

**WATERBURY DEVELOPMENT REVIEW BOARD
APPROVED MINUTES
Thursday, December 06, 2012**

Board Members Present: Jeff Larkin, Chair; Joel Baker, Jeff Whalen, Martha Staskus, Rick Boyle, Dave Rogers, Nat Fish

Staff Present: Steve Lotspeich, Patti Spence

The meeting was called to order by Jeff Larkin at 6:30 p.m.
The following applications were heard and decisions made.

Application # 51-12-V, Ted Brunell, Final Plat Approval for a 2-lot Subdivision at 12 Lincoln Street, Waterbury, VT (Tax Map#19-068.000)

Motion:

Jeff Whalen moved and Joel Baker seconded the motion to authorize the Chair of the DRB to sign the final plat for application 51-12-V, Ted Brunell's subdivision at 12 Lincoln Street, Waterbury, VT.

The motion passed unanimously.

Application #63-12-V, was continued to December 20, 2012, at 6 p.m.

Application #63-12-T, was heard and approved by motion and minutes are separate from these.

Application #66-12-V

A permit exemption was discussed for the property at 35 Crossroad. Clare will be advised to work with the applicants in keeping the lighting provisions to a downcast and shielded system.

Motion:

Nat Fish moved and Joel Baker seconded the motion to grant a waiver from site plan review for application 66-12-V, Jon and Jen Kimmich, per section 301 a5.

The motion passed unanimously.

Application 32-12-V, Thatcher Hill LLC, Final Plat Approval

Rick Boyle moved and Dave Rogers seconded the motion to authorize the Chair of the DRB to sign the final plat for application 32-12-V, Thatcher Hill LLC, for a boundary line adjustment at 1017-1019 RT 100, Waterbury, VT (tax map 13-090.000).

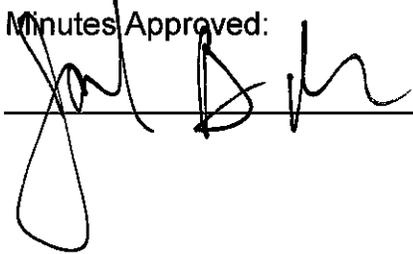
REVIEW OF MINUTES AND HEARINGS

Rick Boyle moved and Dave Rogers seconded the motion to approve the minutes and findings of Application #63-23-T, Jason & Carrie Phillips, as per the findings from the meeting on December 6, 2012.

ADJOURNMENT

The meeting was adjourned by the Chair at 8:00 p.m.

Minutes Approved:



_____, Chair

Date:

12/20/2012

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 December 20, 2012.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
APPROVED FINDINGS & DECISION
Date: December 6, 2012**

Board Members Present: Jeff Larkin, Chair; Joel Baker; Jeff Whalen; David Rogers; Rick Boyle, Nat Fish

Staff Present: Steve Lotspeich, Patti Spence

Third Order of Business: Application for a Variance Request, Findings and Decision. The public hearing was opened at p.m.

Permit Application #: 63-12-T
Applicant: Jason & Carrie Phillips
Landowner: SAME
Location of Project: Lot 16B, Pinnacle Ridge

The following interested parties were present and sworn in:

Paul Arnot, Architect
Jason & Carrie Phillips, Applicants

TESTIMONY:

1. Neighbors were not present but adjacent landowners had expressed to Mr. Arnot that they were not concerned.

EXHIBIT LIST:

Exhibit A Zoning Permit Application #63-12-T
Exhibit B Site Plan
Exhibit C Site Plan with site features
Exhibit D Email from Paul Arnot (Arnot Development Group) re existing site
Exhibit E Pinnacle Ridge Architectural Guidelines
Exhibit F Notice sent to Adjacent Landowners dated November 23, 2012

Description of Project:

The applicant is seeking a side setback variance for the construction of a single-family dwelling at Lot 16B, Pinnacle Ridge, Waterbury, VT Tax Map #12-082.130

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 on Pinnacle Ridge is within the Conservation Zoning District where the minimum lot size is 10 acres and setbacks within the Conservation District are as follows:
 - a. Front: 100
 - b. Side 100
 - c. Rear 100
2. Lot 16B is a preexisting small lot which size totals 5.1 +/- acres.
3. The project proposes the following setbacks:
 - a. Front: 190'
 - b. Sides: 60' (east side) / 130' (west side)
4. The proposed house sitting location was designed and engineered before the property was included within the Conservation District.
5. Ledge outcrop and topographical grade also limit house site location.
6. The applicant requests a 40' side setback from the east property boundary.

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] It is a long narrow lot, and there is ledge, and other topographical issues restricting strict conformance.
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]
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 this is a pre-existing and non-conforming lot and it would be impossible to meet the 100 foot setback due to these conditions. Other surrounding lots have been built with similar setback constraints.

DECISION AND CONDITIONS

MOTION:

Dave Rogers moved and Jeff Whalen seconded the motion to approve application #63-12-T with a variance of 40' from the east-side side setback for the construction of a single-family dwelling at Lot 16B Pinnacle Ridge, 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:

12-6-12

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