

NOTICE OF PUBLIC HEARING

by WEST RUTLAND DEVELOPMENT REVIEW BOARD (DRB)

On WEDNESDAY, August 16, 2023, starting at 7:00 pm, at Town Offices, 35 Marble St. W. Rutland Village; the DRB will convene a Public Hearing to review **Application 23-19** from Russell Green (Owner) for removal of the failed Dam on Youngs Brook and restoration of the site at 1010 Dewey Ave (Parcel 29-01500900). The proposed project is in the Conservation 1 Zone and Source Water Protection Special Overlay district and subject to Conditional Use review.

This will be an in-person Hearing without remote (Zoom) conference option unless specifically requested of the Zoning Administrator prior to August 10, 2023. If Zoom attendance is requested, log-on instructions will be posted in Town Office and website www.WestRutlandVT.org. A concise version of the application will be posted on DRB page of Town website and a complete application displayed in Town Office.

Interested Parties (or their designated Agents) are to be present to offer Testimony, or have submitted written Testimony, by 7:15 pm on day of the Hearings; or may forfeit their right to appeal any decision of the DRB in VT Environmental Court.



TOWN OF WEST RUTLAND
ZONING
PERMIT APPLICATION

Permit # 23-19

PARCEL 29-01500900

Name of Applicant: Russell Green

Address: 1010 Dewey Ave, West Rutland, VT 05777

Phone # 802-438-0010

Name of Property Owner: _____

(if different) _____

Address: _____

Locatable Address: 1010 Dewey Ave, West Rutland, VT 05777

Size of Property: 14.39 ac

Book 101

Page 123-12

Present Use of Property: Residential

Zoning District: Conservation 1

Description of proposed project, Include structures, demolitions or change of use: Removal of breached earthen embankment dam, impounded sediment, and small stone masonry wall buried upstream. Construction access via existing driveway and woods roads.

Number of stories: (Include basement) 2 Building Height: Unknown

Total Square Footage: 5,596 Estimated Cost of Construction: 294,535

Type of water system: Well Type of Sewage System: Septic

Additional Comments: _____

Roads or waterways adjoining property: Youngs Brook; Dewey Ave (Town Road)

Is the property owner the owner of the adjoining property? Youngs Brook is a water of the state

If the answer is yes, describe the adjoining property: _____

Is the property in a flood hazard area? No Wellhead Protection area? No Wetland area? Yes, man-made

Attach a scaled drawing of the property on a separate sheet that shows the dimensions of the property, the location of any structures (existing or proposed) on the property, the distance between such structures and property lines and the location of driveways and parking areas. Include floor plans / elevations of the proposed building when applicable.

CERTIFICATION OF APPLICANT

The undersigned applicant hereby certifies that all information submitted on this application is accurate and that the information provided is complete.

Date Applicants signature _____

7-19-23

PROPERTY OWNER'S AUTHORIZATION

The undersigned applicant hereby certifies that all information submitted on this application is accurate and that the information provided is complete.

Date Applicants signature _____

7-19-23

23-19

FOR COMPLETION BY ADMINISTRATIVE OFFICER

Date of Receipt: BY ZA 7/24/2023
Zoning District: CONSERVATION 1Fee Paid: TO BE WAIVED BY SELECT BOARD
Type of Use: RESIDENTIAL

Action by Administrative Officer:

Approved: _____ *This approval shall not become effective until: _____

Denied: _____

Date of Administrative Officer Action: _____

Administrative Officer's Signature

Permits will be void if the applicant fails to undertake the permitted development within 6 months of the date of issue of the zoning permit or fails to complete the permitted development within 2 years of the date of issue of the zoning permit.

Any decision of the Administrative Officer may be appealed to the Development Review Board by filing a written notice of appeal with the clerk of the Board within 15 days of the Administrative Officer's Decision.

Permit referred to:

Development Review Board: 7/31/2023 Reason: W. RUTLAND ZONING: SECTION 10/6-
SITE DEVELOPMENT INVOLVING OVER 200 CUB YD EARTHEN MATERIAL (FILL OR REMOVAL);
SECTION 10/20 + 10/21 VEGETATIVE BUFFERS & VEGETATIVE REMOVAL ALONG STREAMS
ATTACHMENT C SOURCE WATER PROTECTION (ZONING Pg 101)VT State Environmental Office: _____ Call the state permit specialist at 802-786-5900
to see if state permits are requiredBoard Action: PUBLIC HEARING WAIVED FOR 8/16/2023, 7:00 PM, W. RUTLAND TOWN
OFFICE (35 MARBLE ST)Development Review Board: _____

CERTIFICATION OF OCCUPANCY OR USE

Before there is any use or occupancy of any structure or addition above, it must be inspected upon completion by the Administrative Officer. This certificate certifies that the building or use conforms to the approved plans heretofore filed with the Administrative Officer and with all applicable provisions of the West Rutland Zoning Ordinance.

Certificate Granted _____ Denied _____ Date _____

Administrative Officer's signature

Sewer Inspection _____ On-Site Sewage Inspection _____

Department of Labor and Industry Occupancy Approval _____

Access/Right of Way Permit Inspection _____ Bond Submittal _____

Water Meter Installation _____ Private Water Supply Tested _____

Locatable Address No, _____

Zoning WR

From: Zoning WR
Sent: Thursday, December 02, 2021 10:13 AM
To: 'Roy Schiff'
Cc: Zoning WR
Subject: RE: Youngs Brook Dam Removal

Dear Roy Schiff,

I have reviewed Town Zoning Regulations on this matter. A Town Permit will be required if:

- a. Per Section 901, over 30 cu. yd. of FILL are to be deposited, a Town Permit is required,
- b. If the project will change or improve the site for future development (Section 1016).
- c. If riparian vegetative Buffer Zones are to be disturbed (Sections 1020, 1021).
- d. If a Variance is required for "relocation" of a non-conforming structure takes place in a Flood Hazard District (Sections 1209, 1211, 1212)
- e. If the Project is subject to the Town Flood Hazard Area Regulations (2012).

What VT permits will be required, or have been approved for this project?

I will review your information further, next week. Apparently, the Town does not own the property. Any applications should be submitted by the legal Owner, or their duly authorized representative.

Regards,

Jeffrey Biasuzzi, Zoning Administrator

From: Roy Schiff [mailto:rschiff@slrconsulting.com]
Sent: Monday, November 29, 2021 12:31 PM
To: zoning@westrutlandvt.org
Cc: Menees, Todd <Todd.Menees@vermont.gov>; McGuire, Nanci - NRCS-CD, Rutland, VT <nanci.mcguire@vt.nacdnet.net>
Subject: Youngs Brook Dam Removal

Jeff,

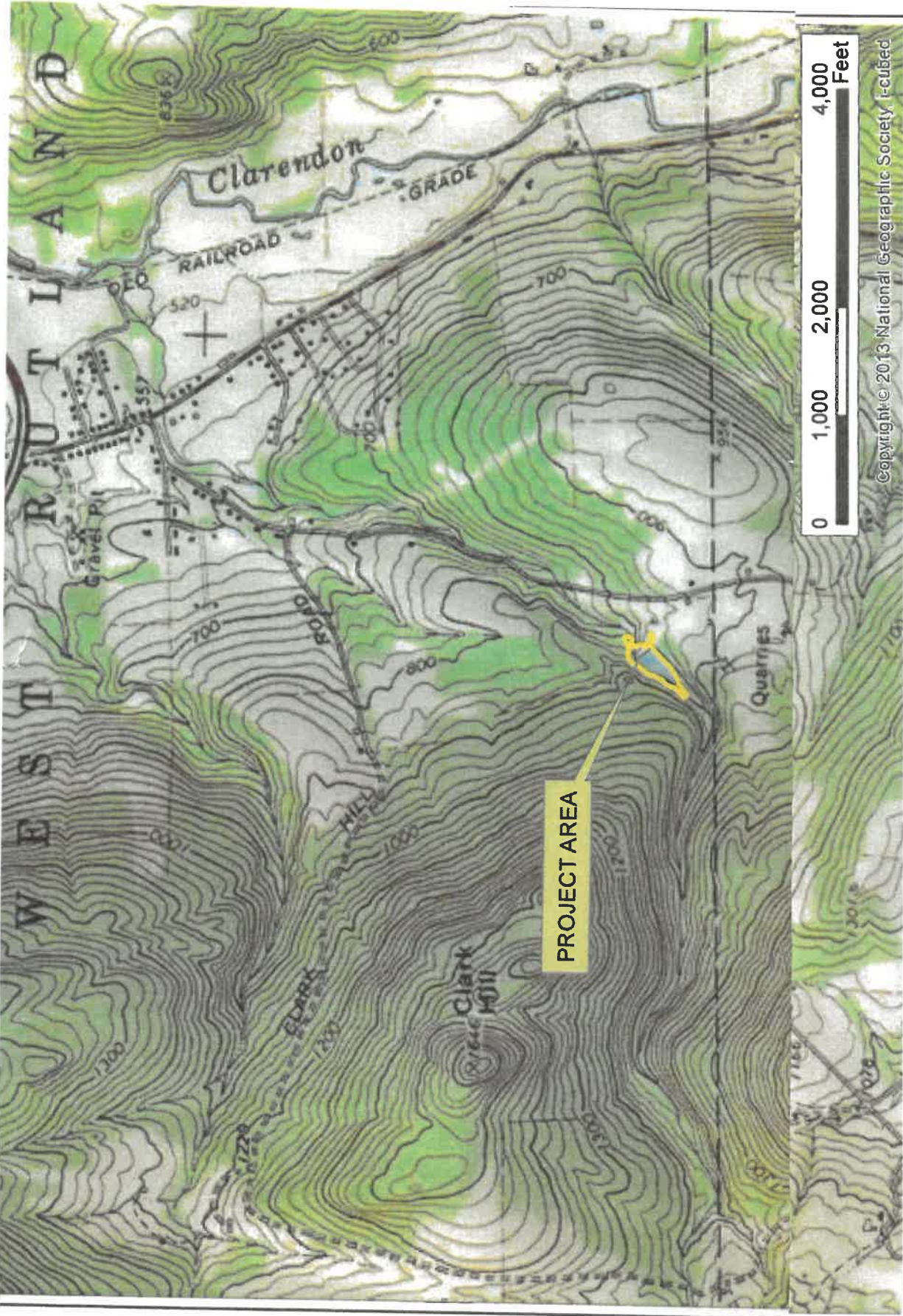
We spoke several weeks ago about the removal of the Youngs Brook Dam off of Dewey Avenue where I was asking you about the possible need of a local permit to remove the structure. The plans are attached. We have prepared plans for the US Army Corps of Engineers and the VTDEC Dam Safety Division that will be submitted shortly.

Thanks.

Roy



Roy Schiff, PhD, PE
Principal Water Resources Engineer & Scientist



SOURCE(S):		PROJECT LOCATION		LOCATION:	
Basemapping - ESRI USGS		YOUNGS BROOK DAM REMOVAL		West Rutland, Vermont	
		Map By: DJO SLR#: 2942-02 Original: 7/5/2023 Revision: Scale: 1:18,000		 1 South Main Street, 2nd Floor Waterbury, Vermont 05676 802.882.8335	
		MXD: Y:\2942-02\Maps\YoungsLocation-TopoMap.mxd			

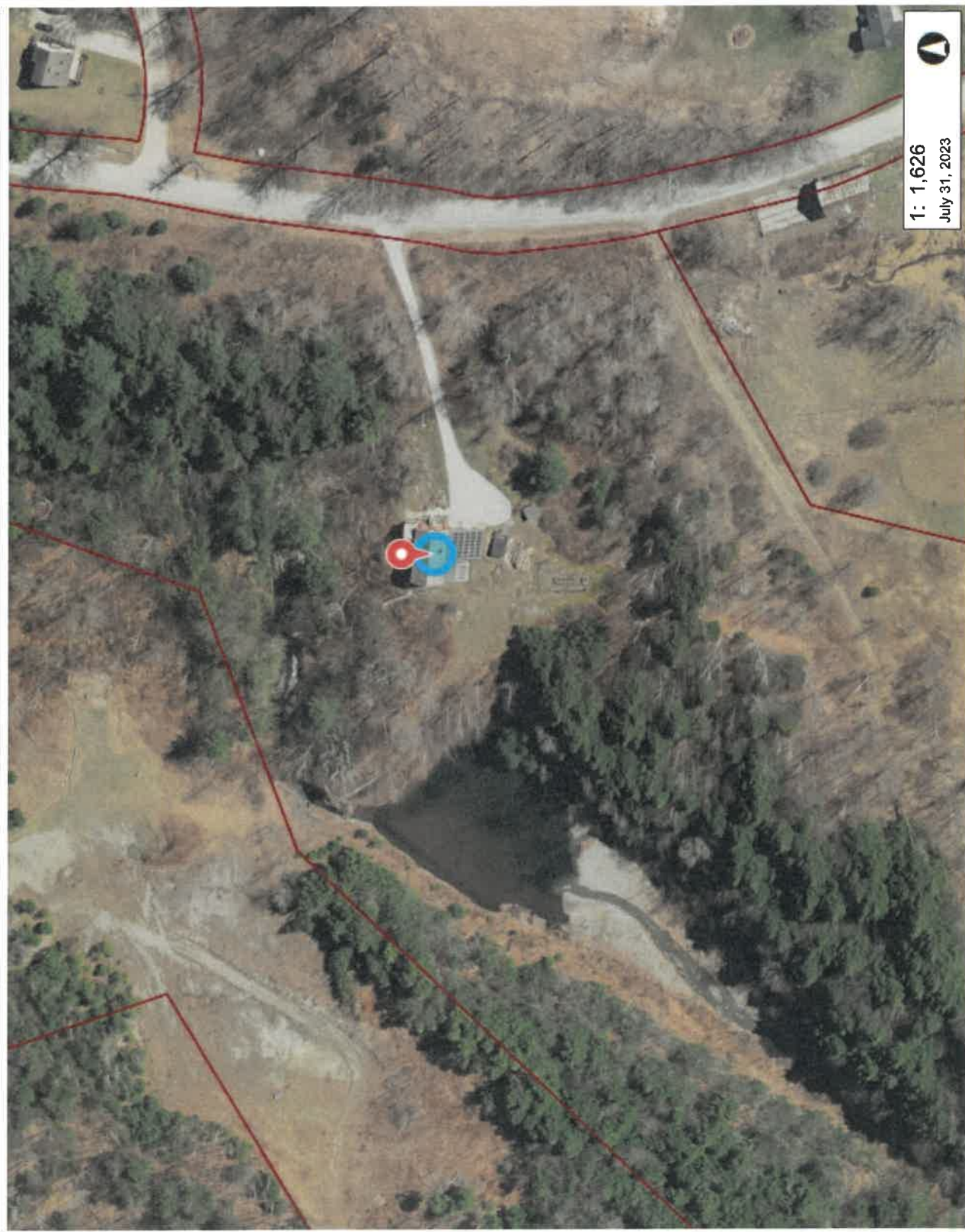
1010 DEWEY AVE YOUNGS DAM LOCATION PARCEL 29-01500900



Natural Resources Atlas

Vermont Agency of Natural Resources

vermont.gov



1: 1,626
July 31, 2023

- LEGEND**
- DFIRM Floodways
- Flood Hazard Areas (Only FEM)**
- AE (1-percent annual chance flood)
- A (1-percent annual chance flood)
- AO (1-percent annual chance zone feet)
- 0.2-percent annual chance flood hazard
- Parcels (standardized)
- Town Boundary

83.0 0 42.00 83.0 Meters

1" = 136 Ft. 1cm = 16 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Vermont Agency of Natural Resources

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

THIS MAP IS NOT TO BE USED FOR NAVIGATION

LEGEND

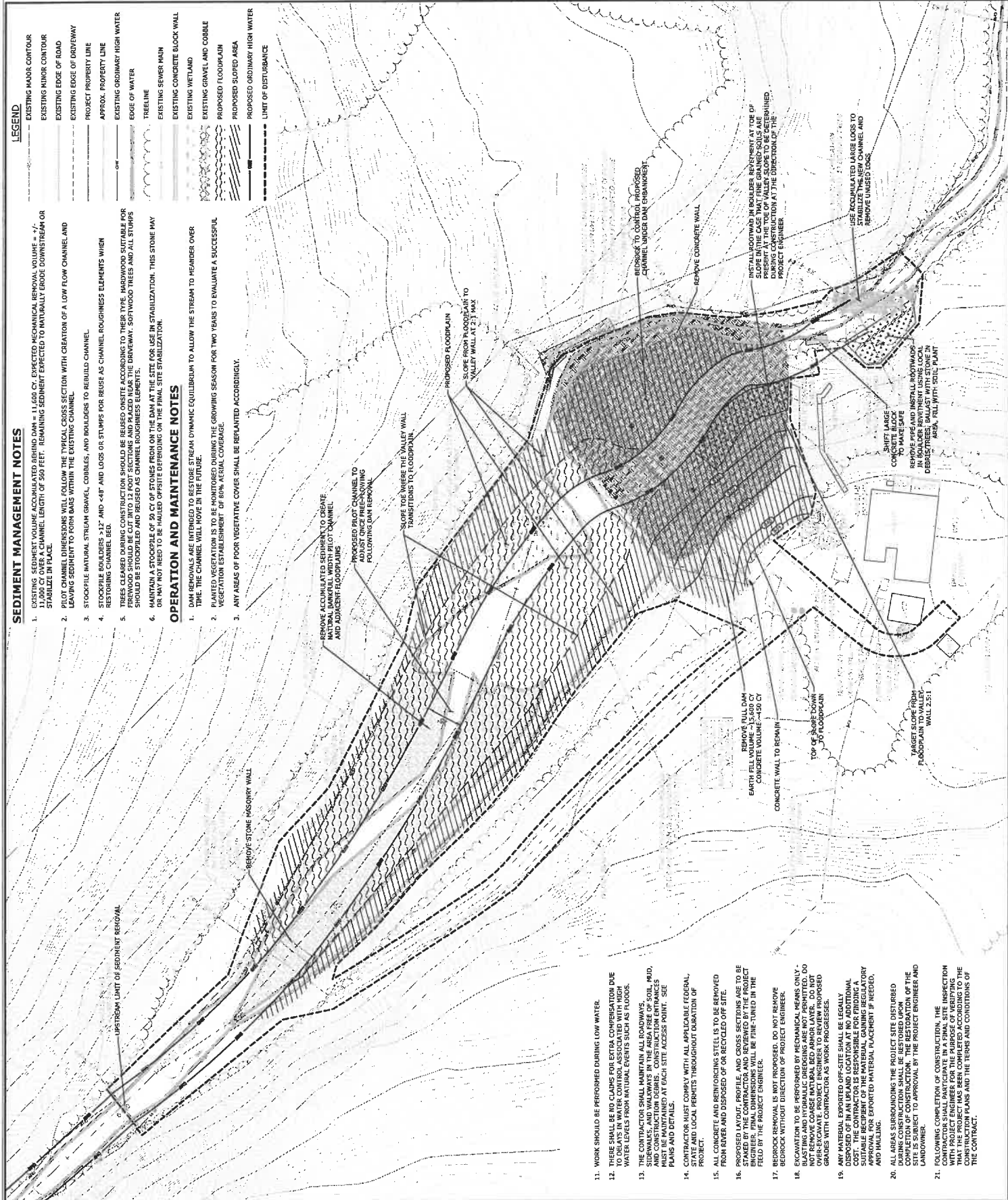
- ## OPERATION AND MAINTENANCE NOTES

1. DAM REMOVALS ARE INTENDED TO RESTORE STREAM DYNAMIC EQUILIBRIUM TO ALLOW THE STREAM TO MEANDER OVER TIME. THE CHANNEL WILL MOVE IN THE FUTURE.
2. PLANTED VEGETATION IS TO BE MONITORED DURING THE GROWING SEASON FOR TWO YEARS TO EVALUATE A SUCCESSFUL VEGETATION ESTABLISHMENT OF 80% ACRAL COVERAGE.
3. ANY AREAS OF POOR VEGETATIVE COVER SHALL BE REPLANTED ACCORDINGLY.

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11. WORK SHOULD BE PERFORMED DURING LOW WATER.
12. THERE SHOULD BE NO CLAIMS FOR EXTRA COMPENSATION DUE TO DELAYS IN THE PROGRESS OF THE PROJECT.
13. WATER LEVELS FROM NATURAL EVENTS SUCH AS FLOODS, STORMS, AND TIDES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
14. THE CONTRACTOR SHALL MAINTAIN ALL BOUNDARIES, SIDEWALKS, AND WALLWAYS IN THE AREA FREE OF SOIL, MUD, AND DEBRIS. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL CONSTRUCTION ENTRANCES, EXITS, AND UTILITIES. THE CONTRACTOR SHALL MAINTAIN ACCESS AT EACH SITE ACCESS POINT. SEE PLANS AND DETAILS.
15. CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL PERMITS THROUGHOUT DURATION OF PROJECT.
16. ALL CONCRETE AND REINFORCING STEEL IS TO BE REMOVED FROM RIVER AND DISPOSED OF OR RECYCLED OFF SITE.
17. PROPOSED APPROX. PROFILE AND CROSS SECTIONS ARE TO BE STAMPED BY THE CONTRACTOR AND REVIEWED BY THE PROJECT ENGINEER. FINAL DIMENSIONS WILL BE FINE-TUNED IN THE FIELD BY THE PROJECT ENGINEER.
18. BEDROCK REMOVAL IS NOT PROPOSED. DO NOT REMOVE BEDROCK WITHOUT DIRECTION OF PROJECT ENGINEER.
19. EXCAVATION TO BE PERFORMED BY MECHANICAL MEANS ONLY. DO NOT REMOVE COARSE MATERIAL LED ANCHOR LATER. DO NOT OVER-EXCAVATE PROJECT MATERIAL TO REVIEW PROPOSED GRADUES WITH CONTRACTOR AS WORK PROGRESSES.
20. ANY MATERIAL EXPOSED OFF-SITE SHALL BE LEGALLY REMOVED FROM THE PROJECT SITE. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING A SUITABLE RECIPIENT OF THE MATERIAL, GAINING NECESSARY APPROVAL FOR EXPORTED MATERIAL PLACEMENT IF NEEDED, AND TRAILING.
21. ALL AREAS SURROUNDING THE PROJECT SITE DISTURBED BY CONSTRUCTION OF THE PROJECT SHALL BE RESTORED TO THE ORIGINAL CONDITION OF CONSTRUCTION. THE RESTORATION OF THE SITE IS SUBJECT TO APPROVAL BY THE PROJECT ENGINEER AND LANDOWNER.
22. FOLLOWING COMPLETION OF CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND PROTECTION OF THE PROJECT. THE CONTRACTOR SHALL COORDINATE WITH PROJECT ENGINEER FOR THE PURPOSE OF VERIFYING THAT THE PROJECT HAS BEEN COMPLETED ACCORDING TO THE REQUIREMENTS OF THE PLANS AND THE TERMS AND CONDITIONS OF THE CONTRACT.



JCL	DJO	RKS
DECLARED	(Date)	ORIG/DO
1"-30'		
NOVEMBER 12, 2021		
DATE		
2942-02		
PROJECT NO.		
3 OF 9		
SHEET NO.		
PR		
SHEET VALUE		

SITE PLAN - PROPOSED CONDITIONS

FINAL DESIGN

MILONE & MACBROOM  NOW PART OF  SLR

DESCRIPTION	DATE	BY
-------------	------	----

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