

**WATERBURY DEVELOPMENT REVIEW BOARD**  
**APPROVED GENERAL MINUTES**  
**Thursday, February 7, 2013**

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

The following applications were heard:

**#41-12-T, Barb Blauvelt, Final Plat Approval**

**#68-12-V, Sparks Holding, LLC**

**APPLICATION #41-12-T, BARBARA BLAUVELT**

Final Plat Review and Approval for a 2-Lot Subdivision at 924 Loomis Hill Road, Waterbury Center, VT, Tax Map #10-061.000.

Jeff Whalen moved and Martha Staskus seconded the motion to approve application #41-12-T, Barbara Blauvelt, the final plat for a 2-lot subdivision at 924 Loomis Hill Road, Waterbury Center, VT, tax map no. #10-061.000, and that the board authorize the Chair to sign the final plat.

The motion passed unanimously.

**APPLICATION #68-12-V, SPARKS HOLDING, LLC**

At 6:40 p.m. the chair continued the hearing of application #68-12-V. The first hearing was held on January 28, 2012. Nat Fish recused himself from participation in this hearing as a Board member, due to the fact that he lives on Clover Ln. nearby the project site.

See separate minutes and decision for the review.

**MINUTES OF PRIOR MEETINGS/HEARINGS**

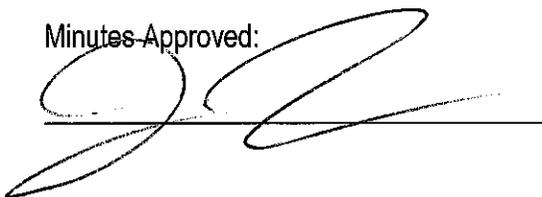
Jeff Whalen moved and Martha Staskus seconded the motion to approve the minutes and decisions from Jan. 17, 2013, including the general minutes and the hearings for applications #65-12-T and #68-12-V, as amended.

Vote: The motion passed unanimously.

**ADJOURNMENT**

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

Minutes Approved:

 \_\_\_\_\_, Chair

Date: 2-21-13

**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 FEBRUARY 21, 2013.

**TOWN OF WATERBURY  
DEVELOPMENT REVIEW BOARD  
APPROVED MINUTES, FINDINGS, & DECISION  
Date: February 7, 2013**

---

Board Members Present: Joel Baker, Acting Chair; Jeff Whalen; David Rogers, Martha Staskus

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Second Order of Business: Application for Planned Unit Development Subdivision, Findings and Decision. The public hearing was opened at 06:40 pm  
Permit Application #: 68-12-V  
Applicant: Sparks Holding LLC  
Landowner: SAME  
Location of Project: Perry Hill Road, Waterbury, VT

---

The following Parties were in attendance and sworn in.

The following interested parties were present and sworn in:  
Paul Arnot, Applicant; Gunner McCain, Consultant; Jon Conti, Resident; Dan DeSanto, Resident; Nat and Abby Fish, Resident; Roger and Ann Barr, Residents; Dorianne Cedro, Resident; Justin Hadley, Resident; Glenn Spence, Resident; Susan Mehrteus, Resident; Pat Labbes, Resident; Scott Collins, Resident

**TESTIMONY:**

1. Traffic count estimate is per the ITE (Institute of Transportation Engineers) Trip Generation Manual.
2. Houses will meet Efficiency Vermont's energy code plus standards and that requirement will be in the covenants.
3. The plan is based on 3 bedroom homes.
4. The homes will probably be 1,200 to 2,500 square foot in size.
5. The DRB has the authority to reduce the double setback criteria required for PUD's. The request is to reduce the double setback for Lots 13 and 15 to the standard setback of 30'.
6. The density is less than what could be applied for based on the zoning and acreage of the parcel.
7. Two turnarounds have been added for larger trucks such as fire trucks that does not require using the driveway of the last home on each of the two roads in the development.
8. The roads in the development will be private.

9. Construction traffic was discussed. Limiting/regulating delivery times could be a condition of approval. A staging area has been added to the plans.
10. The roads will be gravel.
11. It is walking distance to the park & ride.
12. The possibility of a pedestrian connection to Lincoln Street and/or East Street was brought up. Sidewalks currently exist on these streets. The applicant has explored options for connecting the proposed development to one or both of those sidewalks.
13. Utilities will be underground.
14. There will be no street lights.
15. The applicant has a letters of intent for easements for a walking/bike path along Perry Hill Rd. to Lincoln Street.
16. The applicant proposes to provide the machine and machine time for constructing the walking/biking path, while the town would provide the gravel and a culvert.
17. A memo was provided to outline the construction traffic and what the timing would be on the truck traffic.
18. The applicant represented that they are projecting an increasing of 4.6% to the traffic counts in this area.
19. The traffic increase identified by Clare Rock on advice from the Central Vermont Regional Planning Commission is 28% on Lincoln Street.
20. Construction equipment or construction material delivery, related to the infrastructure construction phase, shall not deliver between the hours of 7am to 9am and 4pm to 6pm.

---

**EXHIBIT LIST:**

- |           |  |
|-----------|--|
| Exhibit A | Zoning Permit Application #68-12-V   |
| Exhibit B | Project Narrative  |
| Exhibit C | Response to Section 704 – Narrative  |
| Exhibit D | Response to Section 705 – Standards for Review   |
| Exhibit E | Draft Declaration of Protective Covenants and Conditions                                       |
| Exhibit F | Draft Bylaws of Perry Hill Owners Association  |
| Exhibit G | Sparks Holding Proposed Acreages Area of Land Uses Matrix                                      |
| Exhibit H | Overview Site Plan, Sheet S-1, dated November 26, 2012, revision 2/06/13                       |
| Exhibit I | Site Plan with Finished Grades, Sheet S-2, dated November 26, 2012 , revision 1/31/13          |
| Exhibit J | Existing Conditions Site Plan, Sheet S-3, dated November 26, 2012, revision 1/31/13            |
| Exhibit K | Site Plan with Existing and Final Grades, Sheet S-4, dated November 26, 2012, revision 1/31/13 |
| Exhibit L | Landscaping Plan, Sheet S-5, dated November 26, 2012, revision 1/31/13                         |

- Exhibit M McCain Consulting Letter with additional information, dated December 19, 2012
- Exhibit N Copy of McCain Letter to Bill Shepeluk re: water and sewer allocation, dated December 6, 2012
- Exhibit O Copy of Village of Waterbury Application for Water & Sewer Allocation & Connection, signed December 5, 2012
- Exhibit P Copy of Act 250 School Impact Questionnaire for Residential Projects, signed December 10, 2012
- Exhibit Q Copy of McCain Letter to Waterbury Fire Chief Gary Dillion
- Exhibit R ANR Natural Resources Atlas map, dated January 10, 2013
- Exhibit S Copy of Letter re: adequate municipal water and wastewater capacity, dated Jan. 8, 2013
- Exhibit T Copy of Municipal Impact Questionnaire, signed by William Shepeluk, dated Jan. 8, 2013
- Exhibit U Notice sent to Adjacent Landowners dated December 31, 2012
- Exhibit V Road Profiles, Sheet S-6, dated November 26, 2012
- Exhibit W Erosion Prevention & Sediment Control, Sheet EC-1, dated November 26, 2012
- Exhibit X Erosion Prevention & Sediment Control, Sheet EC-2, dated November 26, 2012 (with staging area identified)
- Exhibit Y Letter from Paul Arnot, dated February 5, 2013 (with info about pedestrian access, construction traffic & staging area and general traffic)
- Exhibit Z ITE Trip Rates chart
- Exhibit aa Letter from Paul Arnot, dated February 5, 2013 (re: rail bed easement)
- Exhibit bb Letter of Intent re: Kingsbury Easement Agreement re: rail bed
- Exhibit cc Letter of Intent re: Mac Easement Agreement re: rail bed

---

The public testimony was closed at 07:40 p.m.

**Description of Project:**

This project proposes to subdivide a 14.8 acre property into a 26-lot Planned Unit Development located off lower Perry Hill Road within the Village of Waterbury, VT (Tax Map 19-070.000)

**FINDINGS OF FACT:**

Section 705 Standards for Review

The following standards must be met for PUD approval.

(a) The project must conform to the density and dimensional requirements set forth in Section 702.

Section 702 Permitted Densities

(a) Pursuant to the provisions in 24 V.S.A. §4417, density limitations in a PUD are established as follows:

(1) The total area of undeveloped land shall be designated to be at least 50 percent of total project land.

The total acreage of the parcel is 14.8 acres, and based upon Exhibit G "Area of Land Uses Matrix", the total area of undeveloped land is 7.56 acres. Therefore the total area of undeveloped land equals 52.9%.

(2) For PUDs that are entirely residential, the maximum number of dwelling units allowed is as follows:

(A) For single-family dwellings, divide the total acreage of the parcel, or portion thereof, by the minimum lot size applicable in the district.

The lot is located within the Village Residential District, where the minimum lot size is 10,000 sf (or 0.23 acres) for single family dwelling. The total acreage of the parcel is 14.8 acres. The maximum number of dwelling units allowed is 62 single family dwellings. The proposal is for 26 three-bedroom single family dwellings.

(b) Along the outside boundary of the PUD project, setbacks shall be twice the dimensions established for the district in which the project, or applicable portion of the project, is located.

The Development Review Board may, in accordance with the review process contained in Section 704(g), reduce this double setback for a portion of the entire outside boundary, provided the following criteria are met: 1) The setback is not less than the required setback for the district in which the affected portion of the project is located; 2) the applicant shall demonstrate that a lot configuration which utilizes the double setback exclusively does not yield practical building sites and does not meet the general purpose of these PUD bylaws; and 3) adequate screening and landscaping exist or are proposed as required in Sections 301(f)(3) and 705(k). Other than this setback, no other setbacks apply to PUDs.

Within the Village Residential District setbacks are:

Front=30 ft, Sides=10 ft, Rear=30 ft

Based upon the PUD Standards projects these setbacks are doubled:

Front=60 ft, Sides=20 ft, Rear=60 ft

This project proposes the following setbacks:

Front=60 ft, with the exception of Lots 13 & 15 which propose a Front Setback = 30 ft.

The applicant requests a reduction to the double setback requirement for Lots 13 & 15 in accordance with Section 702(b) as identified in Exhibit M where the applicant states that "these 2 lots complies with the regulations as the requested setback is not less than the standard setback and 2 building lots would be eliminated without the reduction."

The remaining setbacks are as follows: Sides=20 ft, Rear=60 ft

(c) The project is an effective and unified treatment of the development possibilities of the site and makes appropriate provision for preservation of streams and stream banks, steep slopes, wetlands, soils unsuitable for development, agricultural and open lands, unique natural and man-made features, watersheds, wildlife habitat, floodplains, and scenic features.

Based upon Exhibit J "Existing Conditions Site Plan" and Exhibit R "ANR Natural Resources Atlas map" there are no streams on the site. Steep slopes on the western portion of the property are set aside as undeveloped land. Delineated Class II wetlands are preserved and set aside as undeveloped land, with the exception of a small area within Lot 14. A Vermont Wetlands Permit will be required for this project. Statewide agricultural soils are present on the eastern portion of the property and will be developed. There is no identified significant wildlife habitat present on the property and no mapped floodplain.

Erosion Prevention & Sediment Control Plans outline protective measures and techniques to be utilized during the construction phases.

(d) Phasing of the development shall be scheduled or phased to ensure that adequate municipal facilities and services will be provided. In the event it is determined that the project will unduly burden municipal facilities or services, the municipality may require contributions to cover costs or dedication of land or interests in land for the purpose of providing or contributing toward the provision of necessary facilities or services.

The project is proposed to be implemented in 2 phases. Phase I consists of Lot 1 – 11 and Lot 26. Phase I is anticipated to commence during summer 2013, assuming all permits are obtained. Phase II consists of Lots 12 – 25. Phase II will begin 2-4 years after all permits are issued. Application submittals indicate that no more than 7 homes will be constructed per year.

(e) If a project is to be served by a public water supply or a public sewer system, a letter from the appropriate municipal department shall be submitted to the Development Review Board certifying that such services can be provided to all habitable units before occupancy.

The projects will be located within the municipal water and sewer service area. Based upon a letter from the municipal manager there is adequate capacity. The project proposes a 210 gallon per day (gpd) per house sewer allocation and a 450 gdp per house, minus 10% for low-flow fixtures, water allocation. In addition to the local Water and Sewer Allocation Application the project will require a Wastewater Systems and Potable Water Supply Permit from the VT ANR. This permit has not yet been submitted.

(f) If a project is not served by a public water supply system and a public sewer system, approval of the water supply and sewage disposal systems by all state authorities shall be required. n/a

(g) The proposed PUD shall not unduly burden the school system. The applicant may be required to obtain a letter from the Superintendent of Schools regarding the impact of the project on the school system.

The project estimates an increase of 26 new students to the local school system. The applicant has received a signed School Impact Questionnaire for Residential Projects, dated 12/10/2012, in which the Superintendent of Washington West Supervisory Union certifies Thatcher Brook Primary School, Crossett Brook Middle School and Harwood Union High School have the capacity to accept 26 new students.

(h) The proposed PUD shall not unduly burden municipal roads, including intersections and access roads immediately burdened by the project.

The applicant estimates the project will generate approximately 15-20 morning peak hour trips and 17-26 evening peak hour trip ends, with the total average daily trips are estimated at 249 - 260.

Erosion Prevention & Sediment Control Plans identify a vehicle and equipment staging area at the northeast corner of the property.

(i) Development access roads shall be of a width, surface, and design adequate for handling proposed traffic, including accessibility for emergency vehicles, school buses, and public transit, if appropriate.

The access road from Perry Hill servicing the subdivision is proposed to be 20 ft wide with 2-ft shoulders. Two turnarounds for emergency and service vehicles are identified on the site plan, next to Lot 8 and Lot 24. The applicant submitted a letter to the Waterbury Fire Chief Gary Dillion dated December 19, 2012, requesting his review of the project as it relates to emergency vehicle access. The municipal manager has signed off on a Municipal Impact Questionnaire which states that the municipality has enough capacity of the following services to accommodate the proposed project: fire, police, solid waste and road maintenance.

(j) Adequate pedestrian circulation, which may include sidewalks, maintained trails, or other pathways, shall be provided.

No sidewalks, trails or pathways are located within the interior of the subdivision. There are not sidewalks on Perry Hill Road. The applicant has identified a pedestrian route to provide access from the new neighborhood to the intersection of Lincoln Street and Perry Street. The proposed gravel path will follow the old trolley line bed and will necessitate securing an easement over 2 private properties. The 2 property owners have provided Letters of Intent to grant easements to the Town for the path. For the construction the applicant will provide machine time and labor if the Town provides the materials. This arrangement is subject to approval by the Town of Waterbury Selectboard.

(k) Adequate landscaping and screening of both buildings and parking areas shall be required in order to protect scenic vistas and the site's natural aesthetic features.

Exhibit L "Landscaping Plan" identifies that twenty-three 1 ½" caliper deciduous trees will be planted by the developer along the right-of-way on the northern portion of the development. The plan also identifies that each lot owner will be required to plant two 1 ½" caliper deciduous trees within the road right-of-way in front of their lot, except lots 10, 11, 18, 24 and 25 which will be required to plant two trees but due to lot configuration need not be within the r.o.w. Additional landscaping is at the discretion of the homeowners.

(l) The proposed PUD must be consistent with the Municipal Plan.

The property is located within the Growth Center Boundary as identified Waterbury Future Land Use: Growth Center Map. Within the Growth Center Boundary the property is identified as an area for Rural Residential/Agriculture Area where the desired future conditions are stated as "In Keeping with the desire to accommodate new development while protecting important resources within the area,..."

(m) Land that is not included in building lots, streets, rights-of-way, or utility easements shall be reserved as undeveloped land for recreation, conservation, agriculture, and the enhancement of the natural environment for living. Such undeveloped land shall not be less than 50 percent of the total project area.

Further, the undeveloped land shall:

- (1) Take the fullest advantage of all natural features, such as natural watercourses and drainages, topography, existing trees, outlook, agricultural land, forests, and other features;
- (2) Be in a location, and of a character, size, extent, and shape suitable for the land's intended use;
- (3) Contain no building or development, except one primarily devoted to a purpose for which the undeveloped land is intended, including swimming pool, tennis courts, and similar recreational facilities, and minor incidental buildings connected therewith; and
- (4) Be conveyed to:

(B) An association of homeowners or tenants, which adopts and imposes covenants and restrictions on the undeveloped land that adequately provide for its continuing maintenance;

Exhibit E "Draft Declaration of Protective Covenants and Conditions" reference the wetlands on the property which are contained within the undeveloped portion of the property. The Covenants state the wetlands shall be maintained by the Declarants of the Owners Association and they shall not be drained, filled, dredged or disturbed, except by amendment to the Land Use Permit. It also identified a 50-ft undisturbed buffer zone be maintained around the wetlands. Exhibit F "Draft Bylaws of Perry Hill Owners Association" states the purpose of the Association is to own and manage the common area.

**CONCLUSION**

The Development Review Board concludes that the applicable standards of review in Section 705 for this Planned Unit Development, within the Village of Waterbury, have been met.

**DECISION AND CONDITIONS**

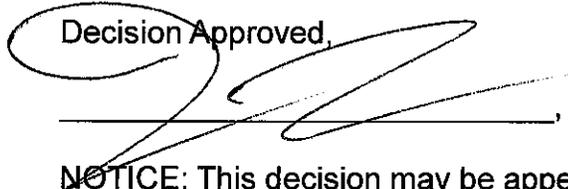
*MOTION:*

Dave Rogers moved and Jeff Whalen seconded the motion to approve application # 68-12-V to subdivide a 14.8 acre property into a 26-lot Planned Unit Development located off lower Perry Hill Road within the Village of Waterbury, VT Tax Map #19-070.000) with 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. The applicant brings a copy of the Final Plat to the Zoning Administrator within 150 days so that the Development Review Board can review, approve, and sign off on the Final Plat and meet the 180 day timeline for recording the plat that is required by 24 V.S.A., Section 4463.
3. Construction equipment or construction material delivery, related to the infrastructure construction phase, shall not deliver between the hours of 7am to 9am and 4pm to 6pm.

VOTE: The motion passed unanimously.

Decision Approved,



, Chair

Date: 2-21-13

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 FEBRUARY 21, 2013.