

**WATERBURY DEVELOPMENT REVIEW BOARD
APPROVED MINUTES
Thursday, October 18, 2012**

Board Members Present: Jeff Larkin, Chair; Dave Rogers, Rick Boyle, Martha Staskus.

Staff Present: Steve Lotspeich, Patti Spence

The meeting was called to order by Jeff Larkin at 6:30 p.m.

APPLICATION #31-12-T, TOM PRIEBE, 1144 Waterbury-Stowe Rd., Waterbury, VT. The hearing was opened at 6:30pm. See separate minutes for DRB review and decision.

APPLICATION #52-12-V, DEB TALBOT, 100 Tayer Lane.

The hearing was opened at 7:00 pm.

Deb Talbot and Tom Vickery were present and sworn in.

Discussion ensued regarding the applicant's proposal to reconfigure her property to make a 2 acre lot that is primarily residential with a pole barn that is used for commercial use. There had been previous discussion to not include the pole barn in the 2 acre lot but at this meeting it was determined that the pole barn should be within the 2 acres to make a more contiguous lot.

The hearing was continued to November 1, 2012 at 8:30 p.m. at which time the applicant will present a revised site plan.

APPLICATION #55-12-T, JEFFREY AND PAULA LYONS for a boundary line adjustment at 327 Gregg Hill Rd., Waterbury Center, VT. See separate minutes which were subsequently reviewed and approved as below.

REVIEW & APPROVAL OF MINUTES

The minutes and decision for application 55-12-T heard tonight, October 18, 2012, were reviewed and approved.

Dave Rogers moved and Nat Fish seconded the motion to approve the minutes for application 55-12-T, Jeffrey and Paula Lyons.

Vote: The motion passed unanimously.

ADJOURNMENT

The meeting was adjourned by the Chair at 8:15 p.m.

Minutes and Decisions Approved:


_____, Chair

Date: 11-1-12

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 11-1-12

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
APPROVED FINDINGS & DECISION
October 18, 2012**

Board Members Present: Jeff Larkin, Chair; David Rogers; Rick Boyle, Martha Staskus, Nat Fish

Staff Present: Steve Lotspeich, Patti Spence

First Order of Business: Application for a Subdivision Review and Variance Request, Findings and Decision. The public hearing was opened at 6:30 pm

Permit Application #: 31-12-T

Applicant: Tom Priebe

Landowner: SAME

Location of Project: 1144 Waterbury-Stowe Road, Waterbury, VT

The following interested parties were present and sworn in:
Tom Priebe, Applicant

TESTIMONY:

1. The applicant purchased the property in 2007 and started his business there.
 2. The site plan approval from 2007 was presented to show what was approved at the time of that application, which was for change of use.
 3. The site plan approval in 2007 required 6 parking spaces, which still exist.
 4. There is no exterior lighting on the shed and none that is intended in the future.
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EXHIBIT LIST:

Exhibit A Zoning Permit Application #52-12-T

Exhibit B Site Plan, dated 8/29/2012

Exhibit C Shed Elevation

Exhibit D Notice sent to Adjacent Landowners dated October 2, 2012

Description of Project:

The applicant is seeking zoning approval of a shed within the front yard of 1144 Waterbury-Stowe Road, Waterbury, VT, Tax Map #13-096.100.

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 property at 1144 Waterbury-Stowe Road is within the RT 100 Zoning District where the setback requirements are as follows:
 - a. Front: 100
 - b. Side 50
 - c. Rear 50
2. The property is located on the corner of RT 100 and Laurel Lane and therefore has two front yards/setbacks.
3. The shed is approximately 28' from the edge of the right-of-way for Route 100 and 12' from the edge of the right-of-way for Laurel Ln. requiring a 72' variance for the front setback along Route 100 and 88' variance for the front setback on Laurel Ln.
4. Six parking spaces remain in the parking lot with the shed in place. The approved site plan for the site in Permit #23-07-V requires a minimum of six parking spaces for the existing apartment and 1,200 sq. ft. of retail sales and service space on the first floor of the building.
5. The materials and color of the shed are consistent with those of the building.

VARIANCE CRITERIA (Section 308)

1. The following unique physical circumstances or conditions peculiar to the subject property are found [Refers to Section 308 (1) of Waterbury Zoning Bylaws]

The lot is narrow and steeply sloped to the rear. The rear yard is flat but is not accessible and is in the flood plain. The Agency of Transportation has restricted vehicular access to the area on the north side of the front of the building.

2. 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]
3. An unnecessary hardship *has not* been created by the applicant. [Refers to Section 308 (3) of Waterbury Zoning Bylaws]
4. 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 shed is consistent with the character of the area due to the small size of the lot and the look of the shed that is in keeping with the main building.

5. 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]

CONCLUSION

The Development Review Board concludes that the applicant has satisfied the variance criteria to the best of his ability, especially due to the shed being small in size and consistent in appearance with the existing structure.

DECISION AND CONDITIONS

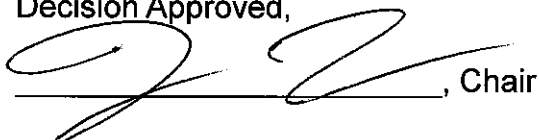
MOTION:

Rick Boyle moved and Martha Staskus seconded the motion to approve application #31-12-T with a variance of 72' from the front setback to the Route 100 right-of-way and a variance of 88' to the front setback to the right-of-way for Laurel Ln., subject to the following condition:

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.

VOTE: The motion was approved unanimously.

Decision Approved,


_____, Chair

Date: 11.1.12

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 November 1, 2012.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
APPROVED FINDINGS & DECISION
Date: October 18, 2012**

Board Members Present: Jeff Larkin, Chair; David Rogers; Rick Boyle, Martha Staskus, Nat Fish

Staff Present: Steve Lotspeich, Patti Spence

Third Order of Business: Application for a Boundary Line Adjustment and Final Plat Approval, Findings and Decision. The public hearing was opened at 7:45 pm

Permit Application #: 55-12-T
Applicant: Jeffery & Paula Lyon
Landowner: SAME
Location of Project: 327 Gregg Hill Road, Waterbury Center, VT

The following interested parties were present and sworn in:
Chris Austin, Consultant

TESTIMONY:

1. The lot was previously sub-divided in to a 5 acre lot but the buyer backed out on the sale. The new buyer wants a larger lot so this is an application for a boundary line adjustment.

EXHIBIT LIST:

Exhibit A Zoning Permit Application #55-12-T
Exhibit B Letter from Grenier Engineering dated 9/18/2012
Exhibit C Overall Site Plan dated 2/21/2012
Exhibit D Copy of Final Plat dated 10/2012
Exhibit E DRB Decision for Subdivision Application #05-12-T dated 4/5/2012
Exhibit F Notice sent to Adjacent Landowners dated 9/28/12

Description of Project:

This project proposes to adjust a boundary line between 2 lots located at 327 Gregg Hill Road, Tax Map #09-025.000. In April 2012 the DRB approved a 2-lot subdivision at 327 Gregg Hill Road, under application #05-12-T. Recently created Lot 1 is currently 5.02 acres with the existing 4-bedroom dwelling; the project proposes to increase Lot 1 to 12 +/- acres. The additional 7 acres will be transferred from Lot 2. Lot 2 is currently 61 acres and will be decreased to 54 +/- acres.

A copy of the Final Plat was submitted by the applicant's consultant for approval under this application. The Final Plat will be/was brought to the Hearing for DRB approval.

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. Under this application for a boundary line adjustment no additional development is proposed.
2. Lot 1 and Lot 2 are both located in the Low Density Residential Zoning District where the minimum lot size is 5 acres.
3. Lot 1 will increase in size from 5.02 acres to 12 +/- acres.
4. Lot 2 will decrease in size from 61 acres to 54 +/- acres.
5. After the boundary line adjustment both lots will exceed the minimum lot size.

CONCLUSION


The Development Review Board concludes the boundary line adjustment will result in both lots meeting the minimum lot size requirements of the Zoning Bylaws and the Final Plat meets the requirements of the Zoning Bylaws.

DECISION AND CONDITIONS

MOTION:

Dave Rogers moved and Nat Fish seconded the motion to approve application # 55-12-T to adjust the boundary line between Lot 1 and Lot 2 located at 327 Gregg Hill Road Tax Map # #09-025.000 and to approve the Final Plat to be signed by the Chair.

VOTE: The motion passed unanimously

Decision Approved,  , Chair Date: 10.18.12

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 October 18, 2012