

Town of Bennington, Vermont

ZONING OFFICE

4454 WATER TOWER ROAD

802-933-2335 FAX 802-933-5913

Ann E. Lavery, Zoning Administrator

Date March 25, 2025

Permit # 25-10

ZONING APPLICATION

ACTION REQUESTED:

X Conditional Use Review

 Building Permit, Site Plan Review, Certificate of Compliance, Subdivision

APPLICANT Village of Enosburg Falls

OWNER same as applicant

ADDRESS 42 Village Drive, Enosburg Falls, VT 05450

ADDRESS same as applicant

PHONE 802-933-4443

PHONE same as applicant

PARCEL ID# 036-0733 LAND RECORDS BOOK 29 PAGE 257 PARCEL SIZE 87.67 acres

PRESENT USE undeveloped, utilities (other)

PROPOSED USE undeveloped, utilities (other)

PROPOSED STRUCTURE: New Building Addition Other PLEASE DESCRIBE n/a

LENGTH WIDTH HEIGHT

ROAD FRONTAGE SETBACKS: FRONT REAR LEFT RIGHT

EXISTING EASEMENTS: YES X NO

NON CONFORMING USES/VARIANCES YES NO X

IS THERE A FLOOD PLAIN? YES X NO

WETLAND, STREAM, OR POND? YES X NO

If YES, please describe: project purpose is to remove deteriorating and obsolete Trout Brook Reservoir Dam. Excavation and grading work is proposed within the flood hazard overlay district and wellhead protection district.

ADJOINING PROPERTY OWNERS

PERMITS RELATING TO THIS PROJECT:

VT Dept of Environmental Conservation WASTEWATER & WATER SUPPLY PERMIT: NA X SUBMITTED RECEIVED

ROAD ACCESS: NA X SUBMITTED RECEIVED

**** The undersigned hereby requests a ZONING PERMIT for the above use, to be issued on the basis of the representations contained herein. The permit shall be voided in the event of misrepresentations. The undersigned understands that an approved permit will be binding on the property.**

**** VERMONT PERMIT SPECIALISTS are available at 111 West Street, Essex Jct, VT 05452 - 802-879-5676. The Permit Specialist will advise you about needed Vermont State Permits, and will prepare a PROJECT REVIEW SHEET.**

ALL State as well as Local Regulations MUST be followed.

**** A general plot plan MUST be submitted with a Building Permit Application, showing the location of the property lines, all buildings on the property, including the proposed work, and distances from buildings to property lines and road right of ways.**

The undersigned LANDOWNER hereby affirms that the information presented in this application is: **TRUE, ACCURATE, and COMPLETE.**

LANDOWNER SIGNATURE

PRINT NAME John D. Sarno

DATE 3 27 25

APPLICANT SIGNATURE

PRINT NAME

DATE

PLEASE MAKE CHECKS PAYABLE TO: TOWN OF BERKSHIRE, VERMONT

pd ck # 1683
\$198 Franklin Co
APPLICATION FEE NRCD

Received by ZA 2/13/25 Application Complete 3/3/25 Approved 4/10/25 Denied _____
3/13/2025 Discussion Plan

Referred to DRB 4/10/2025 Reason(s) for Denial or Referral DRB Approval
Final Hearing

Ann E. Tarry April 10, 2025 April 25, 2025
SIGNATURE OF ZONING ADMINISTRATOR DATE ISSUED EFFECTIVE DATE

SKETCH PLAN OF PROPOSED PROJECT: ***DRAWN TO SCALE AND INCLUDING DISTANCES**

see attached engineering design plans dated March 25, 2025

* on file at ABL
Berkshire
Town Office

Town of Berkshire, Vermont Development Review Board

FINDINGS and DECISION

VILLAGE of ENOSBURG FALLS, VERMONT, Represented by SLR International Corporation

CONDITIONAL USE HEARING

APRIL 10, 2025

INTRODUCTION AND PROCEDURAL HISTORY:

1. This proceeding involves an application submitted by VILLAGE of ENOSBURG FALLS for a **CONDITIONAL USE PERMIT** for the REMOVAL of TROUT BROOK DAM located at 733 Reservoir Road, Berkshire, Vermont.

This Application requires consideration under THE TOWN OF BERKSHIRE LAND USE AND DEVELOPMENT REGULATIONS.
It is their proposal under **Article 9 Section 9.4 DEVELOPMENT REVIEW IN FLOOD HAZARD AREA OVERLAY DISTRICT**, to remove the obsolete Trout Brook Dam, and restore the natural habitat of the area.
2. The Zoning Application was received by the Zoning Administrator on **March 25, 2025**.
3. **Alexandra Marcucci of SLR Corporation and Lauren Weston of Franklin County Natural Resources Conservation District** were present at the **March 13, 2025** Berkshire Development Review Board Meeting on behalf of **The Village of Enosburg Falls**.
They shared detailed maps and a very thorough plan for the removal of Trout Brook Dam. An open discussion followed. DRB Members had many questions and concerns that were carefully addressed.
4. A **Public Hearing** was warned for **April 10, 2025**.
5. A Notice of Hearing was posted in the Berkshire Town Hall, and posted on The Town of Berkshire Web Site on **March 24, 2025**.
6. All **Abutting Property Owners** were notified by United States Mail on **March 24, 2025**.
7. The application was considered by the Development Review Board at a Public Hearing on **April 10, 2025**.
8. Present at the hearing were the following members of the Development Review Board:
Dustin Broe, Claude Charron, Jason Doe, Russell Ford, Jason Jutras, Kris Lantz, Margo Sherwood, and Carl Ruprecht.
Also present: **Ann Lavery, Zoning Administrator/ DRB Clerk.**

9. At the outset of the hearing, the Development Review Board afforded an opportunity for persons wishing to achieve status as an interested person under **24 VSA Section 4465 (b) to demonstrate that the criteria set forth in that subsection are met.** The Development Review Board granted interested person status to the following persons:
Alexandra Marcucci and Jessica Louisos from SLR Corp, representing The Village of Enosburg Falls, VT, Kenneth Sekuterski, and Kimberly Wendling.
10. The Application was again discussed in detail, and all questions were answered.

FINDINGS:

Based on the application, presentations, exhibits, maps and other evidence the **Develop Review Board** makes the following findings:

1. The applicants have proposed **REMOVING THE TROUT BROOK DAM.** The dam is obsolete and in poor condition.
2. The subject property is located at **733 Reservoir Road** in the Town of Berkshire, Vermont. (parcel #036-0733)
3. The property is located in the Wellhead Protection Area as described on the Town of Berkshire Zoning Map on record at the Town of Berkshire municipal office and **Section 4.3 D** of the Berkshire Zoning Bylaws.
4. The application requires review under the following sections of the Berkshire Zoning Bylaws:

Article 1 AUTHORITY AND PURPOSE

- Section 1.2 Purpose
- Section 1.3 Interpretation and Applicability

Article 3 DEVELOPMENT REVIEW

- Section 3.1 Zoning Permit
- Section 3.2 Board Approvals (Conditional Use Review, Site Plan Approval, Variances)

Article 4 ZONING DISTRICTS AND STANDARDS

- Section 4.1 Establishment of Zoning Districts
- Section 4.2 Zoning District Standards
- Section 4.3 District Objectives

Article 9 FLOOD HAZARD AND RIVER CORRIDOR REGULATIONS

- Section 9.4 Development Review in Flood Hazard Area Overlay District
- Section 9.5 Flood Hazard Area Development Standards
- Section 9.8 Application and Administration Requirements

DECISION:

Based upon these findings, the Development Review Board concludes that this **Conditional Use Permit** is **Granted** as outlined in the Berkshire **Land Use and Development Regulations**, with no stipulations.

Dated at Berkshire Vermont, this 28th day of April, 2025.


Ann E. Lavery
Zoning Administrator