

Appeal Period Expires 5/1/16  
 Zoning District C2+AR

Town of Essex, Vermont  
**Application for Zoning Permit**  
 www.essex.org

Application Date 1/1  
 Permit Number 2016-62

All construction is to be completed in accordance with the Town of Essex Zoning Regulations and any/all federal or state regulations now in effect. You are required to post this permit in a conspicuous location on the property during the appeal period and it must remain posted throughout the construction period. **You are required to contact the necessary state agencies to obtain state permits @ 477-2241 (Jeff McMahon, Permit Specialist).**

Any interested person may appeal the decision of the Zoning Administrator to the Zoning Board of Adjustment within fifteen (15) days of the permit's date of issuance. Commencing construction within this fifteen (15) day appeal period is prohibited by law.

Signed: [Signature]

**A** Parcel Account Numb. (Map-Parcel-Lot) 2-019-001-000  
 (found in Town Assessor's Office)  
 Property Address: 442 Browns River Rd  
 Owner: David Lewis + Sarah E. Harwood  
 Owner Address: 442 Browns River Rd Essex Vt 05452  
 Owner Phone: (work) \_\_\_\_\_ (home) \_\_\_\_\_  
 (cell) 802-377-5209 (Email) \_\_\_\_\_  
 Contractors name: Kevin Delaps Phone: \_\_\_\_\_  
 Cell: 802-991-0054  
 Estimated Construction Dates: Start: 5/1/16 Completion: 7/30/16  
 Sq. Feet: 6,000 Estimated Cost (labor & materials): \$60,000

**B** Sewage Disposal (Please attach Sewer or Septic Application).  
 Public  Private  Connection Fee \$ \_\_\_\_\_ Date Paid: 1/1  
 Proposed New Bedrooms: 2 Existing Bedrooms 4

**C** Water (Please attach Water Service Application).  
 Public  Private  Fee \$ \_\_\_\_\_ Date Paid: 1/1

**D** Driveway (Please attach copy of approved Curbcut / Utility Application).  
 Date of approval 1/1 Existing

**E** Stormwater N/A  
 Project disturbs an area greater than or equal to 1 acre – Erosion Control Permit Required. Attach completed permit application.  
 Project creates new or expands existing impervious surface greater than or equal to 1/2 acre – Erosion Control Permit and Stormwater Management Permit required. Attach completed permit application.

**F** Diagram – Show a sketch of project on reverse of this application with property lines, building, and setbacks or attach separate sheet.

**G** over  
 Signature of Tenant and Signature of Owner [Signature]

**G**

Check box(es) which describe proposed use or construction (circle choice in parenthesis).  
 N = New A = Addition R = Remodel

Residential:	N	A	R
Single Family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Two-family (duplex)(other)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Multi-family	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Condominium / Townhouse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mobile home	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inclusions or Additions:			
Garage (attached) (detached)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Porch (enclosed) (open)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deck	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pool (in) (above) ground	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barn ( <u>residential</u> ) (agriculture)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Non-residential:			
Commercial / Industrial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stormwater:			
Stormwater	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Erosion Control	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:			
Change in use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Miscellaneous	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Renewal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Office Use Only**

Fees:	Type	Amount	Date Paid
Permit		<u>\$50-</u>	<u>4/14/16</u>
Recreation		<u>\$</u>	<u></u>
Recording		<u>\$10-</u>	<u>4/14/16</u>
Certificate of Occ		<u>\$</u>	<u>1/1</u>
Other		<u>\$</u>	<u>1/1</u>

Building Permit  
 Approved  Rejected  Date 7/22/16  
 Issued to: David Lewis + Sarah Harwood  
 Zoning Administrator: [Signature]  
 Notes: [Signature]  
 C.O. Required Yes  No

THIS PERMIT VALID FOR TWELVE (12) MONTHS FROM DATE OF ISSUE





## Sharon Kelley

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**From:** David Lewis <davidlewis@comcast.net>  
**Sent:** Thursday, April 21, 2016 1:53 PM  
**To:** Sharon Kelley  
**Subject:** Fwd: Wetland site visit summary for 442 Browns River Road  
**Attachments:** image002.jpg; image004.jpg; image006.jpg

Hi Sharon here are the emails from Tina Heath about the site and also some pictures of where the barn is going. Let me know when I can come down and add the last few things on the hand drawn map for you.

David

Begin forwarded message:

**From:** "Heath, Tina" <[Tina.Heath@vermont.gov](mailto:Tina.Heath@vermont.gov)>  
**Subject:** RE: Wetland site visit summary for 442 Browns River Road  
**Date:** April 5, 2016 at 11:47:40 AM GMT-4  
**To:** David Lewis <[davidlewis@comcast.net](mailto:davidlewis@comcast.net)>

Hi David,

Thank you for photo and detailed description of what you'd like to do. Just a few things before wrapping up on my end-

- Please make sure your building/grading/limits of disturbance is more than 50 ft away from the wetland that wraps around back towards Browns River Road. The boundary is at the toe of slope. In the photo, the wetland boundary is the edge of yellowed grass that's a part of the field (top right of photo).
- Please send me a photo of each of the dead trees so I can have them on file. From my recollection, there was one, maybe two standing dead box elder trees on the bank, and some fallen dead trees on the bank below the retaining wall. The standing dead trees' stumps should stay in the bank for stabilization purposes (no stumping).

I appreciate your efforts in avoiding impacts. If you have any questions please let me know.

Tina

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**From:** David Lewis [<mailto:davidlewis@comcast.net>]  
**Sent:** Thursday, March 31, 2016 1:59 PM  
**To:** Heath, Tina <[Tina.Heath@vermont.gov](mailto:Tina.Heath@vermont.gov)>  
**Subject:** Re: Wetland site visit summary for 442 Browns River Road

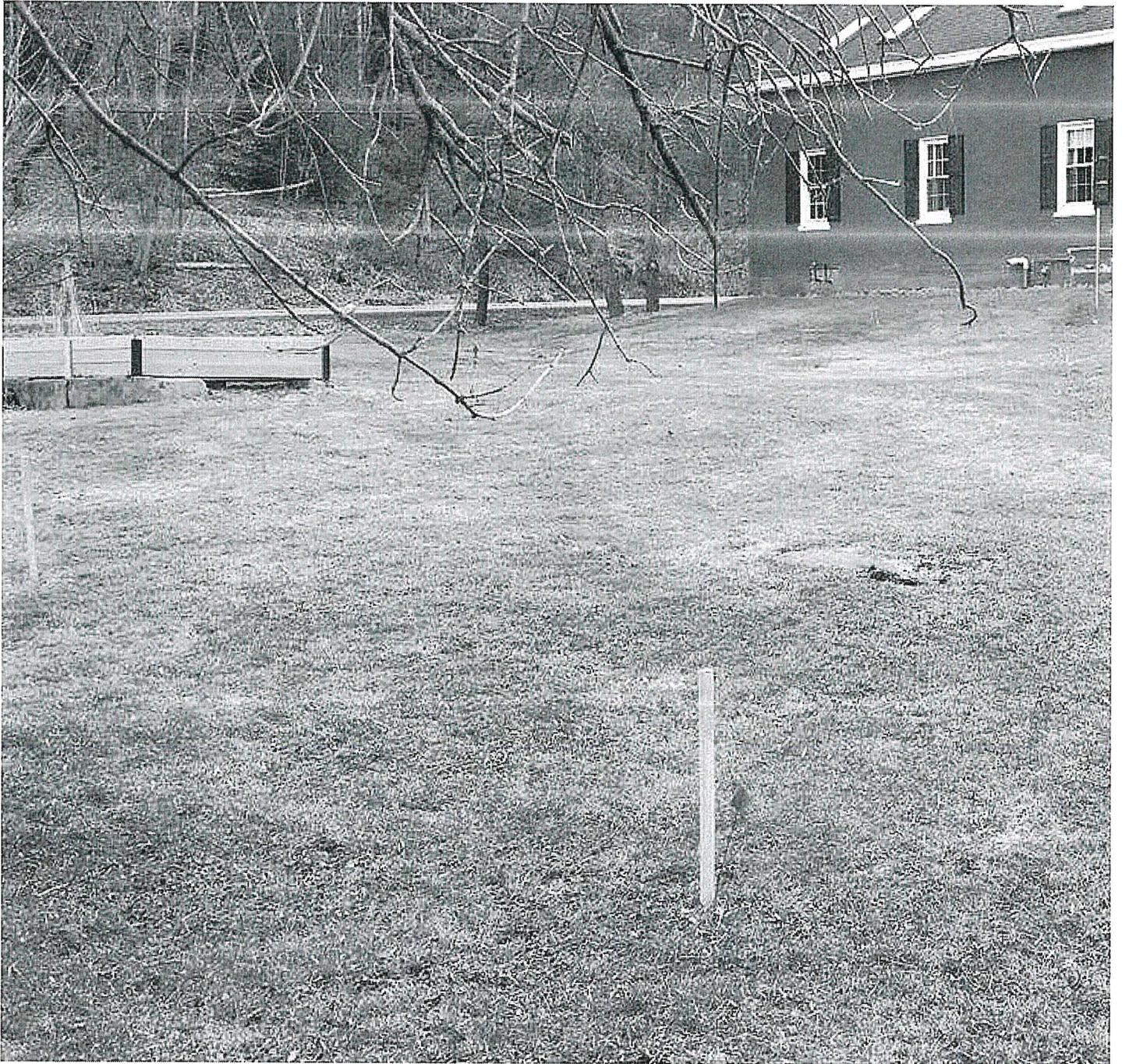
Hi Tina,

My contractor friend came over today and we decided where we are going to put the shop. Its going in the original location we had talked about but moved it over towards the middle of the yard so it is well outside the buffer zone. There is also no need for grading or fill along the retaining wall. I have attached pictures of the staked out site so you can see what I am talking about. That rock pile is going to be moved and the stones

placed along the top of the rock retaining wall. The plan for the clean up is to chainsaw up the dead trees into smaller pieces and removed them from the area. We are not going to use the excavator to remove the trees my contractor said it would be easier to just chainsaw them into small pieces and cary them out by hand. From my understanding none of this is going to require a wetlands permit because there is going to be no encroachment in the buffer zone except to removed the dead trees. Let me know if that is correct.

David







On Mar 31, 2016, at 9:52 AM, Heath, Tina <[Tina.Heath@vermont.gov](mailto:Tina.Heath@vermont.gov)> wrote  
Hi David,

It was nice to meet with you yesterday, thank you for showing me your property and discussing what you'd like to do. As you know there is a large Class II wetland floodplain associated with the Browns River on your property. This Class II wetland has a 50 foot buffer, and the wetland's boundary is at the toe of slope of the terrace that your house sits on. You would like to build a 25' x 40' workshop that was originally proposed in part of the buffer that is a mix of dead and living trees, lawn, and disturbance.

From our discussions yesterday it sounds like it is still to be determined if the workshop's limits of disturbance can completely avoid the buffer. If tree clearing and regrading occurs within the buffer, you will need to apply for state wetlands permit. In order to start that process, these are the things you would need to do:

- The wetland would need to be delineated by a professional wetland consultant. Here is a link to the Wetlands Program Consultant page: [http://www.vtwaterquality.org/wetlands/docs/wl\\_WetlandConsultantList.pdf](http://www.vtwaterquality.org/wetlands/docs/wl_WetlandConsultantList.pdf)
- Calculate the square footage of impacts in the buffer.
- Apply for a wetlands permit. Depending upon the amount of impact, you'll need to apply for a general permit or individual permit. From our discussions yesterday, it sounds like impacts may fall into the General Permit thresholds.
  - Information on whether the project qualifies under the GP: [http://www.vtwaterquality.org/wetlands/docs/wl\\_gp\\_2013.pdf](http://www.vtwaterquality.org/wetlands/docs/wl_gp_2013.pdf)
  - General permit: <http://www.vtwaterquality.org/wetlands/docs/VermontGeneralWetlandsPermitNOI2016.pdf>
  - Individual permit: <http://www.vtwaterquality.org/wetlands/docs/VermontIndividualWetlandPermitApplication2016.pdf>
- Both permit applications require wetland technical information. A wetland consultant may be needed to fill this in.
- The permit application requires the justification of why impacts can't be avoided. You will also need to state how you've minimized impacts.
- Issuance of permits can take 2-4 months.

You had a lot of questions regarding what you can do to "clean up" the buffer- we talked about dead tree removal, removing a remnant old rock pile, and taking out junk and dead logs. I think the best way to move forward on this is for you to develop a specific plan. Once you know the specifics of what you'd like to do, please email me this plan and I can determine if it will qualify as an allowed use or if it would need a permit.

Your property has a large Class II wetland that serves as a floodplain to the Browns River. Any filling, grading or draining of this area would trigger jurisdiction under the Vermont Wetland Rules. Here's a link to our webpage for more information: <http://www.vtwaterquality.org/wetlands.htm>

I hope I helped answer some of your questions from yesterday, as we talked about a lot of different things. If you have additional questions or concerns, please contact me.

Best,  
Tina

<image001.jpg>

**Tina Heath, District Wetland Ecologist**  
Chittenden County  
802-490-6202  
[tina.heath@vermont.gov](mailto:tina.heath@vermont.gov)

Vermont Department of Environmental Conservation  
111 West St  
Essex Junction, Vermont 05452