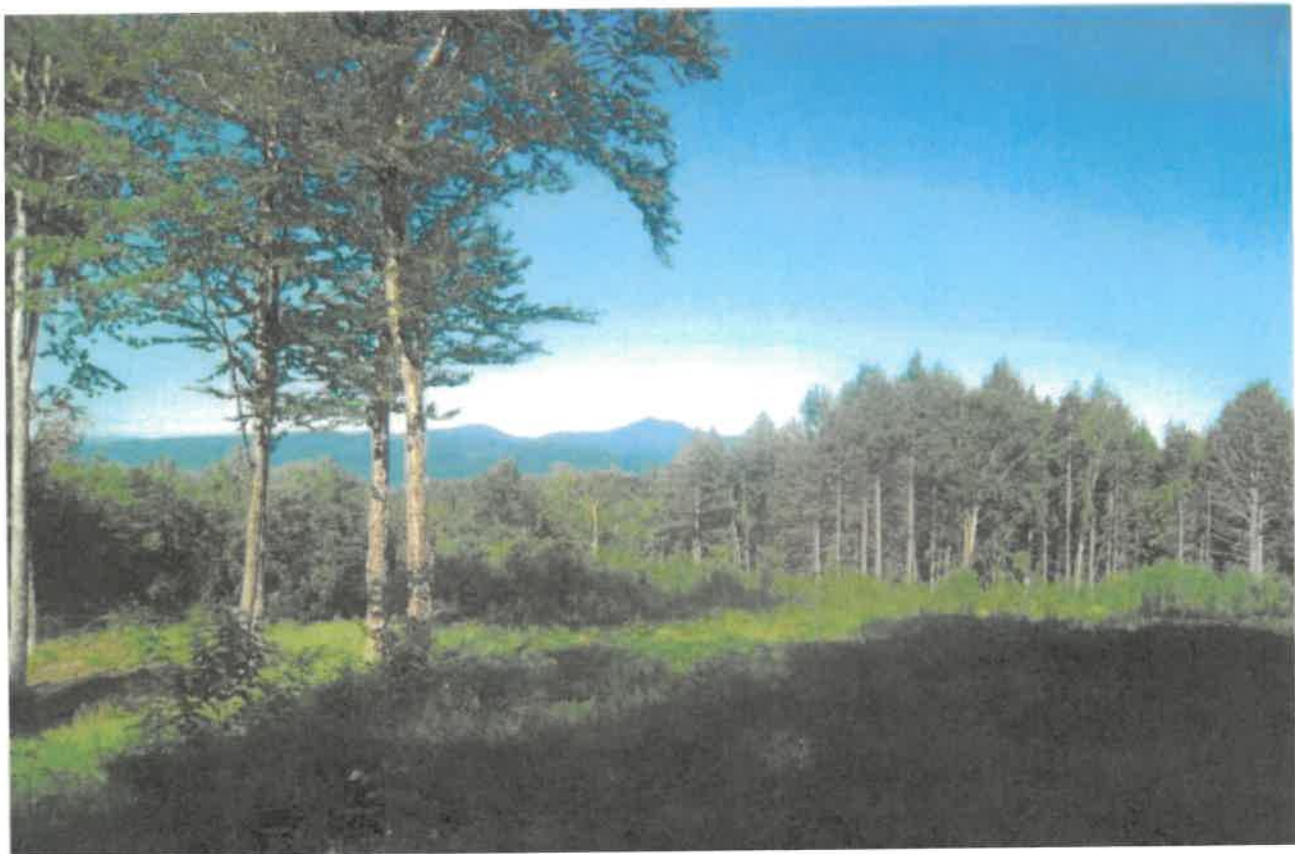
www.cai-tech.com



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



Existing Screening & clearing to the West of the house-site. From BZ.



Existing Screening to the South & West of the house-site. From BZ.



Southern View—Existing Screening & clearing. From Driveway/edge of BZ



South/Southwest View from Expanded BZ. From proposed house location.

Search the store



HOME / BARN LIGHTS / CUSTOMIZABLE CALLA INDOOR/OUTDOOR LED BARN LIGHT

Customizable Calla Indoor/Outdoor Barn Lig

#024-21 Thrailkill
4/5/21



Customizable Calla Indoor/Outdoor LED Barn Light

★★★★★ (11 reviews)

[Write a Review](#)



4.7 ★★★★★
Google
Customer Reviews

SKU: BCAW

\$259.00

SHADE SIZE: REQUIRED

[VIEW ALL](#)

ADDITIONAL INFORMATION

STYLE:	Calla
FINISH:	Black
FINISH:	Matte Black
FINISH:	Mahogany Bronze
FINISH:	Galvanized Silver
FINISH:	White
FINISH:	Jade
FINISH:	Vintage Green
SIZE:	12"
SIZE:	14"
SIZE:	16"
SIZE:	18"
SIZE:	20"

[VIEW ALL](#)

SPECIFICATIONS

Max Wattage	24 watts
Brightness	1600 lumen (Comparable to 100W incandescent bulb)
Color Temperature	2700K - Warm White
Light Source	Integrated LED
Average Bulb Life	50,000 Hours
Mounting Options	Drywall or Equivalent Only Light does not mount directly to junction box
Input Voltage	120 Vac 0.2A 60Hz
Output Voltage	24Vdc 1000mA
Dimmable	Yes
Recommended Dimmer	Lutron Skylark series, Leviton Superslide series

Accessories

**Town & Village of Waterbury
Development Review Board
Approved Decision
June 17 & July 1, 2020**

Members: Tom Kinley (co-Vice Chair), Alex Tolstoi, Andrew Strniste, Bud Wilson, Patrick Farrell, Harry Shepard.

Staff Members: Steve Lotspeich, Acting Zoning Administrator; Patti Martin, Secretary.

Owner/Applicant:	Joseph and Judy Duffy	
Address/Location:	Wood Farm Road, Waterbury Center, VT	
Zones:	Low-Density Residential (LDR), Conservation (CNS) & Ridgeline/Hillside/Steep Slope (RHS) overlay	
Application #	050-20	Tax Map # 14-084.000

Applicant Request:

The Applicant seeks to subdivide the existing lot on Wood Road into two residential lots in the RHS overlay district.

Present and sworn in:

Chris Austin, Consultant
Damian Boyd-Boffa, Interested Party
Heather & Mark Palmer, Abutting Property Owner

Exhibits:

- A: Application #050-20 (8 pp: Zoning, Conditional Use, Subdivision, Overlay District), submitted 5/22/20.
- B: Project submittal letter from Grenier Engineering, dated 5/21/20.
- C: Wood Farm Subdivision – Boundary Line Adjustments with Ripley Springs, LLC, prepared by Grenier Engineering, revised 5/19/20.
- D: Orthophotos of parcel with tax map boundaries and zoning districts (staff).
- E: Wildlife Resources Map *
- F: Prior DRB decision for Permit #91-17, dated 10/18/17
- G: Letter to adjoining landowners, mailed certified: June 1, 2020
- H: Tree Planting Remediation on Lot A, dated 6/25/20

Findings of Fact:

1. Existing conditions: Joseph and Judy Duffy own a 22.3± acre parcel located on Wood Farm Road, off of Ripley Road. The parcel has been subdivided and recombined previously (see zoning permit history below). Those approvals were subsequently undone or allowed to lapse; the existing parcel remains undeveloped. The parcel includes frontage on Ripley Road. Wood Farm Road transects the parcel and provides access (via an approved 50' right-of-way) to neighboring properties. The parcel is located in both the Low-Density Residential (LDR) and Conservation (CNS) zoning districts, with portions within

the Ridgelines/Hillsides/Steep Slopes (RHS) overlay district (Exhibit D).

2. Zoning permit history: (applicable recent permits)

- September 2014, DRB Subdivision, Conditional use, and Ridgelines/Hillsides/Steep Slopes review and approval for zoning permit #42-14-T, regarding a 3-lot subdivision (creates Lots A, D, and E) and pre-development site preparation for residential development on Lot D.
- April 2015, ZA approval of zoning permit #05-15-T for a boundary-line adjustment involving Lot A (remove), Lots E and D, and Area A from Ripley Springs, resulting in reconfigured Lots E and D (and Ripley Springs remaining lands).
- January 2016, ZA approval of zoning permit #01-16-T for a boundary-line adjustment to merge Lot E with Lot D, resulting in Lot D containing 39.5 acres.
- October 2017, DRB Subdivision, Conditional use, and Ridgelines/Hillsides/Steep Slopes review and approval for zoning permit #91-17, for a 3-lot subdivision (creates Lots A, D, and E) and pre-development site preparation for residential development on Lots A and D. Lot E was subsequently sold and approved with a DRB decision for the construction of a single-family dwelling for Palmer (Permit #070-19).
- March, 2018, ZA approval of zoning permit #027-18 for a boundary-line adjustment to transfer 6.0 acres from Lot D to Ripley Springs LLC. This permit and the associated plant also effectively merged Lots A and D.

3. Current proposal: The Applicants are proposing to subdivide the existing 22.3± acre parcel (Lot D) into two lots as follows:

- Lot A will be 10.9± acres, lies mostly in the CNS zoning district, has ±115' of frontage along (the road centerline) and an access drive to Wood Farm Road, and will be served by private well and septic for a four-bedroom single-family dwelling. The lot width at the building front line is greater than 300'.
- Lot D will be 11.4± acres, contains land in both LDR and CNS zoning districts and has ±170' of frontage along (the road centerline of) Ripley Road and will have an access drive to Wood Farm Road, which crosses the lot to provide access to neighboring properties to the east. Lot D also contains a 50' right-of-way to Lot E (the Palmer lot) for access and utilities. Lot D will be served by private well and septic for a five-bedroom single-family dwelling. The lot width at the building front line is greater than 300'.

The proposed lots will be served by private well and septic as per State water and wastewater permit WW-5-3162-4, issued October 11, 2017, and include land within the Ridgelines/Hillsides/Steep Slopes (RHS) overlay district. Both proposed building zones are between 1200 and 1350 feet in elevation (FIE). No portion of the property is above 1350 FIE (Exhibit C). At this time, the subject application is pertains only to the subdivision, not the proposed dwellings.

4. Section 504 General Dimension Requirements: Any subdivision of land must conform to the relevant criteria in Section 504. See the table below regarding specifics relating to the proposed project compared to those standards of the LDR and CNS zoning districts. Both lots conform to the aforementioned

zoning districts.

	Zoning District Minimum Lot Size	Proposed Lot Size	LDR/CNS Minimum Frontage	Proposed Frontage
Lot A	CNS: 10 acres	10.9± acres	300'	> 300'± Wood Farm Rd
Lot D	LDR: 5 acres CNS: 10 acres	11.4± acres	300'	> 300'± Ripley Rd

(definition) LOT FRONTAGE: Distance measured across the width of the lot at the building front line, or proposed building front line.

(definition) BUILDING FRONT LINE: Line parallel to the front lot line transecting the point in the building face that is closest to the front lot line....

In the LDR zoning district, the minimum setback requirements are: 70' front and 75' sides/rear. In the CNS zoning district, the minimum setback requirements are: 100' for the front, sides, and rear. The building envelopes and proposed dwellings on the lots meet the setback requirements for both districts. Each proposed lot meets the minimum lot size requirements and each lot will have access to Wood Farm Road, a private road. (Exhibit C1).

5. Section 1201 Authority and Review of Subdivisions: All applications for land division shall be reviewed by the DRB under Section 1202, unless exempt under Section 1203. This application is not exempt from Board review, as the project involves lands within the RHS overlay district.
6. Section 1202 Subdivision Review Criteria: The Board finds that the proposed subdivision conforms to the standards in Section 1202 (a)–(d).
 - (a) The Board finds that the proposed project will not have an undue adverse impact on the following:
 - (1) The capacity of community facilities: The anticipated future dwellings will not be connected to municipal water or sewer systems. The proposed project involves the creation of two new residential lots, which are not expected to cause the school system capacity to be exceeded, cause an undue adverse impact to traffic volumes, or create an unmanageable burden on fire protection services.
 - (2) The character of the area: The proposed lots are expected to be residential uses, thus conforming to the existing uses in the immediate area – residential.
 - (3) Water quality: The Applicants may be required to obtain a VT stormwater discharge permit. The Applicants have obtained the water/wastewater permit from the State of Vermont (ww-5-3162-4). Erosion protection and sediment control measures shall be employed during the development of the lots to ensure that development of the lots will not result in undue adverse impact to water quality or downstream properties.
 - (4) Aesthetics and scenic or natural beauty: Additional clearing has taken place on Lot A beyond what was approved in Permit #91-17 and the associated DRB decision. A plan for Tree Planting Remediation on Lot A, dated 6/25/20, has been submitted to address replanting some of the area that was previously cleared without approval.

(5) Significant natural resources: Significant Natural Resources are defined in the Regulations as: “Areas that include streams; Class I & II wetlands; prime agricultural soils; wildlife resources, including the Natural Heritage sites, as shown on the Waterbury Wildlife Resources Map in the Municipal Plan; and rare, threatened or endangered species.” A Wildlife Resources Map has been submitted into the record (see Exhibit E).

(b) The project is *not* in the RT100 zoning district, and therefore, review and analysis under this Section is not required.

(c) The project is in the RHS overlay district. Review and analysis of the RHS standards can be found in Section 1004, in paragraph 7, below.

(d) The Board may attach reasonable conditions and safeguards with respect to the subdivision attributes identified in Section 1202(d)(1–4). The Applicants’ proposal does not include excessive curb-cuts, as all of the lots will be accessed from a private road. Lot D has an irregular shape. Board finds that there is good cause for this configuration, as the proposed keeps development outside of a wetland or stream buffer. The building envelopes are small relative to the size of the lots, which will allow for the preservation the existing vegetation, thus meeting the minimum setbacks for the districts.

7. Section 1004 RHS Standards of Review: All of the proposed development is located below 1,500 FIE. As per Section 1001, the project is classified as “minor” development. Minor development projects on lands within the RHS overlay district shall be subject to conditional use review.

Section 303 Conditional Use criteria: The proposed project, which includes development within the RHS overlay district complies with the following conditional use review standards:

(a) Section 303(e)(1) Community facilities: See compliance with the capacity of community facilities in paragraph 6(a)(1), above.

(b) Section 303(e)(2)(A–E) Character of the area: The existing uses in the immediate area are residential. Light and noise impacts are anticipated to be typical of standard residential use, which will not cause danger of fire, explosion, or electrical hazard, or in any other way jeopardize the health and safety of the area. The Applicants did not identify any historic sites, or rare or irreplaceable natural areas on the parcel. Resources provided by the State of Vermont did not identify any rare, threatened, or endangered species, or deer wintering areas on the subject parcel (exhibit from previous application). Additional clearing has taken place on Lot A beyond what was approved in Permit #91-17 and the associated DRB decision. A plan for Tree Planting Remediation on Lot A, dated 6/25/20, has been submitted to address replanting some of the area that was previously cleared without approval.

(c) Section 303(e)(3) Municipal bylaws in effect: Residential lots are a permitted use within the LDR and CNS zoning districts and are a conditional use when the lots are located within the RHS overlay district. The proposed project complies with the zoning bylaws.

- (d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The proposed residential use is not expected create the above-named nuisances, and therefore, no devices or special methods are required to control these impacts.
- (e) Section 303(h) Removal of earth or mineral products conditions: The project does not include earth removal activities. Therefore, review and analysis under this section is not required.

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Joseph and Judy Duffy to create a two-lot subdivision on Ripley and Wood Farm Road in the RHS overlay district, as presented in application #050-20 and supporting materials, meets the Conditional Use, Ridgelines/Hillsides/Steep Slopes, and Subdivision criteria as set forth in Sections 303, 1004, and 1202.

Motion:

On behalf of the Waterbury Development Review Board, Alex Tolstoi moved and Andrew Strmiste seconded the motion to approve application #050-20 with the following conditions:

- (1) The Applicants shall complete the project in accordance with the Board's findings and conclusions and the approved plans and exhibits;
- (2) The Applicants shall comply with erosion protection and sediment control measures when development commences on the lots. [Section 1202(a)3]
- (3) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in zoning permit approvals #42-14-T, #05-15-T, #01-16-T, #091-17, and #027-18.
- (4) The Applicants shall submit a copy of the final plat, prepared in accordance with 27 V.S.A. § 1403, to the Zoning Administrator within 150 days of the approval date of this decision for Development Review Board approval.
- (5) The approved final plat, signed by the DRB Chair (or Acting Chair), shall be duly filed or recorded in the office of the clerk of the Town of Waterbury within 180 days from this approval, in accordance with 24 V.S.A. § 4463.

Note: The motion was approved 6 - 0.

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

 July 15, 2020
 (date)

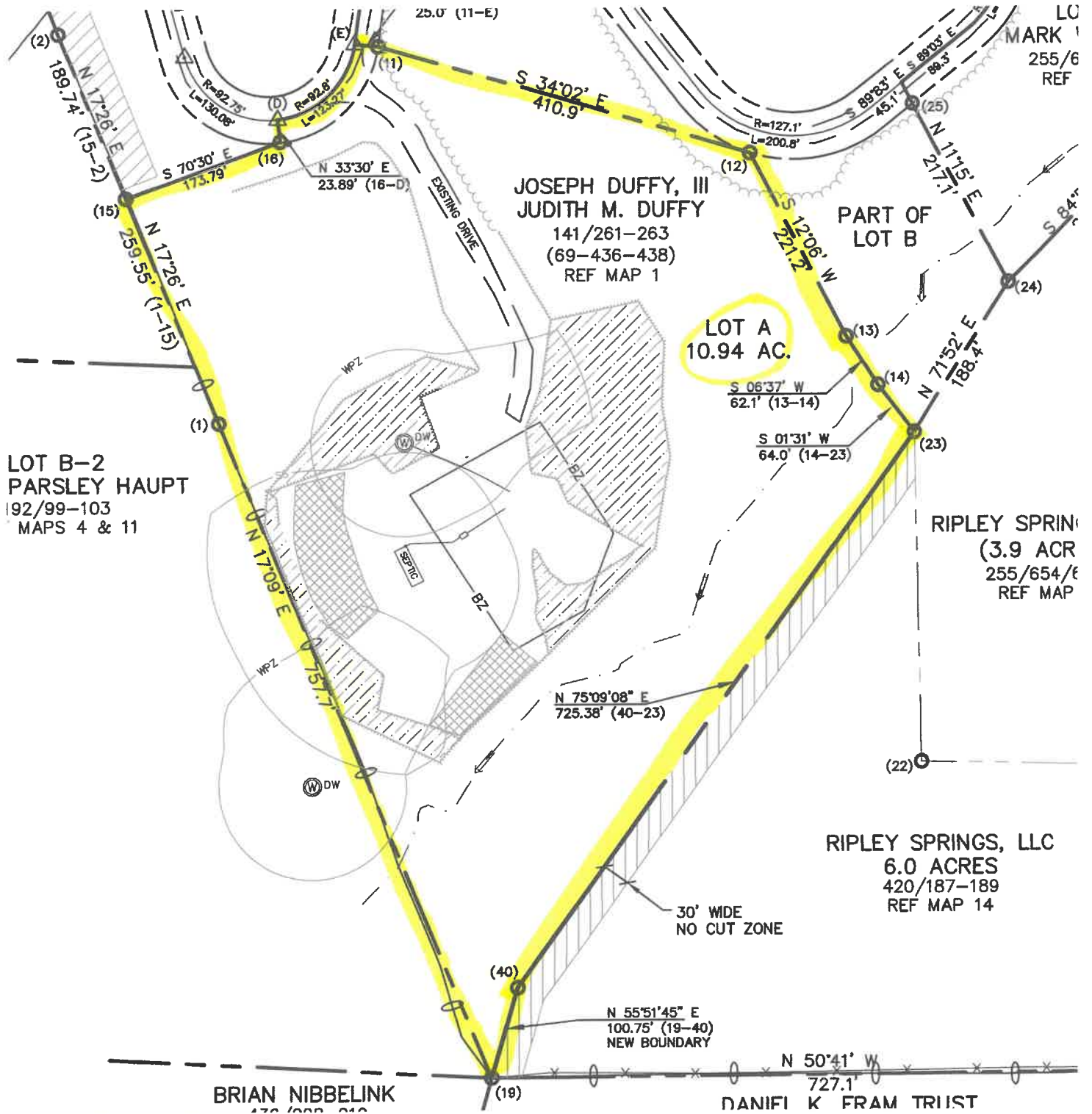
This decision was approved on July 15, 2020.

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 permits that 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.

EXHIBIT I1

Excerpt
 No Thawlein



0 50 100 150
 1" = 150'

EXHIBIT I2

Excerpt, SP
re: Trailkill

