

**Waterbury Development Review Board
Approved Minutes
January 5, 2012**

Board Members Present: Jeff Larkin, Chair; Joel Baker; David Frothingham; Dave Rogers; Jeff Whalen

Staff Present: Steve Lotspeich; Clare Rock; Patti Spence

MINUTES:

The minutes of December 15th were reviewed.

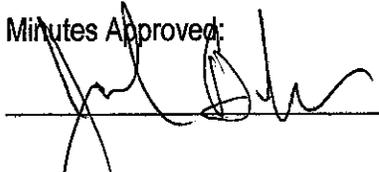
David Frothingham moved Jeff Whalen seconded the motion to approve the minutes of December 15, 2011 as amended.

OTHER BUSINESS:

1. The Development Review Board (DRB) discussed possible bylaw changes in regards to Section 403, More than One Building or Use on a Lot. The DRB agreed that this bylaw should be amended to allow more flexibility regarding separation distances between new and existing commercial structures located on one lot, to allow for appropriate density, especially in the village zoning districts. Steve Lotspeich will bring the recommendation to the Planning Commission for their input and will report back to the DRB.
2. The Draft Interim Flood Hazard Area Bylaws were discussed and copies distributed. This draft follows Federal minimum development standards more closely to clarify the review process for non-substantially and substantially damaged properties. A Public Hearing on these draft Interim Bylaws is scheduled on Wednesday, January 11th at 7 p.m. at the Main St. Fire Station.

The meeting was adjourned at 8:00 p.m.

Minutes Approved:


_____, Vice-Chair

Date: 1/03/12

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. 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 January 19, 2012

**Waterbury Development Review Board
Flood Hazard Area, Conditional Use & Variance Review
Approved Findings and Decision**

January 5, 2012

Board Members Present: Jeff Larkin, Chair; Joel Baker; David Frothingham; Dave Rogers; Jeff Whalen
Staff Present: Steve Lotspeich; Clare Rock; Patti Spence
Public present: Lefty Sayah

Applicant: Alexander Cawley
Landowner: SAME
Permit Application #41-11-V

The following interested parties were present and sworn in:
Alex Cawley

Testimony:

1. The basement is expanded by 6 feet x 11 feet 6 inches which is under what was the exterior porch prior to the flood. It is an expansion of an existing basement.
2. The shed is proposed to move and needs a setback variance.
3. Side yard and back yard neighbors expressed no problem with the proposed new location of the shed.

EXHIBITS:

- Exhibit A Zoning Permit Application
- Exhibit B Warning for Public Hearing
- Exhibit C Floor Plan of Duplex
- Exhibit D Site Plan for Rear Yard with Shed Location
- Exhibit E Shed Construction Details
- Exhibit F Narrative with Site Plan
- Exhibit G Rear Porch Conversion Information
- Exhibit H Cut Sheet for Roxul Stone Wool Insulation
- Exhibit I Notice Sent to Adjacent Landowners dated December 23, 2011

FINDINGS

PROJECT DESCRIPTION:

The applicant seeks a permit to reconstruct a single family residence that is on a 0.07-acre parcel located at 20 Randall St. in the Village of Waterbury, Tax Map No. 19-338.000. The house is within the Village of Waterbury Historic District and is listed as a contributing structure on the State and Nation Register of Historic Places.

(D) Constructed by methods and practices that minimize flood damage;

(E) Constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(F) Adequately drained to reduce exposure to flood hazards;

(G) Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and

(H) Required to locate any fuel storage tanks (as needed to serve a building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; alternately, storage tanks may be placed underground, if securely anchored as certified by a qualified professional.

(3) Structures, including manufactured homes, to be constructed, placed, or substantially improved in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation. This must be documented, in as-built condition, with a FEMA Elevation Certificate.

(6) Fully enclosed areas below grade on all sides (including below grade crawlspaces and basements) are prohibited.

(7) Fully enclosed areas that are above grade, below the lowest floor, below BFE, and subject to flooding, shall

(A) Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and

(B) Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria: a minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(9) Water-supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

(10) Sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

CONDITIONAL USE REVIEW:

The property is located in the Village Residential Zoning District as described on the Town of Waterbury Zoning Map on record at the Town of Waterbury Municipal Office. The property is also located within the mapped 100-year floodplain as shown on the Flood Insurance Rate Map for the Village of Waterbury, Panel No. 500122-0001-C, dated April 6, 1998. The house is one half of a duplex building but is owned separately from the other half of the building by Alexander Cawley and is located on its own lot.

The project includes renovations to the house that was flooded by Tropical Storm Irene. As a result of the designation of the building as a Historic Structure, it is determined that the re-construction of the house is exempt for the requirements of substantial improvement as defined in the Waterbury Zoning Regulations. The re-construction of the house is described in Exhibit F, Narrative with Site Plan, and Exhibit G, Rear Porch Conversion Information. Because a new foundation was added under the rear porch, the criteria in Section 605(a) of the Flood Hazard Area Bylaws apply to that portion of the project.

The pre-existing 6' x 11' 6" rear porch was supported by sono-tubes. The flood undermined the sono-tube foundation and washed out a portion of the rear field stone foundation for the house, compromising the structural integrity of the house and porch. The rear foundation wall that was damaged was replaced with a concrete foundation. A new section of foundation wall was added to support the porch and protect the house from future flooding. The porch foundation created an expanded area for the pre-existing basement for the house. A concrete floor was also poured in the basement to make it more flood-proof.

The fuel oil tank is located in the basement of the house and is securely anchored to the new concrete floor/slab. Portions of the first floor of the house have been re-insulated with Roxul Stone Wool insulation as detailed in Exhibit H. This insulation is water repellent.

The pre-existing shed was damaged by the flood and was removed. That shed was located approximately 1' from the side property line. A new 8' x 10' shed is proposed to be located near the rear corner of the lot as shown on Exhibit D, the Site Plan for Rear Yard with Shed Location. This new shed will be located 2' from the side line and 2' from the rear property line requiring an 8' variance for the side yard setback and a 28' variance for the rear yard setback. The new shed will be anchored to a sono-tube that will be buried in the ground to prevent the shed from floating in the event of another flood. The shed will also have two vents with either swinging pet-doors or screening. The shed will be constructed out of solid wood to be resistant to flood damage in the future.

FLOOD HAZARD AREA REVIEW:

- (1) All development shall be:
 - (A) Reasonably safe from flooding;
 - (B) Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
 - (C) Constructed with materials resistant to flood damage;

1. The application will not have an undue adverse impact on the capacity of existing or planned community facilities.
2. The application will not have an undue adverse effect on the character of the area
3. The application will not have an undue adverse effect on traffic and roads and highways in the vicinity.
4. The application will not have an undue adverse effect on the following bylaws currently in effect
5. The application will not have an undue adverse effect on utilization of renewable energy resources.
6. The application will satisfy the requirements of the bylaws with respect to: minimum lot size/distance from adjacent or nearby uses/performance standards/site plan review criteria/any other criteria required by the bylaw.

VARIANCE REVIEW (as it applies to the Flood Hazard Area Review and the setback variances for the Shed):

- (1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions and not to the circumstances or conditions generally created by this bylaw in the district in which the property is located;
- (2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this bylaw and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- (3) Such unnecessary hardship has not been created by the appellant;
- (4) The variance, if authorized, 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; and
- (5) The variance represents the minimum variance that will afford relief and represents the least deviation possible from this bylaw and from the Municipal Plan.

DECISION AND CONDITIONS

Joel Baker moved and Dave Rogers seconded the motion to approve App. No. 41-11-V, Alexander Cawley, for a repair to the foundation of his existing home and for expansion of unfinished area into finished area and for two variances - a 8 foot side yard setback variance and 28 foot rear yard variance for a replacement shed, all located at 20 Randall Street, Tax Map # 19-338.000, subject to the following conditions:

1. This permit is granted on the condition that the applicant complete the project consistent with the Board's findings and conclusions and the approved plans and exhibits.
2. Any lights on the interior of the building that are designed or directed so as to increase the amount of light outside of the building require a revision of this approval. All exterior lighting shall be downcast and shielded.
3. That the following requirements be met:
 - a) Designed and adequately anchored to prevent flotation, collapse or lateral movement of the structures including the shed and fuel tank;
 - b) The shed be constructed with materials resistant to flood damage;
 - c) The shed be constructed by methods and practices that minimize flood damage:

VOTE: The motion passed unanimously.

Decision approved:

 _____, Vice-Chair

Date: 1/23/12

NOTICE. This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/development review board]. Such 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 January 19, 2012

**Town of Waterbury
Development Review Board
Approved Minutes and Decision
January 5, 2012**

Board Members Present: Jeff Larkin, Chair; Joel Baker; Dave Rogers; Jeff Whalen; David Frothingham

Staff Present: Steve Lotspeich, Clare Rock, Alec Tuscany, Patti Spence

Public Present: Lefty Sayah

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

At 7:20 p.m. the chair opened the hearing for application 52-11-V.

Permit # 52-11-V

Applicant: Town of Waterbury

Landowner: Town of Waterbury

Location of Project: 43 S. Main St., Waterbury

The following interested parties were present and sworn in: Alec Tuscany, Steve Lotspeich

TESTIMONY:

1. The sign was presented and determined to be informational.

The testimony was closed at 7:25 p.m.

EXHIBIT LIST:

- | | |
|-----------|---|
| Exhibit A | Zoning Permit Application dated 12-5-11 |
| Exhibit B | Site Plan showing sign location dated 6-9-10 |
| Exhibit C | Mock-up of Informational Sign |
| Exhibit D | Notice Sent to Adjacent Landowners dated 12-23-11 |

FINDINGS OF FACT:

Description of Project:

This project is Site Plan Review for the addition of a 2' x 2' informational sign for the Main St. Fire Station located at 43 S. Main St. The sign will be added onto an existing sign post that is located in the planting bed on the south side of the fire station approximately 28' from the sidewalk. The existing 12" x 18" informational sign states: "Firefighter Parking Only". The new sign states: "No

Public Parking Except Handicap, Public Parking at Municipal Building or On Street". This new informational sign is needed to clarify who is allowed to park at the Fire Station.

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

1. The applicant seeks approval to amend the site plan for the Main St. Fire Station located at 43 S. Main St. on a 0.5+/- acre parcel in the Village of Waterbury, Tax Map # 19-354.000. The previous approvals are under Permits No. 16-10-V and No. 16-11-V.
2. The property is located in the Downtown Commercial Zoning District as described on the Village of Waterbury Zoning Map
3. The Development Review Board finds that the application addresses the Sign Criteria in Section 801.7, Permitted Signs in All Districts, of the Waterbury Zoning Regulations as follows:

(e) Additional sign square footage and/or additional ground signs, beyond that permitted above, may be permitted for government-owned properties by the Development Review Board as part of site plan review or such review may be waived pursuant to Section 301(a). The purpose of this additional sign square footage must be primarily directional or informational and may be located in view of public roads.

4. The sign is primarily informational and is located within view of S. Main St.

CONCLUSION

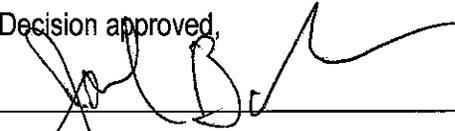
The Development Review Board concludes that the sign is purely informational and site plan review can be waived.

DECISION AND CONDITIONS

MOTION: Joel Baker moved and David Frothingham seconded the motion to waive site plan review and approve the permit application.

VOTE: Passed unanimously.

Decision approved,

 _____, Vice Chair Date: 1/23/12

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~~ ^{Development Review Boards}. 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 January 19, 2012