

TOWN OF READSBORO
Development Review Board

NOTICE OF PUBLIC HEARING

The Town of Readsboro Development Review Board has scheduled a Public Hearing on **July 31, 2023 at 7:00pm** at St. Joachim's Church Parish Hall at 342 Tunnel Street to consider Zoning Permit Application #2023-21 by applicant Frederick and Janet Fowler of 9 Hyland Circle Troy, NY for a Conditional Use Review to Construct a Primitive Camp {Primitive Camp} with 520 sq ft together with an enclosed porch of 208 sq ft on the ground level & a loft of 130 sq ft located at Bergrucken Lane (Alpenwald) Parcel ID# ALPS020.088 in accordance with 2.4.3 {Conditional Use Review}, 3.2.2 {Required Frontage on, or Access to, Public Roads or Public Waters} & 3.2.1 {Existing Small Lots} of the Readsboro Zoning Bylaw.

Written notification has been sent to all the owners of all properties adjoining the property subject to this application.

Pursuant to 24 V.S.A 4464(a)(1)(C) and 4471(a), participation in this local proceeding is a prerequisite to the right to take any subsequent appeal.

Any person wishing to achieve interested person status to demonstrate compliance with the applicable criteria 24 V.S.A § 4416(b) should attend the meeting prior to 7:00 pm to sign in for the public hearing.

A copy of the application and additional information are available for inspection at the Town of Readsboro's Website <https://readsborovt.org> or contacting Carol Marchegiani, Chairperson at 802-423-7674 or canangel5@hotmail.com

Rhonda Smith, Clerk
Readsboro Development Review Board
Posted July 6, 2023

Application/Parcel ID#: 2023-21/A1B5020.088 Administrative Use Only
Date Received: 08 Jun 23
Date Approved: _____

Permit Fees: \$250
Check# 1221/By whom: Fred Fowler
Filing Fees: _____
Total Fees Paid: \$250
Tax Map Number: 13-032

ZONING PERMIT APPLICATION
TOWN OF READSBORO, VERMONT

All sections must be completed. Incomplete applications will not be considered.

1. APPLICANT:

Phone: (518) 248 0423

Name: Frederick and Janet Fowler

email address: FredFowler2@gmail.com

Mailing Address:

9 Hyland Circle Troy NY 12182
Street City State Zip

2. PROPERTY OWNER:

Phone: (518) 248 0423

Name: Frederick and Janet Fowler

Mailing Address:

9 Hyland Circle Troy NY 12182
Street City State Zip

3. PROJECT LOCATION:

Bergnucken Lane Readsboro YT Alpenwald
Subdivision

Deed - Book: 87 Page: 464

Tax Map Page: 13 Lot#: ~~119~~
32

Parcel ID#: ALPS020.088

4. HOW IS THE PROPERTY USED NOW?

Vacant Woodland

number of dwelling units: 0 industrial square feet: 0
commercial square feet: 0 public assembly/facility square feet: 0

Please describe any accessory structures that are on the property.

0

5. WHAT WORK IS PLANNED UNDER THIS PERMIT? (New construction, addition, subdivision, installation or change of sign, change of use). Please be specific. Application must include number of stories and square footage of gross floor area for all construction.

New construction of a primitive camp with 520 sq ft together with an enclosed porch of 208 sq ft on the ground level and a loft of 130 sq ft.

6 PLEASE CHECK WORK BELOW THAT APPLIES:

- Accessory structures with less than 100 square feet of floor area and lacking a permanent foundation, electricity, or other utility connections require a Zoning Permit.
- New residential construction (1 or 2 units).
- New residential construction (3 units or more).
- Residential addition/alteration/renovation.
- Non-residential construction/addition/alteration.
- Subdivision or boundary line adjustment (Site Plan 2.5.1) For applications involving subdivision of land or a boundary line adjustment a survey plat meeting the requirements of 27 V.S.A. §1403 and the rules of the Board of Land Surveyors, stamped by a Registered Land Surveyor licensed to practice in Vermont or equivalent.
- Signs.
- Change of use: from residential to non-residential, or non-residential to residential; or from one non-residential use to another non-residential use.
- Conditional Use - A use permitted in a particular zoning district i.e., Primitive Camps, Home Industry, Health Care, Facility, campground (see Readsboro Zoning Bylaw Article 2.4.4 for Permitted uses in each zoning district). Requires Site Plan Review & public hearing with the Development Review Board.
- Appeals of Decision by Zoning Administrator to the Development Review Board.
- Variance request (Bylaw Article 2.4.2).
- Home Occupation - Article 3, section 3 .2.3 a - f
Article 4 Section 4.1.4 - Provide Zoning Administrator with description of Home Occupation in writing.

7 ZONING INFORMATION - may be obtained with assistance from: rmatte73@gmail.com or call 802-423-5068.

a. What zoning district is the property located in? Rural Residential Alpmwald (RRA)

b. Dimensional Requirements:

*if this is an Appeal to the Development Review Board, please skip this question and go to 7c.

	Required	Existing or Proposed	Comments
Lot Size:	<u>2.31 acre</u>	<u>1.1 acre</u>	<u>Precedes bylaws</u>
Frontage:	<u>200 FT</u>	<u>175 FT</u>	
Setback from Right-of-Way:	<u>75 FT</u>	<u>97 FT</u>	<u>From center line.</u>
Rear Setback:	<u>20 FT</u>	<u>212 FT</u>	
Left Side Setback:	<u>20 FT</u>	<u>32 FT</u>	
Right Side Setback:	<u>20 FT</u>	<u>92 FT</u>	

c. If this is an Appeal to the Development Review Board, please answer the following two questions:

Provision of the Zoning Bylaw in Question: _____

Reason for Appeal: _____

8 ESTIMATED COST OF IMPROVEMENTS: \$ 125,000

9 **SIGNATURES AND AUTHORIZATIONS :**

Signing of this application authorizes the Zoning Administrator to enter onto the premises for the purpose of verifying information presented in sub section 5 on this permit application.

The undersigned hereby certifies that the information submitted in this application regarding the property is true, accurate and complete and that I (we) have full authority to request approval for the proposed use of the property and any proposed structures. I (we) understand that any permit will be issued in reliance on the above representations and will be automatically void if any are untrue or incorrect

Signature of owner(s) of property: *Paul Paul* Date: 4/4/2023

Scott J Fowler Date: 06/06/2023

Signatures of applicant(s) other than property owner:
 _____ Date: _____
 _____ Date: _____

This information must be submitted with a Site Plan (for subdivisions a survey is required that meets the standards set by the State of Vermont) if required, other required forms and an application fee. Your site plan must contain all the information listed below. **INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED.**

No Zoning Permit Application will be accepted for a new residential or commercial construction until Septic System Permit has been inspected and approved the State of Vermont and an Access Permit for curb cuts on State or Town Roads has been approved by Readsboro's Superintendent of Public Works and/ or the Selectboard prior to construction. A copy of both permits must accompany the Zoning Permit Application.

NOTE: Failure to develop your property in accordance with your application and any conditions of this permit may result in an enforcement action and may affect your ability to sell or transfer clear title to your property.

Applicant is required to provide the names and addresses of adjoining property owners without regard to any public right of way. Information is located at the Town Office.

<u>Name:</u>	<u>Mailing Address:</u>
<i>Bonita L Fowlersmith (Formerly Fowler)</i>	<i>231 Bergstrucken Lane Readsboro VT 05350</i>
<i>Thomas E Grimm</i>	<i>133 Fallow Street Norwalk CT 05850</i>
<i>Robert Ulman</i>	<i>133 Fallow Street, Norwalk, ct</i>
<i>Jordan P'Andria</i>	<i>2448 Pine St, Eureka, eA, 05850 95501</i>

Name:

Scott Stoleson

Mailing Address:

114 Sanders Road
Sugar Grove, PA
16350

If you have any questions, please call, Administrative Officer, Robert Matte

at 802-423-5068 or email: rmatte73@gmail.com.

_____: Agency of Natural Resources has reviewed the property in the Flood Plain Area

Comments:

Signature: _____

Date: _____

For Administrative Use Only:

Zoning Administrator Action

Application Number: 2023-21

Date Received: 08 Jun 23

(RS)

(initial by Admin. Officer)

Amount of Fee Paid: \$250-

Date Permit Issued: _____

Zoning Administrator

Development Review Board Action:

Date Received: _____

Notice of Hearing: _____

Date of Hearing: _____

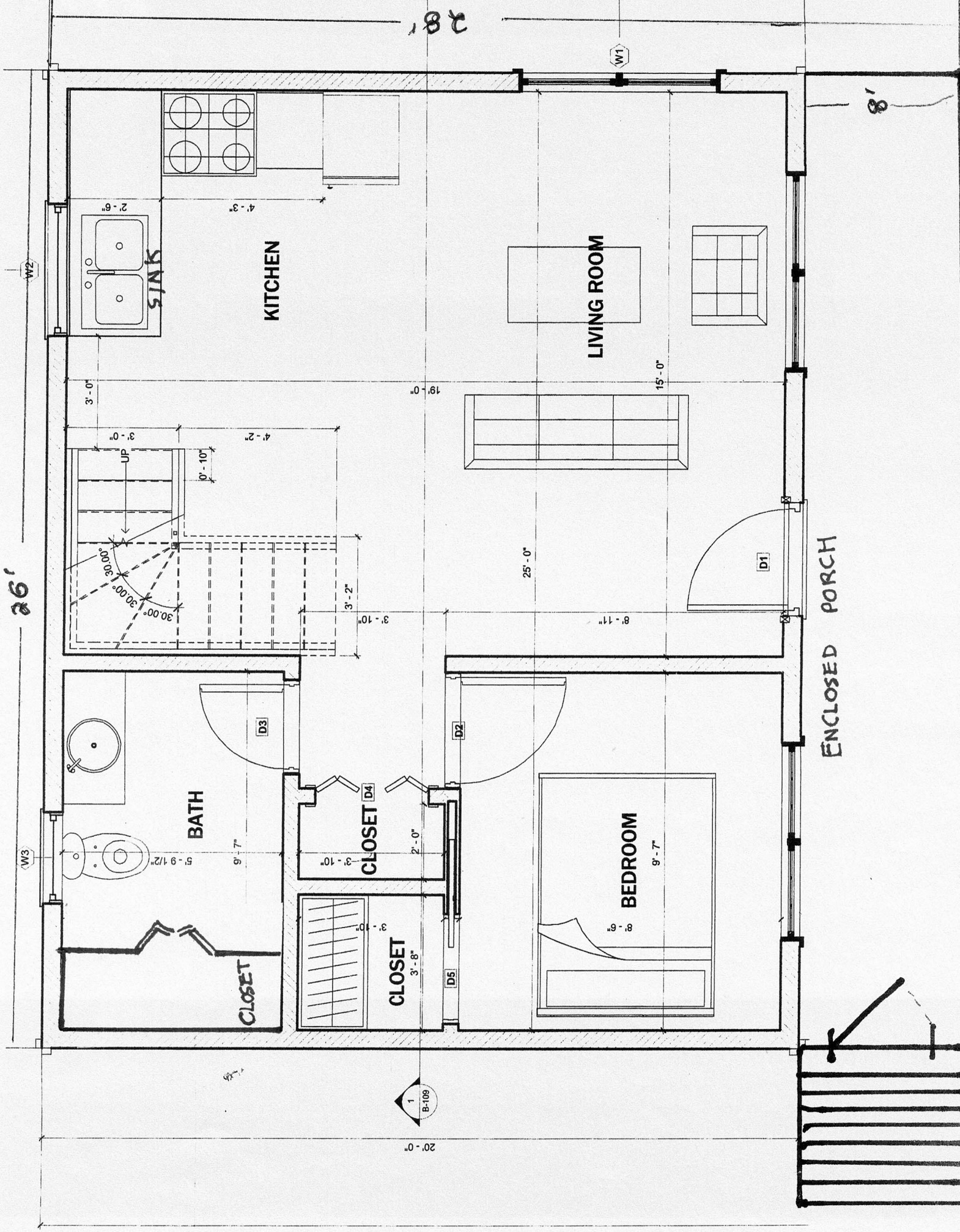
Date of Decision: _____

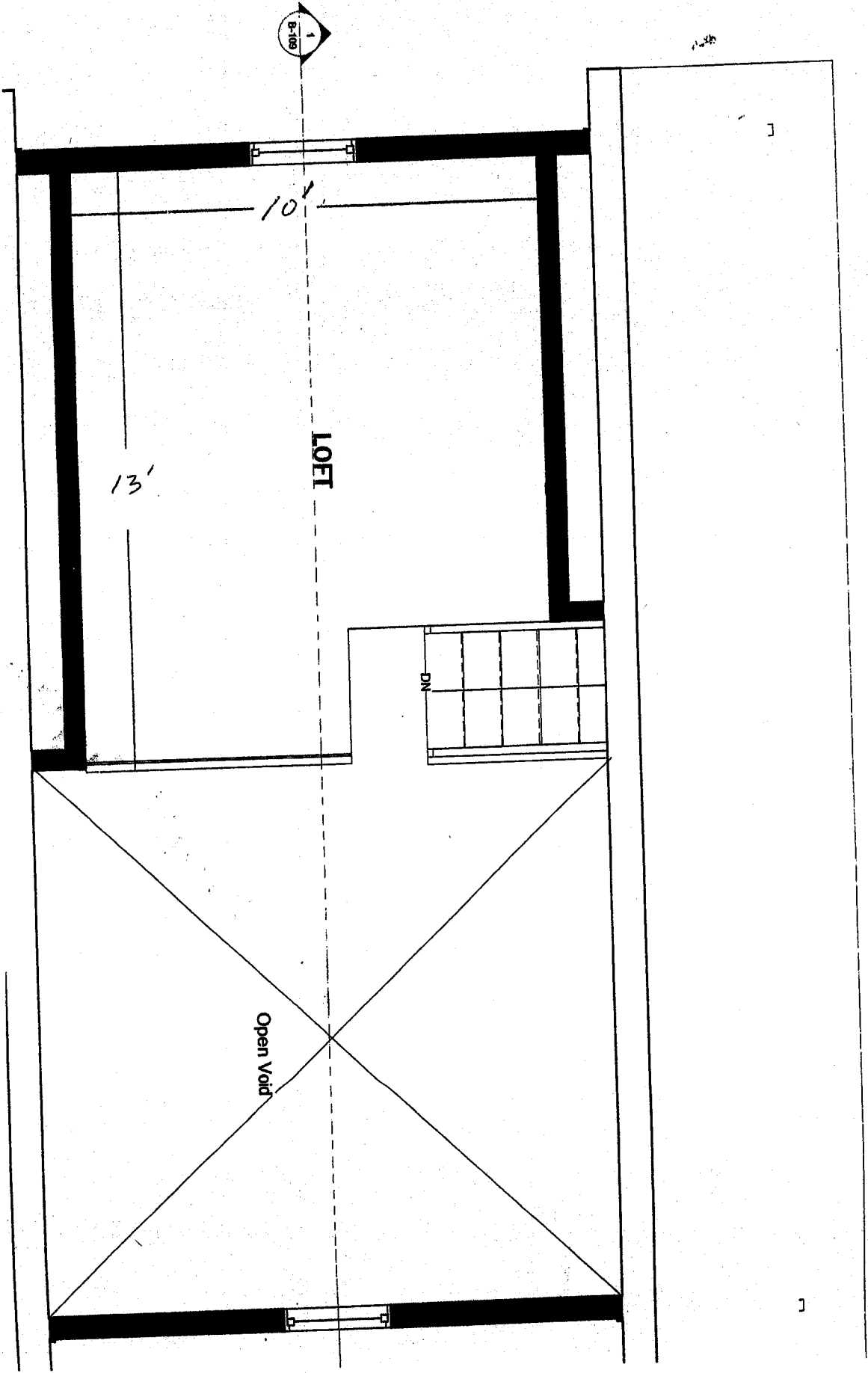
Decision: _____

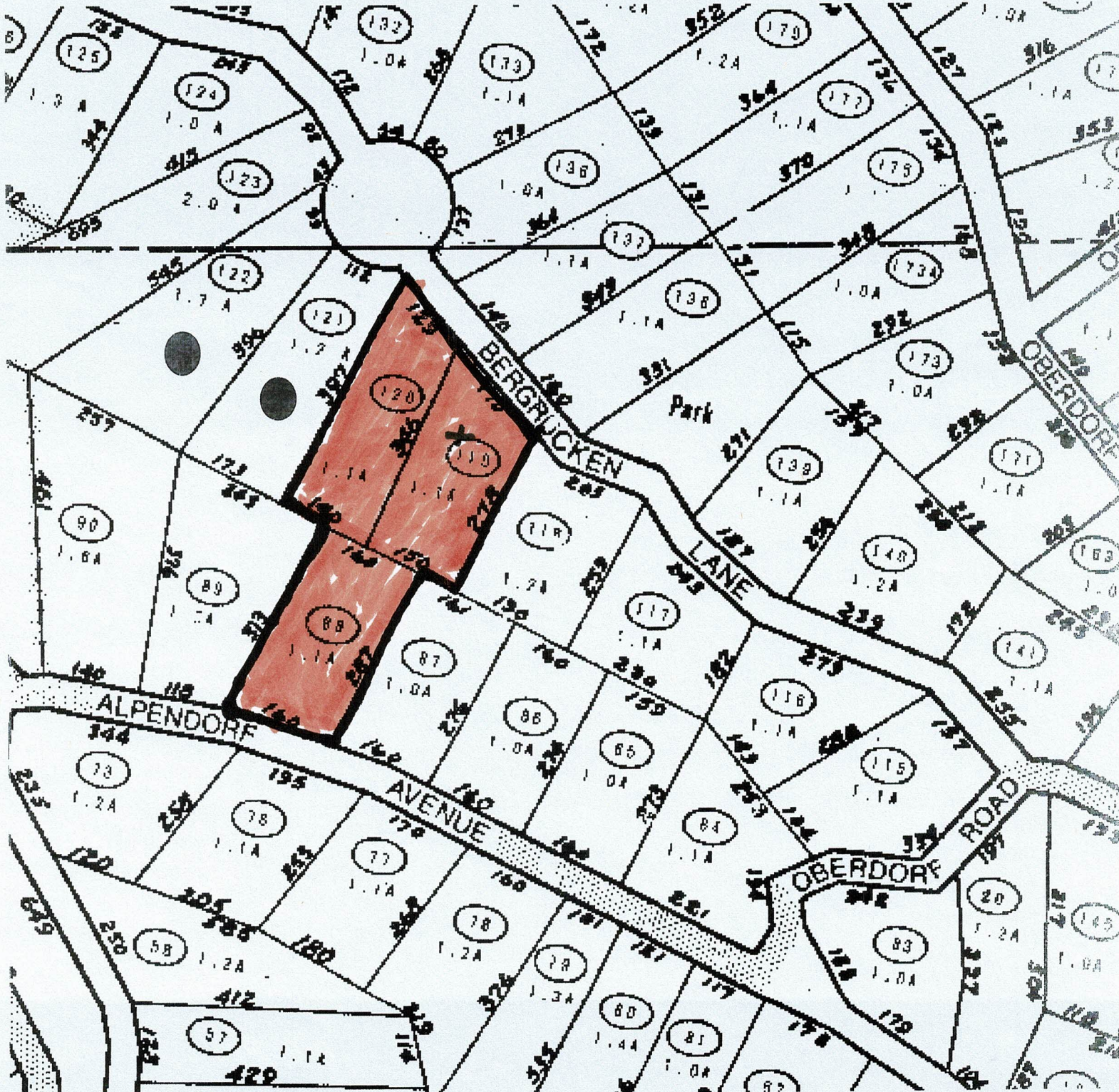
(Approved, denied, approved
with conditions)

DRB Chair or Clerk

Approved by Planning Commission 01/10/2023 (This application cannot be altered or changed).







Red dot = Proposed Cabin Location

X = Approximate Cabin Location Proposed.

Red shaded area = Lots owned by Frederick + Janet Fowler

June 6, 2023

Exhibit #2

Robert Matte
Zoning Administrator
Town of Readsboro, Vermont

Dear Mr. Matte:

Submitted herewith is the Zoning Permit Application on behalf of myself and my wife, Janet L. Fowler. As a young teenager I skied regularly at Dutch Hill and really loved the Vermont mountains. In the fall of 2022 my daughter, Bonita L. Fowler and her new husband Benjamin Smith purchased a home at 231 Bergrucken Lane in Readsboro. I was somewhat surprised and delighted that their new home was directly across Route 100 from the Old Dutch Hill and found their views of the mountains to be magnificent. We have grown to love not only the views but also the peace and quiet afforded by the mountain known as Alpenwald Village.

In December of 2022 we were informed that Thomas Grimm, Sr., Kimberly Grimm and Thomas Grimm, Jr. were desirous of selling three lots immediately adjacent to my daughter's home. We reached agreement with Tom and Kimber and closed on January 31, 2023, with our deed being recorded in Book 87 at page 467.

Our home is located in Troy, New York only an hour or so from Readsboro so we never seriously contemplated constructing a home on this property nor have we anticipated spending more than a few days at a time staying in Alpenwald. However, we did want to have a place to enjoy the quiet of the woods, the fresh air and the views and also to visit our daughter and her husband.

It is for these reasons that the concept of the "Primitive Camp" is so appealing to us. It is our goal to construct a small comfortable cabin of quality materials in which to stay for some weekends from May through the End of October and perhaps a winter night or two. The sixty-day annual limitation as set forth in the definition for Primitive Camps is certainly adequate for our purposes. While the pricing of materials, etc has just now being undertaken, it is expected that the construction of this cabin would be in the vicinity of \$125,000. No financing would be required.

The cabin is proposed to be located entirely on lot #119 on which there is no other living unit and no campground. However, we also own lot #120 on Bergrucken Lane as well as lot #88 on Alpendorf Avenue. It is not contemplated that there would be anything constructed on either of those lots.

If the enclosed porch is included as shown of the attached plan, the proposed cabin would have 728 square feet on the ground level, together with 130 square feet in the loft area for a total of 858 square feet of living space. This satisfies the requirements of the Town for a Primitive Camp, while also satisfying the requirements of the Alpenwald Declaration of Protective Property Rights.

It is our committed desire to construct this cabin in a fashion that will keep the cutting of trees to the absolute minimum possible and to have no negative ecological effect on the mountain whatsoever. In keeping with this commitment together with having our stays at the cabin being of short duration we are comfortable with, and in fact are challenged by the prospect of no indoor plumbing except for the one sink in this cabin. Likewise, we are comfortable with the use of a composting toilet. While my research on these is not complete, I have been considering a Sun-Mar three chamber with the Bio-drum, Finishing Drawer and Evaporation Chamber. We most certainly would comply with whatever DEC requirements there might be regulating the disposal of the contents.

As is shown by the cabin plans submitted herewith the room designated as the "Bath" containing the composting toilet together with a vanity and perhaps a pitcher of water and bowl for handwashing would constitute "private indoor bathroom facilities" so as to also comply with the requirements of the aforesaid Aplenwald Declaration of Protective Property Rights.

We do plan on having an electrical service run to the cabin to supply lighting and perhaps some strips of electric heat. We also plan to install a small woodburning stove given the plentiful wood supply from fallen trees.

We would not propose constructing any sort of driveway, since my daughter's home has very ample parking, however should the Town require a parking spot we would propose doing that on lot #120 where the land is much flatter and would not require the cutting of many trees.

It appears to me that our proposal meets the requirements to be favorably considered by the Development Review Board for approval as a Primitive Camp.

As you know from our recent telephone conversations I was unaware of the tight timeframe for this upcoming meeting of the Board until Monday afternoon and therefore did not have much time to make measurements in the field and put together this application together with supporting documents. Please advise what else you might require, but hopefully I have provided sufficient information for the board to, at least preliminarily consider at Tuesday's meeting.

Thank You

A handwritten signature in black ink, appearing to read "Frederick L. Fowler". The signature is fluid and cursive, with a long, sweeping underline.

Frederick L. Fowler

DECLARATION OF PROTECTIVE PROPERTY RIGHTS

KNOW ALL MEN BY THESE PRESENTS that AMERICAN LAND AND DEVELOPMENT CO., INC., hereinafter referred to as "REVERSIONARY OWNER", a corporation duly organized under the Laws of the State of Vermont, and having its usual place of business in West Dover, Windham County, Vermont, and being the owner of all the following described premises situate in Readsboro and Stamford, Bennington County, Vermont, to wit:

The land situate in Readsboro and Stamford, in the County of Bennington and State of Vermont, more fully described in deed of AMERICAN LAND AND DEVELOPMENT CORPORATION to AMERICAN LAND AND DEVELOPMENT CO., INC. dated July 29, 1968, recorded with Readsboro, Vermont, Land Records, in Book 30, Pages 271-273, and in Stamford, Vermont, Land Records, in Book 29, Page 166; by deed of JOSEPH F. DEWHIRST, JR. ET AL to AMERICAN LAND AND DEVELOPMENT CO., INC., dated September 27, 1968, and recorded in Readsboro, Vermont, Land Records, in Book 30, Pages 298-299, and in Stamford, Vermont, Land Records, in Book 29, Page 194; by deed of WENDELL P. NOBLE, JR. and MARY L. NOBLE, to AMERICAN LAND AND DEVELOPMENT CO., INC., dated March 1, 1969, and recorded with Readsboro, Vermont, Land Records, in Book 30, Pages 449-450, and in Stamford, Vermont, Land Records, in Book 29, Page 291; by deed of HENRY MATTHEW KENNEDY and RITA C. KENNEDY to AMERICAN LAND AND DEVELOPMENT CO., INC., dated September 2, 1969, and recorded with Readsboro, Vermont, Land Records, in Book 31, Page 173, and with Stamford, Vermont, Land Records, in Book 30, Page 21; by deed of HEARTWELLVILLE LODGE, INC., to AMERICAN LAND AND DEVELOPMENT CO., INC., dated October 14, 1969, and recorded with Readsboro, Vermont, Land Records, in Book 31, Pages 134-135, and in Stamford, Vermont, Land Records, in Book 29, Page 470; and by deed of MARY F. CROSIER and MARJORIE J. CARLSON to AMERICAN LAND AND DEVELOPMENT CO., INC., dated October 14, 1969, and recorded with Readsboro, Vermont, Land Records, in Book 31, Pages 131-132, and with Stamford, Vermont, Land Records, in Book 29, Page 474.

has established a general plan for the improvements and development of such premises now known as ALPENWALD DEVELOPMENT and NOBLE ESTATES, which premises are to be divided into building lots and reserved areas for common use; commercial use and multifamily use, including condominiums.

The REVERSIONARY OWNER does hereby impose the following easements, covenants, restrictions agreements and charges hereinafter set forth for the protection and benefit of the declarer and its subsequent grantees.

(1) **TERMS:** The terms "subdivision" and "development" shall refer to the property known as the ALPENWALD DEVELOPMENT and as the NOBLE ESTATES, as shown on Plans filed, and to be filed, in the Readsboro, Vermont, and Stamford, Vermont, Land Records, and the easements, covenants, restrictions, agreements, and charges, hereinafter set forth, shall apply to the Lots therein which may be sold from time to time by said REVERSIONARY OWNER, its successors and assigns, except as specifically excluded by deed of said REVERSIONARY OWNER, hereafter recorded in said Land Records.

The term "Lot" shall mean a Lot as shown on Plan of said REVERSIONARY OWNER presently on file, or hereafter filed, with said Readsboro, Vermont, and Stamford, Vermont, Land Records, but shall not include any areas designated thereon as ways, community or reserved areas.

The term "NOBLE ESTATES" shall refer to the real estate acquired by American Land and Development Co., Inc. from Wendell P. Noble, Jr. et ux as aforesaid, but is deemed to be part of the Alpenwald Development, so-called, situate in Readsboro and Stamford, Vermont, and as used herein "NOBLE ESTATES" and "ALPENWALD DEVELOPMENT" shall be synonymous.

(2) **USE:** Except as hereinafter provided, all Lots in the sub-division shall be used for residential purposes only; no structure or building shall be erected, altered, placed or permitted to remain on any Lot other than one single family dwelling not exceeding two stories in height, together with appurtenant private garage or car shelter; all building plans for any building, fence, wall or structure to be erected upon any Lot and the proposed location thereof upon any Lot, and any changes after approval thereof, any remodeling, reconstruction, alteration, or addition, shall require the approval in writing of the REVERSIONARY OWNER. No structure of any kind, the plans and specifications of which have not received written approval of the REVERSIONARY OWNER and which does not comply fully with such approved plans and specifications, shall be erected, constructed, placed, or maintained upon any Lot. Approval of such plans and specifications shall be evidenced by written endorsement of the REVERSIONARY OWNER on such plans and specifications, a copy of which shall be delivered to the owner or owners of the Lot upon which the prospective building is contemplated prior to the beginning of such construction. No changes or deviations in or from such plans and specifications as approved shall be made without the prior written consent of the REVERSIONARY OWNER. The REVERSIONARY OWNER shall not be responsible for any structural defects in such plans or specifications or in any building or structure erected according to such plans and specifications.

The REVERSIONARY OWNER shall determine the location, color, size, design, lettering, and all other particulars of all mail or paper delivery boxes, and standards and brackets and name signs for such boxes in order that the area be strictly uniform in appearance with respect thereto; such approval shall be evidenced by endorsement of the REVERSIONARY OWNER on Lot owner's plan or sketch for same.

Drainageways shall conform to the requirements of all lawful public authorities, and of the REVERSIONARY OWNER.

No commercial vehicles, construction, or like equipment, or mobile or stationary trailers of any kind shall be permitted on any Lot of the sub-division unless first approved in writing by the REVERSIONARY OWNER and kept in a garage completely enclosed.

No residential Lot shall be resubdivided except as approved by the REVERSIONARY OWNER, and in no event shall a residential Lot be subdivided into less than a one acre Lot.

Every structure must conform to the following minimum standards:—

- (a) Any residence erected on any Lot in this sub-division shall have a minimum ground floor area of 600 square feet, exclusive of porches, eaves, steps and garages. The side that faces the street shall be considered to be the front of any dwelling erected in this sub-division. All houses erected must be of a design in harmony with the other houses erected or to be erected in the development. All basement or other space between the ground and the first floor shall be closed in and finished in the same manner as or harmonious with the other exterior surfaces of the house.
- (b) All residences must have private inside bathroom facilities.
- (c) All sanitary plumbing and sewage disposal systems shall conform with the minimum requirements of the Department of Health of the Town of Readsboro or Town of Stamford, and the State of Vermont.
- (d) All structures shall be completed on the exterior within six months from start of construction including two coats of paint, stain or varnish on any exterior wood surfaces. Exterior walls must be finished with approved siding material or if concrete block is to be used as an exterior surface, it must be painted with two coats of masonry paint.

Any garage must conform in appearance to the residence structure on said Lot.

No for sale sign or advertising device of any kind shall be erected on any Lot except on a new house previously unoccupied which is offered by said REVERSIONARY OWNER, or a builder of homes authorized by said REVERSIONARY OWNER, or except as authorized by the REVERSIONARY OWNER in writing.

Owners of unoccupied Lots shall at all times keep and maintain their property in this sub-division in an orderly manner and prevent accumulation of rubbish and debris on the premises, by their own act or the acts of others.

No business, trade, profession or enterprise of any kind or nature whatsoever shall be conducted or carried on upon any Lot or Lots in said sub-division, except those Lots so shown as commercial on the recorded plans, or as specified by said REVERSIONARY OWNER by deed duly recorded, nor shall any animals, birds, fowl, or poultry, except common household pets, be kept at any time thereon.

Any dwelling and garage on any Lot in this sub-division which may in whole or in part be destroyed by fire, windstorm or for any other reason must be rebuilt or all debris removed and the Lot restored to a slightly condition with reasonable promptness.

No well for water to service any Lots shall be dug, nor shall any septic tank be installed, without first submitting a plan of the Lot showing the location of the proposed well, or the proposed septic tank, and its system, with reference to all of the structures on said Lot and adjoining Lots and septic tanks thereon; approval shall be by endorsement of the REVERSIONARY OWNER as aforesaid.

No building material of any kind or character shall be placed or stored on any Lot, nor shall any excavation be made, until the owner is ready, willing and able to commence construction, nor shall any structure be occupied while in the course of construction.

No loam, sand or gravel, except that resulting from landscaping or from construction permitted under these Restrictions, shall be removed for sale from any Lot.

(3) **EASEMENTS:** Easements and rights of way are hereby expressly reserved along and within 12 feet of all side Lot lines; 12 feet along all rear Lot lines, and 15 feet along all front Lot lines for the creation, construction and maintenance of utilities, such as electricity, telephone, storm drains, and the like. It shall not be deemed a violation of this article if wires or cables carried by pole lines pass over some portion of said Lot, not within the aforesaid easements, so long as such lines do not hinder the construction of the building on such Lot.

(4) **NUISANCE:** No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or become an annoyance to the sub-division. No structure of a temporary character or trailer shall be used on any Lot at any time as a residence or otherwise. No object shall be stored on any Lot in such position as to block the view of any abutter or so as to detract from the character of the sub-division. Trash, garbage or other waste shall be stored in sanitary containers. The structures and grounds on each Lot shall be maintained at all times in a neat and attractive manner, and upon owner's failure to so maintain his premises after sixty (60) days' written notice to his last known address, the REVERSIONARY OWNER may make reasonable repairs and improve the appearance of such Lot and the owner shall promptly reimburse the REVERSIONARY OWNER therefor and to secure such reimbursement the REVERSIONARY OWNER shall have a lien upon such Lot and premises enforceable by sale of the same in the manner hereinafter provided.

(5) **DESIGNATION OF LOTS:** The REVERSIONARY OWNER reserves the right to designate one or more Lots as commercial for so-called community facilities, and reserves the right to designate one or more Lots as multiple family Lots, or for condominiums; or for drug stores, grocery stores, or other stores of the type known as "neighborhood stores", or for motels and lodges, or other commercial ventures, either by designation on Plan or designation by deed duly recorded, said Lots may have building exceeding 2 stories in height.

The REVERSIONARY OWNER, for itself and its successors and assigns, reserves the right to use all ways and area in common with any purchaser of its Lots, or subsequent owners; the right to grant to any other person or persons the right to use the same in common with such owners and others from time to time entitled to use the same, and the right from time to time to use or to grant others the right to use said ways and areas for the purpose of installing, maintaining, replacing, removing and using sewers, drains, water mains and related equipment, gas pipes, electric lights, power and telephone wires and other public

470 RECREATIONAL RESIDENTIAL DISTRICT : 2 ACRES

The Recreational Residential District includes lands of the Alpenwald subdivision west of Route 100. Alpenwald was subdivided into one-acre lots, before enactment Act 250 and the adoption of Town zoning. The lots were marketed as lots for vacation homes within walking distance to the Dutch Mountain Ski Area. The district is served by State Highway Routes 8 and 100; Alpenwald roads are privately owned and maintained.

The purpose of this district is to recognize the existing residential use of the area, and to provide for future expansion of residential use.

Permitted uses:

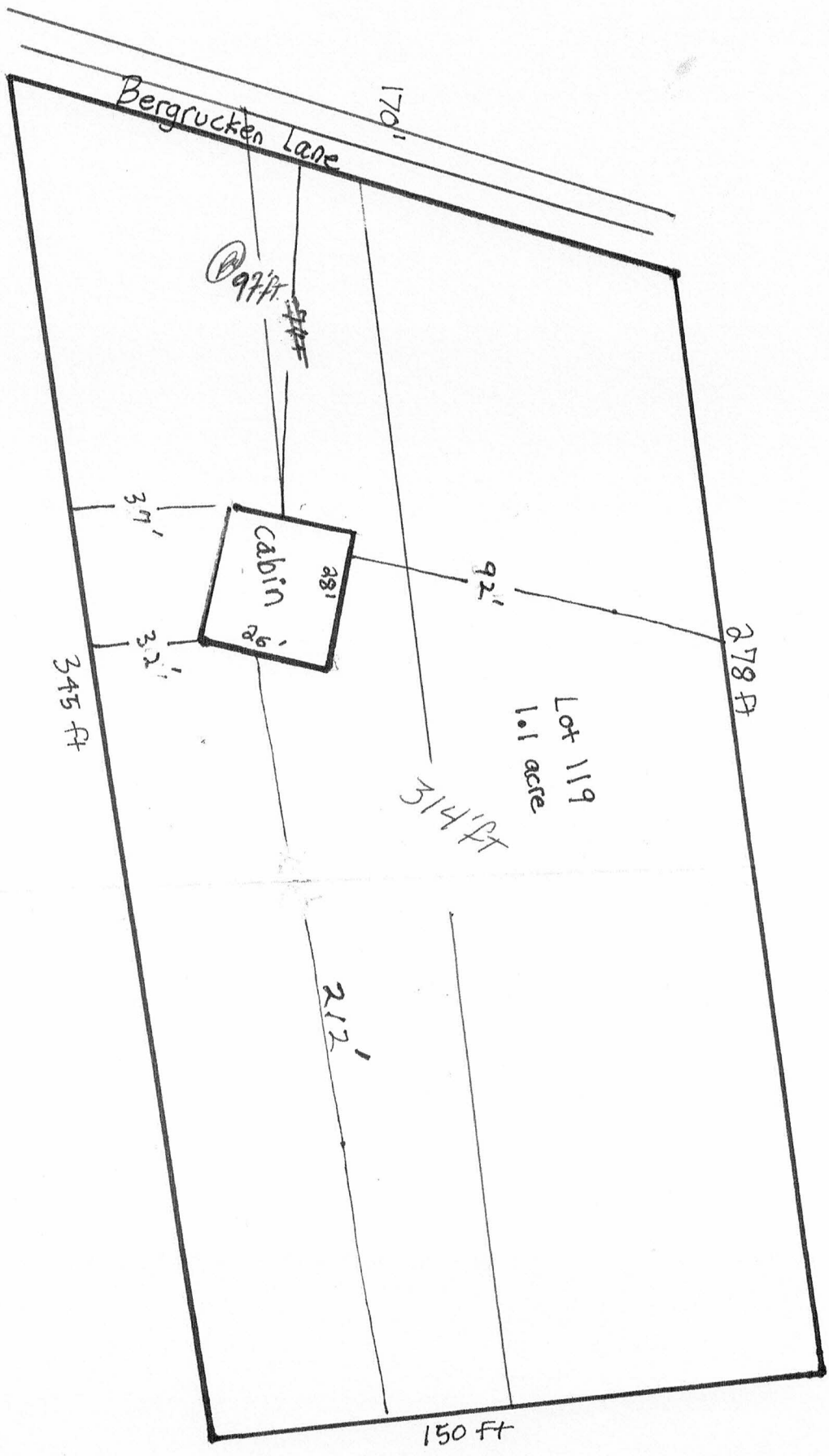
1. single-family dwelling
2. planned residential development
3. planned unit development
4. wildlife refuge
5. non-commercial keeping of livestock

Conditional uses: (requires Conditional Use Permit from the Zoning Board of Adjustment)

1. recreation
2. retail store
3. restaurant
4. motel
5. museum

Area, yard, coverage, height and general regulations

Lot area minimum:	2 acres
Lot frontage minimum:	200 feet
Building setback minimum:	75 feet from highway centerline
Front, side, rear yard min.:	40 feet each
Building height maximum:	3 stories or 35 feet, whichever is less:
	Accessory building: 35 feet



Bergrucken Lane

170'

Driveway
97 ft

Cabin
28'
26'

92'

278 ft

Lot 119
1.1 acre

314 ft

212'

150 ft

345 ft

31'

32'