

WATERBURY DEVELOPMENT REVIEW BOARD
Approved Minutes
Thursday, February 16, 2012

Board Members Present: Jeff Larkin, Chair; Joel Baker, Vice-chair; Rick Boyle; Jeff Whalen; Martha Staskus

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Public present: Jack Nickerson, Chris Austin, Paul Reed

APPLICATION NO. 55-11-T JODI GROUT, PETER O'BRIEN

The Final Plat Review for the transfer of 0.60 acres between adjoining landowners at 264 & 226 Howard Ave. was continued to March 2nd at 7 pm.

APPLICATION NO. 1-12-T, BRIAN & KATHERINE NAYLOR

The application for Final Plat Review & consideration of a Waiver from Site Plan Review for a two-lot subdivision at 95 Gregg Hill Road has been withdrawn.

MINUTES

The minutes of February 2, 2011 were reviewed.

Rick Boyle moved and Joel Baker seconded the motion to approve the minutes of 2/2/12 and the Farr application minutes from 1/19/12.

The motion passed unanimously.

ZONING ADMINISTRATOR'S REPORT

Clare Rock, the Zoning Administrator, handed out a report of zoning permit activity for 2012. The DRB requested that future reports identify the particular applicants.

Number of applications received in 2012	10	Status
boundary line adjustment & single family dwelling	1	pending DRB review on 2/16
change of use	1	pending DRB review on 3/1
flood repairs	4	3 issued, 1 request for additional info
permit revision	1	issued
sign	1	issued
subdivision	2	1 withdrawn, 1 denied
Number of 2011 applications with 2012 action	15	Status
boundary line adjustment	1	pending DRB decision
flood rebuild, single-family dwell	1	issued
flood repair, renovation, shed	1	can issue after 2/19 (following appeal period)
flood repairs	6	2 issued, 4 request for additional info

mobile home replacement	1	issued
shed	1	issued
sign	1	issued
single-family dwell replacement	1	issued
single-family dwell, garage & home occupation	1	issued
temporary facility	1	issued

Flood Permit Overview

number of properties within FHA	123	12 mobile homes in Whalley park since removed
number of permit applications received	18	12 issued
number of non-historic sub damaged properties	11	3 applications received, 1 issued

Minutes Approved:

 _____, Chair Date: 3-7-12

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 _____

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
SUBDIVISION/ FINAL PLAT REVIEW &
RIDGELINE/HILLSIDE/STEEP SLOPE REVIEW
APPROVED FINDINGS AND DECISION**

Date: February 16, 2012

Board Members Present: Jeff Larkin, Chair; Joel Baker, Vice-chair; Rick Boyle; Jeff Whalen, Martha Staskus

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Public present: Jack Nickerson, Chris Austin, Paul Reed

The third order of business was opened at 7:20 p.m.

Applicants: Jack and Roselle Nickerson & David and Nora Grenier

Landowners: SAME

Permit Application #03-12-T:

The following interested parties were present and sworn in:

Paul Reed, Adjoining Landowner

Jack Nickerson, Applicant

Chris Austin, Grenier Engineering, representing landowner and applicant

TESTIMONY:

1. The house will have a shingle roof and the exterior colors will be earth tones including sage green
2. The purchase of the additional land from the Greniers was done to protect the existing trees and the existing tree canopy.

EXHIBITS:

- | | |
|-----------|---|
| Exhibit A | Zoning Permit Application #03-12-T |
| Exhibit B | Site Plan dated 1/13/12 |
| Exhibit C | Boundary Line Adjustment Survey dated January, 2011 |
| Exhibit D | Notice to adjacent landowners dated February 1, 2012 |
| Exhibit E | Dimensions of Proposed House and Attached Garage |
| Exhibit F | Photos of the trees that would be saved by setting the home site as presented |
| Exhibit G | Property survey dated March 2011 |

FINDINGS:

PROJECT DESCRIPTION:

The landowners (Nickerson & Grenier) seek a permit to adjust the boundary between two lots on Bear Creek Lane and Ring Road (Nickerson, Lot 3, Tax Map # 14-057.000 & Grenier, Tax Map # 14-052.000). The Nickersons also seek a permit to construct a single-family dwelling on Lot 3 (Tax Map # 14-057.000). The Nickerson lot was previously approved for a subdivision in Permits #87-05-T and #09-08-T.

Both lots are located within the Conservation Zoning District, as depicted on the Town of Waterbury Zoning Map. The minimum lot size within the Conservation Zone is 10 acres. The Boundary line adjustment proposes to increase the Nickerson lot from 10.17 acres to 10.37 acres, decreasing the Grenier's 58 +/- acre lot by 0.2 acres. This proposal is subject to subdivision/ final plat review by the Development Review Board.

The Nickersons propose to build a single family dwelling with attached garage on the newly created 10.37 acre lot. As previously stated the property is located within the Conservation Zoning District where the following dimensions requirements apply:

Minimum lot size: 10 acres, Building Height: 35', Front/Side/Rear Setbacks: 100'.

The new lot exceeds the minimum lot size, the proposed house and garage height is 24' +/- and 18'+/- respectively. The site plan depicts the building footprint outside the 100' setbacks. Private Bear Creek Road cuts across the Nickerson property, a driveway will be constructed to provide access to the dwelling unit.

The property is also located within the Ridgeline, Hillside, Steep Slope Overlay Zoning District which supplements the Conservation District standards. The proposed single-family dwelling is proposed to be built between 1,450 FIE and 1,460 FIE and is therefore considered a 'minor' development within the RHS Overlay Zone. Permitted uses within the Conservation District are treated as conditional uses in the RHS Zone, this proposal is therefore subject to Conditional Use Review.

RIDGELINE/HILLSIDE/STEEP SLOPE STANDARDS:

Section 1004 Standards of Review

(a) Development of lands identified within the RHS Overlay District shall comply with all other applicable regulations, including conditional use review standards, within this bylaw and with the standards of review set forth in the following subsections.

(b) Minor Development: Minor development projects shall be subject to conditional use review, as set forth in Section 303, and all other applicable regulations.

CONDITIONAL USE STANDARDS:

1. The subdivision will not have an undue adverse impact on the capacity of existing or planned community facilities.
2. The subdivision will not have an undue adverse effect on the character of the area

3. The subdivision will not have an undue adverse effect on traffic and roads and highways in the vicinity.
4. The subdivision will not have an undue adverse effect on the following bylaws per the Waterbury zoning regulations currently in effect.
5. The subdivision will not have an undue adverse effect on utilization of renewable energy resources.
6. The subdivision will satisfy the requirements of the zoning bylaws.

CONCLUSION: The Development Review Board finds that all conditional use standards have been met.

DECISION AND CONDITIONS:

MOTION:

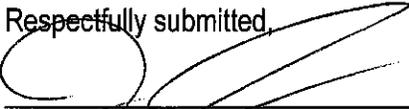
Joel Baker moved and Rick Boyle seconded the motion to approve application 03-12-T for a boundary line adjustment between Nickerson, Tax Map # 14-057.000 & Grenier, Tax Map # 14-052.000, and for the construction of a single-family dwelling with on attached garage on Nickerson Lot, Tax Map # 14-057.000, subject to the following conditions:

1. This permit is granted on the condition that the applicant completes 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 the site plan. All exterior lights will be down cast and shielded.
3. The applicant brings a copy of the Final Plat to Zoning Administrator within 150 days so that the Development Review Board can sign off on the Final Plat and meet the 180 day timeline required by 24 V.S.A., Section 4463.

VOTE

The motion passed unanimously.

Respectfully submitted,

 _____, Chair Date: 3-7-12

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 MARCH 1, 2012.