

**WATERBURY DEVELOPMENT REVIEW BOARD
APPROVED GENERAL MINUTES
Thursday, April 18, 2013**

Board Members Present: Jeff Larkin, Chair; Jeff Whalen, Nat Fish, Dave Rogers, Joel Baker, Tom Kinley, Mike Bard, Jeff Grace

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

The meeting was opened by the chair at 6:30 p.m.

Application #11-13-T, Laura Fried for subdivision and construction of a single family dwelling in the Conservation District and Ridgeline, Hillside, Steep Slope Overlay District Findings and Decision. The public hearing was opened at 6:30 pm.

See separate findings and decision.

Application # 05-13-T, Noah Fishman and Marlana Tucker-Fishman, Site Plan and Conditional Use Review for a daycare center at 538 Guptil Road, Waterbury Center, VT. (Tax Map #13-180.030)

The chair continued the hearing to May 16, 2013 at 6:30 p.m.

MINUTES OF PRIOR MEETINGS/HEARINGS

Martha Staskus moved and Joel Baker seconded the motion to approve the general minutes and decisions from March 21, 2013 and the special meeting minutes from April 4, 2013.

Vote: The motion passed unanimously.

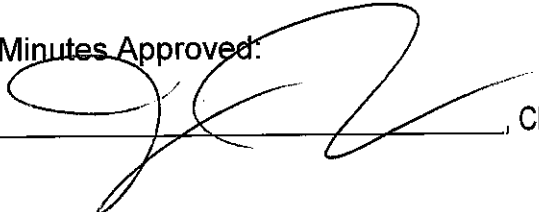
Nat Fish moved and Tom Kinley seconded the motion to approve the hearing and draft minutes for application #11-13-T.

Vote: The motion passed unanimously.

ADJOURNMENT

The meeting was adjourned by the Chair at 7:45 p.m.

Minutes Approved:


_____, Chair

Date: 5-2-13

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 * May 2, 2013 *

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
APPROVED FINDINGS & DECISION
Date: April 18, 2013**

Board Members Present: Jeff Larkin, Chair; Joel Baker; David Rogers; Nat Fish; Martha Staskus; Tom Kinley; Mike Bard; Jeff Grace, alternate

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

First Order of Business: Application for Subdivision and construction of a single family dwelling in the Conservation District and Ridgeline, Hillside, Steep Slope Overlay District Findings and Decision. The public hearing was opened at 6:30 pm.

Permit Application #: 11-13-T
Applicant: Laura Fried
Landowner: Steve Fried
Location of Project: Barnes Hill Road, Waterbury, VT

The following interested parties were present and sworn in:

Laura Fried, Applicant
Owen McDermott, Applicant
Milton Beard, adjacent landowner
Joan Beard, adjacent landowner
Cory Beard, adjacent resident
Glenn Andersen, adjacent landowner
Deborah Mulvey, adjacent landowner

TESTIMONY:

1. The house location is on a knoll and was chosen to have the least need for clearing. There has been some clearing over the years. There may be some clearing on the southern face of the house but only to open up for improved sunlight and drainage.
2. The house site is at 1,265 feet in elevation.
3. Only one exterior light is planned. The applicant agreed that any outdoor lighting will be downcast and shielded.

EXHIBIT LIST:

Exhibit A Zoning Permit Application # 11-13-T
Exhibit B VT ANR Atlas Map, House Site and Parcels
Exhibit C VT ANR Atlas Map, House Site and Topo Lines
Exhibit D Overall Site Plan (Subdivision & BLA), dated 3/29/2013
Exhibit E Zoning Map
Exhibit F House Site, Site Plan, dated 2/13/2013

Exhibit G	House setbacks
Exhibit H	House perspectives and elevations
Exhibit I	House floor plan – 1 st Floor
Exhibit J	House floor plan – 2 nd Floor
Exhibit K	Copy of Deeds (for ROW)
Exhibit L	Email letter from Dr. & Mrs. Tomasi, Barnes Hill Rd residents, dated 4/18/2013
Exhibit M	Notice sent to Adjacent Landowners dated 3/27/13

Description of Project:

The applicant is seeking approval for a 2-lot subdivision, a boundary line adjustment and the construction of a single family dwelling in the Conservation Zoning District and within the Ridgeline, Hillside, Steep Slope Overlay Zoning District, off Barnes Hill Road, Waterbury, VT (Tax map #10-010.000). The boundary line adjustment can be approved administratively and need not be approved by the DRB.

FINDINGS OF FACT:

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

1. Steven & Ann Fried own two properties off Barnes Hill Road, 14.5 acres (tax map # 06-006.000) and 142 acres (tax map # 10-010.000) in northern Waterbury.
2. The 14.5 acre property is located at 1842 Barnes Hill Road with a single family dwelling.
3. The larger property, the 142 acres, is adjacent the 14.5 acre property and is located between Barnes Hill Road and Sweet Road.
4. The applicant proposes to subdivide 11.8 +/- acres from the 142 acres and build a single-family house on the newly-created Lot 1.
5. The western boundary of Lot 1 will run along an existing stream. The remaining land to the west of the stream will be merged with the Fried's 14.5 acre property.
6. Following the subdivision and merging of the remaining land with the 14.5 acre lot the acreages of the lots involved are as follows:
 - a. The 142 acre lot, tax map 10-010.000, will be between 128 +/- acres.
 - b. The newly created Lot 1 will be 11.8 +/- acres.
 - c. The adjacent lot, currently 14.5 acres, tax map 06-006.000, will be 16.6 +/- acres.
7. The majority of the 142 acre lot is located within the Conservation Zoning District where the dimensional requirements are as follows:
 - a. Minimum lot size: 10 acres
 - b. Front, Side, and Rear setbacks: 100'
8. The majority of the 142 acre lot also falls within the Ridgeline, Hillside, Steep Slope Overlay Zoning District which applies to lands at and above 1,200 feet in elevation.
9. The newly-created Lot 1 and the proposed house site fall within the Ridgeline, Hillside, Steep Slope Overlay Zoning District.
10. The proposed house site will be at approx. 1,265 feet in elevation (FIE)

11. The setbacks of the proposed house are 260 ft from the front, 380 ft and 200 ft from the sides and 430 ft from the rear.
12. The height of the house will not exceed 24 ft.
13. The proposed house will not be on municipal water or sewer.
14. Access to the proposed house will be via a right-of-way off Barnes Hill Road. Currently a driveway which crosses the Fried's 14.5 acre property provides access to the Waterworks Land which is owned by the Village of Waterbury (tax map 06-009.000). An existing trail then provides access from the Waterworks land to the mother parcel and the proposed house site.
15. The Deed for the 142-acre property includes a legal right-of-way over the 14.5 acre property and the Waterworks property for access to the house site. Based upon information from the Village of Waterbury Water Plant Manager and the Municipal Manager the physical access to the mother parcel from the Water facility lies just south of the legal right of way.
16. Development at or above 1,200 FIE but below 1,500 FIE shall be considered a 'minor' development.
17. Subdivisions and new home construction in the Hillside, Steep Slope Overlay Zoning District are subject to review by the Development Review Board.
18. Development projects in the RHS District are subject to review under the conditional use criteria.
19. The boundary line adjustment between the 142 acre lot and the 14.5 acre lot is not subject to review by the Development Review Board.
20. Below are excerpts of the Subdivision Review Criteria, RHS Review Criteria for minor projects and Conditional Use criteria:

ARTICLE XII SUBDIVISIONS
Section 1202 Review Criteria

(c) Any division of land in the Ridgeline/Hillside/Steep Slope (RHS) Overlay District shall conform to the following criteria in addition to the relevant criteria in Section 401, Dimensional Requirements, and Section 504, General Dimension, Location, and Height Requirements: The standards set forth for development in Article X.

ARTICLE X RIDGELINES, HILLSIDES, STEEP SLOPES
Section 1004 Standards of Review (RHS)

(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.

Section 303 Conditional Uses

(e) Prior to granting any approval for conditional use, the Board must find that the proposed use conforms to the following general and specific standards:

(1) The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities to accommodate it. The proposed use:

(A) Will not cause the level of service on roads and highways to fall below a reasonable standard;

(B) Will not cause an unmanageable burden on municipal water or sewer systems;

(C) Will not lead to such additional school enrollments that existing and planned school system capacity is exceeded; and

(D) Will not cause an unmanageable burden on fire protection services.

(E) The Board may seek or require advisory input from the Municipal Manager, Fire Department, Police Department, School Board, or other municipal officials regarding relevant facilities. The Board will also take into account sections of the Municipal Plan and of any duly adopted capital plan which specify anticipated demand growth, service standards, and facility construction plans.

(2) The proposed use will not have an undue adverse impact on the character of the area affected as defined by the Municipal Plan and the zoning district in which the proposed project is located. Specifically, the proposed use:

(A) Will not result in undue water pollution, undue adverse impacts to downstream properties, and will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result; in making this determination, the Board shall at least consider the elevation, the slope of the land, and the nature of soils and subsoils and their ability to adequately support waste disposal;

(B) Will not result in undue noise, light, or air pollution, including offensive odors, dust, smoke, or noxious gasses;

(C) Will not have an undue adverse effect on the scenic or natural beauty of the area, historic sites, or rare and irreplaceable natural areas;

(D) Will not be otherwise inconsistent with existing uses in the immediate area; in determining the appropriateness of the use or structure in an area, the Board shall consider the scale and design of the proposed use or structure in relation to the scale and design of existing uses and structures in the same district; and

(E) Will not cause danger of fire, explosion, or electrical hazard, or in any other way jeopardize the health and safety of the area.

(3) The proposed use will not violate any municipal bylaws and ordinances in effect.

(4) The proposed use will comply with the specific lot area, setbacks, and lot coverage requirements set forth in this bylaw. The Board may require the proposed use to conform to more stringent lot area, setback, and lot coverage requirements as it may deem necessary to implement the purposes of the district in which the use is located and other provisions in this bylaw.

CONCLUSION

The Development Review Board concludes that this permit application #11-13-T does conform to all the relevant zoning criteria for both the Ridgeline, Hillside, Steep Slope Overlay and the dimensional criteria required for subdivision and that this permit may be granted conditionally that an agreement for the legal right of way be reached with the Village of Waterbury to coincide with the location of the access road to the lot.

DECISION AND CONDITIONS

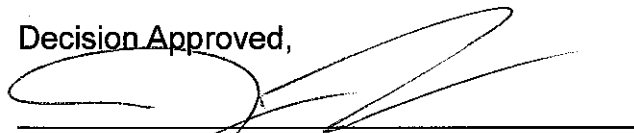
MOTION:

Joel Baker moved and Martha Staskus seconded the motion to approve application # 11-13-T for a 2-lot subdivision and for construction of a single-family house in the Conservation Zoning District and within the Ridgeline, Hillside, Steep Slope Overlay District located off Barnes Hill Road, Waterbury, VT, (tax map # 10-010.000) 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. The legal right-of-way from the Municipal Water Facility to the mother parcel is to be revised to ensure the legal right-of-way and the physical accesses are aligned. This will be reflected on the final plat.
3. The applicant brings the final plat to the Zoning Administrator within 150-days for DRB approval within to meet the 180-day filing deadline.
4. All lighting will be downcast and shielded.

VOTE: The motion was passed unanimously.

Decision Approved,

 _____, Chair Date: 4-13-13

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