

**WATERBURY DEVELOPMENT REVIEW BOARD
MEETING
Thursday, June 2, 2011
Approved Minutes**

Members: Jeff Larkin, Rick Boyle, Jeff Whalen, Martha Staskus, David Frothingham, David Rogers
Staff: Stephen Lotspeich
Public: Natalie Howell-Sherman, Scott Carpenter

The meeting was convened at 6:30 p.m. at the Waterbury Municipal Office, 51 S. Main St.

ELECTION OF ACTING CHAIR:

MOTION:

Rick Boyle moved to elect Jeff Larkin as Acting Chair for this meeting. David Frothingham seconded the motion.

VOTE:

The motion was approved unanimously.

MINUTES:

The minutes of May 10, 2011 were reviewed.

MOTION:

Jeff Whalen moved and David Rogers seconded the motion to approve the minutes of May 10, 2011.

VOTE:

The motion was approved unanimously.

APP. NO. 15-11-T, SCOTT CARPENTER

Jeff Larkin, Acting chair opened the review at 8:30 p.m.

Scott Carpenter was sworn in and provided the following testimony:

The 13' x 50' addition will be on the rear of the existing auto/vehicle repair/service garage structure adding a net of 400 sq. ft. to the garage. The existing 480 sq. ft. garage near the residence will be removed and will not be replaced with another structure. The existing 480 sq. ft. garage to be demolished is used as part of the vehicle repair/service business. There will be a net reduction of 80 sq. ft. of commercial building footprint.

The addition to the garage will be used for additional equipment and tools for the existing bays. It will also provide space for an office for the service writer. A fourth service bay will be added on the north side of the addition. This will allow for the addition of one employee in the service garage for a total of five employees working in that building.

The garage does not have a floor drain in it.

The site currently does not have a state Act 250 land use permit.

All the buildings will have a stone pattern at the base of the walls and cedar siding on the upper part of the walls as shown on Exhibit C, Garage Building Isometric View, Floor Plan, and Elevations.

There are no streams located on or in close proximity to the property.

Mansfield Motorcars has had a state license for sales of vehicles since 1988. The business has also had a license to inspect vehicles during this time.

The open space is clustered on the north side of the site, adjacent to open area on the surrounding property.

MOTION:

Jeff Whalen moved and David Rogers seconded the motion to continue App. No. 15-11-T, Scott Carpenter to Thursday, June 16, 2011, at 8:30 p.m.

VOTE:

The motion was approved unanimously.

ADJOURNMENT:

MOTION:

Rick Boyle moved and David Frothingham seconded the motion to adjourn the meeting at 10:00 p.m.

VOTE:

The motion was approved unanimously.

Respectfully Submitted,



Stephen Lotspeich
Community Planner

****THESE MINUTES WERE APPROVED ON June 2, 2011 ****

Town of Waterbury
Development Review Board
Approved Minutes
Date: June 2, 2011

Board Members Present: Jeff Larkin, Rick Boyle, Jeff Whalen, Martha Staskus, David Frothingham, David Rogers
Staff Present: Steve Lotspeich
Public Present: Natalie Howell-Sherman

First Order of Business: Application for Site Plan Review, Findings and Decision

Permit #: 12-11-V
Applicant: Connection Solutions of Vermont, Inc.
Landowner: Pilgrim Partnership, LLC
Location of Project: 5 Derby Ln., Waterbury, Vermont

The following interested parties were present and sworn in: Steve Van Esen, Ed Steele, Monty Markow

EXHIBIT LIST:

Exhibit A Zoning Permit Application dated 5-16-11
Exhibit B Survey of Site and Surrounding Area
Exhibit C Site Plan
Exhibit D Building Floor Plan
Exhibit E Copy of Lister's Card with Photo of Building
Exhibit F Notices Sent to Adjacent Landowners dated 5-17-11

TESTIMONY:

Ed Steele testified that there is adequate additional parking on the adjacent parcel owned by Pilgrim Partnership to fulfill the parking requirement. Monty Markow described computer and network services business, Connecting Solutions of Vermont, Inc., that he owns. The business has three employees including himself. Deliveries to the site will be via FedEx or UPS.

FINDINGS OF FACT:

Description of Project:

1. The applicant seeks approval for site plan review to change the use of a building located at 5 Derby Ln. on a 0.22 acre parcel in the Town of Waterbury. Tax Map # 19-470.000.

2. The property is located in the Village Mixed Residential Zoning District as described on the Town of Waterbury Zoning Map
3. This is a Site Plan Review for changing the use of the building located at 5 Derby Ln. in the Village of Waterbury from a public school to business professional offices. The parcel is located in the Village Mixed Residential Zoning District where the business professional offices are allowed as a permitted use. Connecting Solutions, LLC, is a computer and network consulting company that will be using the 700 sq. ft. ground floor of the building for business professional offices. The 700 sq. ft. second floor of the building will be used for storage.

There will be a maximum of three employees working on the site at one time.

Access to the site is provided via Derby Ln. off S. Main St.

There are two existing parking spaces on the site. The parking requirement for this project is three spaces. The adjacent property is owned by Pilgrim Partnership as shown on Exhibit C, the Site Plan, and has an excess of available parking space, based on the prior approval for the site at 5 Derby Ln. in Permit No. 01-04-V for Harwood Community Learning Center. The requirement for the additional parking space is fulfilled by the available parking on this adjacent parcel.

There are no changes proposed to the landscaping, screening and exterior lighting for this site.

Based on the application, testimony, exhibits, and other evidence the Town of Waterbury Zoning Board of Adjustment makes the following findings:

4. The Development Review Board finds that the application addresses the Site Plan Review Criteria in Section 301 of the Waterbury Zoning Regulations as follows:

(1) Adequacy of traffic access. Considerations shall include:

(A) Traffic flows at the intersection of driveways or access roads with public roads and at other affected streets and intersections.

(B) Location of driveway entrances and exits so as to have sufficient sight distances.

(C) The need for turning lanes, traffic-control devices, or special provisions for emergency vehicles.

(D) Pedestrian safety and convenience.

(2) Adequacy of circulation and parking. Considerations shall include:

(A) Assurance that the criteria of Section 414 of this bylaw are met.

(B) The need for additional off-street spaces beyond the number required in Section 414.

(C) The adequacy of surfacing and provisions for the runoff and discharge of stormwater.

(D) The provision of appropriate buffer space and landscaping to insulate parking areas from adjoining properties and public streets.

(E) Placement of trees and shrubs around the periphery of parking lots and in the interior so as to break up large parking areas. Large parking lots of 20 or more spaces shall include at least 1 tree for every 8 spaces.

(F) The adequacy of parking, loading, refuse, and service areas.

(G) Provisions for clearing snow for maintaining parking areas.

(3) Adequacy of landscaping and screening. Considerations shall include:

(A) Adequacy of landscaping, screening, and setbacks with regard to achieving maximum compatibility with and protection for adjacent properties and public roads.

(B) Preservation of attractive or functional existing vegetation.

(C) The adequacy of landscaping materials to meet seasonal, soil, and topographical conditions.

(D) Reduction of lighting and glare to the necessary minimum, including provision of appropriate landscaping to reduce the impact of lighting and glare on adjacent properties.

(E) Screening of unloading zones, trash bins, storage, and other service areas.

(F) The need for landscaping buffers, fences, or berms to reduce noise.

CONCLUSION

The Development Review Board concludes that all applicable site plan review criteria are met.

DECISION AND CONDITIONS

MOTION:

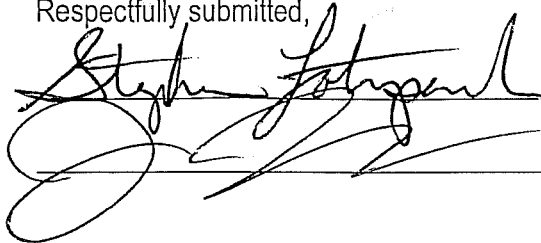
Martha Staskus moved and David Frothingham seconded the motion to approve App. No. 12-11-V, Pilgrim Partnership, LLC, Connecting Solutions of Vermont, Inc., Site Plan Review for changing the use of the existing building located at 5 Derby Ln., Tax Map No. 19-470.000, in the Village of Waterbury from a public school to business professional offices with the following conditions:

1. This permit is granted on the condition that the applicant complete the project consistent with the Development Review Board's findings and conclusions and the approved plans and exhibits.
2. All exterior lighting will be downcast and shielded.

VOTE:

The motion was approved unanimously.

Respectfully submitted,

 Secretary

Date: 6-16-11

 Chair

Date: 6-16-11

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Zoning Board of Adjustment. 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.

THESE MINUTES WERE APPROVED ON June 16, 2011

Town of Waterbury
Development Review Board
Approved Minutes
Date: June 2, 2011

Board Members Present: Jeff Larkin, Rick Boyle, Jeff Whalen, Martha Staskus, David Frothingham, David Rogers
Staff Present: Steve Lotspeich
Public Present: Natalie Howell-Sherman

Second Order of Business: Application for Variance, Findings and Decision

Permit #: 09-11-V
Applicant: Paul Sipple and Joan Rae
Landowner: SAME
Location of Project: 26 Railroad Street

Description of Project: To move existing entry to middle of house and put in new shed dormers.

The following interested parties were present and sworn in: Paul Sipple, Sally Adams, Kane Smart

EXHIBIT LIST:

Exhibit A: Zoning Permit Application dated 4.14.2011
Exhibit B: Site Plan dated 1.24.2011
Exhibit C: Elevations dated 1.24.2011
Exhibit D: Referral to DRB dated 5.10.2011
Exhibit E: 15-day Notice of Public Hearing dated 5.3.2011
Exhibit F: Notice to adjacent landowners dated 5.9,2011
Exhibit G: Photographs of Site
Exhibit H: Applicant's response to Section 308 of Waterbury's Zoning Regulations

TESTIMONY: Paul Sipple testified that the changes will be to the front of the house with a shift in the location of the entrance. The existing number of two bedrooms will remain the same with the renovation. The new setback will be less than the current setback for the existing front entry steps. There will be two shed dormers, one on the front and one on the back of the house. The shed dormers will not increase the height of the building.

The lot is accessed off Railroad St. by a right-of-way.

Proposed front entry addition will be 22' from the front property line. The request is for an 8' variance from the required front setback of 30'.

Adjacent landowner Kane Smart asked if landscaping or screening are applicable criteria in the variance review. He is concerned about the removal of trees along the eastern boundary of the lot where the house is within 1' 6" of the property line.

FINDINGS OF FACT:

Based on the application, testimony, exhibits, and other evidence the Town of Waterbury Zoning Development Review Board makes the following findings:

1. The applicant seeks a variance to construct a new entry and shed dormer located at 26 Railroad Street, Waterbury, VT, on a 0.10 acre pre-existing small lot in the Town of Waterbury. Tax Map # 19-191.000
2. The property is located in the Village Residential Zoning District as described on the Town of Waterbury Zoning Map where the Dimensional Requirements are as follows:
Front Setback = 30 feet
Rear Setback = 30 feet
Side Setback = 10 feet
3. The existing house does not meet the setbacks for this lot. The new construction in the front requires an 8' +/- variance for the new entry. The pre-existing 1'6" east side setback, 18'6" rear setback and 21' west side setback were pre-existing.
4. The following unique physical circumstances or conditions peculiar to the subject property are found [Refers to Section 308 (1) of Waterbury Zoning Bylaws]:
This is a pre-existing small, narrow lot and there is limited space for developing the property in conformance with the bylaws.
5. Because of these unique circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaw and authorization of a variance is necessary to enable the reasonable development of the property.
[Refers to Section 308 (2) of Waterbury Zoning Bylaws]
Applicant is removing the stairs and is lessening the non-conformity by doing this.
6. An unnecessary hardship has not been created by the applicant.
[Refers to Section 308 (3) of Waterbury Zoning Bylaws]
The house was built in 1900.
7. For the following reasons, the variance will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare. [Refers to Section 308 (4) of Waterbury Zoning Bylaws]
This property is not in a flood zone, will make the building slightly more conforming and will be an improvement to the neighborhood while not altering the essential character of it.
8. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

[Refers to Section 308 (5) of Waterbury Zoning Bylaws]

This is the minimum variance necessary to reconstruct the front of the existing house.

DECISION AND CONDITIONS

MOTION:

Jeff Whalen moved and Rick Boyle seconded the motion to approve App. No. 09-11-V, Paul Sipple & Joan Rae, a request for a an 8' variance from the front setback of 30' for an entry addition and dormer for the existing single-family residence located at 26 Railroad St., Tax Map. No. 19-191.000, in the Village of Waterbury, with the following conditions:


1. This permit is granted on the condition that the applicant complete the project consistent with the Development Review Board's findings and conclusions and the approved plans and exhibits.
2. All exterior lighting will be downcast and shielded.


Rick Boyle seconded the motion.

VOTE:

The motion was approved unanimously.

Respectfully submitted,

 , Secretary Date: 6-16-11

 , Chair Date: 6-16-11

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Zoning Board of Adjustment. 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.

THESE MINUTES WERE APPROVED ON June 16, 2011

Town of Waterbury
Development Review Board
Approved Minutes
Date: June 2, 2011

Board Members Present: Jeff Larkin, Rick Boyle, Jeff Whalen, Martha Staskus, David Frothingham, David Rogers
Staff Present: Steve Lotspeich
Public Present: Natalie Howell-Sherman

Third Order of Business: Application for Variance, Findings and Decision

Permit #: 14-11-T
Applicant: Brad & Gayle Moskowitz
Landowner: Same
Location of Project: 233 Maple St

Description of Project: To renovate and build 2 story addition and deck to existing Single Family Dwelling at 233 Maple Street, Waterbury Center, VT.

The following interested party was present and sworn in: Gayle Moskowitz

EXHIBIT LIST:

Exhibit A Zoning Permit Application dated 5-4-2011
Exhibit B Floor Plan of House showing two-story addition dated 4-11-11
Exhibit C Survey of Property showing Existing and Proposed Footprints and Setbacks
Exhibit D 15-day Notice of Public Hearing dated 5/13/2011
Exhibit E Referral to Development Review Board dated 5/16/2011
Exhibit F Notice to adjacent landowners dated 5/19/11
Exhibit G Elevations and Floor Plans for of the Proposed Addition
Exhibit H Applicant's Response to Section 308

TESTIMONY:

Gayle Moskowitz testified that the existing wing on the rear of the house has no foundation and has a significant mold problem that has made the rear wing inhabitable. The renovation will be rebuilding living space including a half of the existing kitchen and office space. The new wing on the rear will have two stories but it will have a smaller footprint than the current wing. With the renovation the house will have three bedrooms.

The roofline of the new wing will be slightly lower than the main part of the house.

The existing deck does not conform to the side setback. The new replacement deck will require a variance.

FINDINGS OF FACT:

Based on the application, testimony, exhibits, and other evidence the Town of Waterbury Zoning Board of Adjustment makes the following findings:

1. The applicant seeks a variance to re-construct and renovate the existing rear wing and deck located at 233 Maple Street, Waterbury Center, VT on a 1.8-acre parcel in the Town of Waterbury. Tax Map # 09-187.000
2. The property is located in the Town Mixed Residential Zoning District as described on the Town of Waterbury Zoning Map where the Dimensional Requirements are as follows:
Front Setback = 30 feet
Rear Setback = 30 feet
Side Setback = 30 feet
3. The applicant seeks the following variance:
19'6 " variance for side setback on the north side of the house and 11' side setback for the deck on the south side of the house.
4. The following unique physical circumstances or conditions peculiar to the subject property are found [Refers to Section 308 (1) of Waterbury Zoning Bylaws]
There are unique characteristics that require this variance. As noted on Exhibit C the portion of our lot where the home is currently located is narrow and the current footprint of the home does not meet current setback requirements.
5. Because of these unique circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaw and authorization of a variance is necessary to enable the reasonable development of the property.
[Refers to Section 308 (2) of Waterbury Zoning Bylaws]
It would be impossible to develop the property in conformance with current setback regulations due to the narrowness of the existing lot.
6. An unnecessary hardship *has not* been created by the applicant.
[Refers to Section 308 (3) of Waterbury Zoning Bylaws]
7. For the following reasons, the variance will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare. [Refers to Section 308 (4) of Waterbury Zoning Bylaws]

The variance will not change the essential character of the neighborhood nor will it reduce access to adjacent properties or be detrimental to public welfare in any way.

8. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.
[Refers to Section 308 (5) of Waterbury Zoning Bylaws]

The variance requested represents the minimum variance that allows the owner to develop a reasonable living space. The overall footprint is being reduced.

DECISION AND CONDITIONS

MOTION:

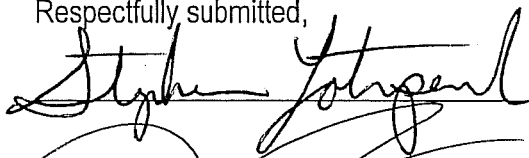
David Frothingham moved and David Rogers seconded the motion to approve application no. 14-11-T to renovate and re-construct the rear wing on the house at 233 Maple St., Tax Map No. 09-187.000, including a 19'6" variance for side setback on the north side of the house and 11' side setback for the deck on the south side of the house with the following conditions:

1. This permit is granted on the condition that the applicant complete the project consistent with the Development Review Board's findings and conclusions and the approved plans and exhibits.
2. All exterior lighting will be downcast and shielded.


VOTE:

The motion was approved unanimously.

Respectfully submitted,

 Secretary

Date: 6-16-11

 Chair

Date: 6-16-11

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Zoning Board of Adjustment. 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.

THESE MINUTES WERE APPROVED ON June 16, 2011