

WATERBURY DEVELOPMENT REVIEW BOARD
APPROVED GENERAL MINUTES
Thursday, August 15 2013

Board Members Present: Jeff Larkin, Chair; Nat Fish, Jeff Grace, Martha Staskus, Mike Bard, David Rogers

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

6:30 p.m. The meeting opened at 6:30 p.m. at the Waterbury Fire Station

6:30 p.m.

Application # 68-12-V, Sparks Holding LLC, Final Plat Approval for a 26-Lot Planned Unit Development Subdivision off Perry Hill Road, Waterbury, VT (Tax map # 19-070.000) .

MOTION

Mike Bard moved and Dave Rogers seconded the motion to approve application #68-12-V, Sparks Holding LLC final plat approval for a 26-Lot Planned Unit Development off Perry Hill Road, Waterbury, VT (Tax map # 19-070.000)

VOTE

Passed with one abstension.

6:40 p.m.

Application # 41-13-T, Jeffrey Courchaine, Setback Waiver Request for the construction of a garage addition at 2148 Blush Hill Road, Waterbury, VT (Tax map #09-327.000)

The chair continued the hearing to Sept. 5 2013 at 7:30 p.m.

7:20 p.m.

Application # 42-13-T, John and Candy Hamacher, Setback Waiver Request for the re-construction of a garage at 30 Loomis Highlands, Waterbury Center, VT (Tax map #09-151.000)

See hearing minutes, approved tonight (see approval of minutes).

8:00 p.m.

Application #15-13-V, W. Chris Noyes, Site Plan Review for a change of use (from residential to office) at 21-2 North Main Street, Waterbury, VT (Tax map #19-279.000)

See hearing minutes.

8:20 p.m.

Application # 44-13-T, David Lachtrupp, Subdivision Review and Ridgeline Hillside Steep Slope Review for a 2-lot subdivision off Woods Farm Road, Waterbury, VT (Tax map # 14-084.080)

See hearing minutes.

8:35 p.m.

Application # 45-13-T, David Lachtrupp, Ridgeline Hillside Steep Slope Review for the construction of a single-family house off Woods Farm Road, Waterbury, VT (Tax map # 14-084.080)

The chair continued the hearing to September 5th at 6 p.m.

Action items:

Placement of septic and well.

View analysis, apply the app. 50% visibility from Class 1, 2 or 3 roads in Waterbury, VT.

APPROVAL OF MINUTES

At 6:40 p.m. the board reviewed the minutes from August 1, 2013.

MOTION

Mike Bard moved and Nat Fish seconded the motion to approve the general minutes of 080113 and the hearing minutes from
Application # 30-13-T, Grant and Mona Eckfeldt, Setback Waiver
Application #34-13-T, Tyler Laundon, Site Plan Review
Application #43-13-T, Schindler Development Corp., Subdivision and Ridgeline Hillside Steep Slope Review

VOTE

Passed unanimously

MOTION

At 8:20 p.m. Martha Staskus moved and Mike Bard seconded the motion to approved the minutes of application 42-13-T heard this evening at 7:30 p.m..

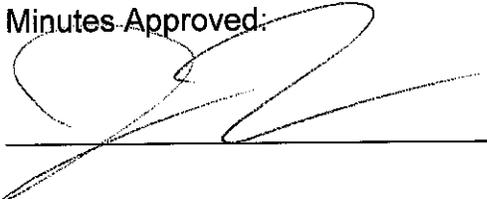
VOTE

Passed unanimously.

ADJOURNMENT

The meeting was adjourned by the Chair at 9:45 pm.

Minutes Approved:


_____, Chair

Date: 9.5.13

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 September 5, 2013.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Hearing Minutes, Findings, and Decision
August 15, 2013**

Board Members Present: Jeff Larkin, Chair; Nat Fish, Jeff Grace, Martha Staskus, Mike Bard, David Rogers

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Application for a setback Waiver for the construction of a residential accessory structure (garage) in the Medium Density Residential Zoning District.

Permit Application #: 42-13-T
Applicant: Tektonika Studio Architects
Landowner: John and Candy Hamacher
Location of Project: 30 Loomis Highlands, Waterbury Center, VT

Attending and sworn in:
Marylizbeth (Candy) and John Hamacher, Landowners
Ernie Ruskey, Architect & applicant

EXHIBIT LIST:

Exhibit A Zoning Permit Application # 42-13-T
Exhibit B L1.0 Site Plan, dated 7/2/2013
Exhibit C L1.1 Site Plan, dated 7/2/2013
Exhibit D Notice sent to Adjacent Landowners dated July 29, 2013

FINDINGS OF FACT

Description of Project:

This project proposes to re-construct a residential accessory structure (a garage) and construct an addition to connect the new garage to the existing home located at 30 Loomis Highlands, Waterbury Center.

1. The property is located within the Medium Density Residential (MDR) Zoning District where the minimum lot size requirement is 2 acres.
2. The lot is 3.25 acres.
3. Building setbacks in the MDR District are as follows:
 - a. Front: 60' Side: 50' Rear: 50'
4. The proposed garage will replace a previous garage which was located approx. 38' from the side property line.
5. The proposed 497 sf garage will be located 41' 7" from the side property line.

6. A 341 sf addition will connect the new garage to the existing house.
7. The applicant is seeking a 8'5" side setback waiver for the new garage.
8. The new construction meets the districts other dimensional requirements.
9. Under the Waterbury Zoning Regulations, dated 4/15/2013, section 309 states:

... the Development Review Board may grant a waiver of building setbacks as a conditional use reviewed in accordance with Section 303; provided, however, that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties from which the setback waiver is sought.

10. Below is the Conditional Use Criteria:

Testimony

1. The previous garage precedes zoning and was on the property when the Hamacher's purchased it.
2. The neighboring property is not visible from the location of the garage.
3. The garage will be clapboard.
4. The next adjoining lot is fairly sizeable and it is a second home for the owner and the owner is only in residence occasionally.
5. A motion detector light might be added but would be downcast and shielded.
6. Other options were considered that did not work with the flow of the house and the walk through from the garage to the house. The location was designed to give the least setback waiver and reduces the previous setback.
7. The driveway material will remain dirt.

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:

Based on these findings (and subject the conditions set forth below) the Waterbury Development Review Board concludes that application #42-13-T, for John and Marylizbeth Hamacher, for a setback waiver requested at 30 Loomis Highlands, Waterbury Center, tax map #09-151.000, meets the Waterbury Zoning Regulation section 309 waiver standards.

MOTION:

On behalf of the Waterbury Development Review Board Dave Rogers moved and Mike Bard seconded the motion to approve application #42-13-T for John and Marylizbeth Hamacher, for a side yard setback waiver of 8'5" for the reconstruction of the garage at 30 Loomis Highlands, Waterbury Center, tax map # 09-151.000, with the following conditions:

1. This permit is granted on the condition that the applicant complete the project consistent with the Board's findings and conclusions and the approved plans and exhibits.

2. All exterior lighting will be downcast and shielded.

VOTE: Passed unanimously.

Decision Approved:

 _____, Chair Date: 8-15-13

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 August 15, 2013.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Minutes, Findings, and Decisions
August 15, 2013**

Board Members Present: Jeff Larkin, Chair; Nat Fish, Jeff Grace, Martha Staskus, Mike Bard, David Rogers

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Application for a Change of Use (from residential to office) at 21-2 North Main Street, Waterbury, VT.

Permit Application #:	15-13-V
Applicant:	W. Chris Noyes
Landowner:	Appletree Holdings LLC
Location of Project:	21-2 North Main Street, Waterbury, VT

Present and sworn in:
W. Chris Noyes, applicant

EXHIBIT LIST:

Exhibit A	Zoning Permit Application #15-13-V
Exhibit B	Site Plan
Exhibit C	Building photo
Exhibit D	Notice sent to Adjacent Landowners dated August 3, 2013

FINDINGS OF FACT

Description of Project:

This project proposes to change the use of a portion of 1st floor (approx. 360 square feet) from a residential dwelling unit to an office located at 21-2 North Main Street, Waterbury, VT.

1. The property is located within the Village Mixed Residential (VMR) Zoning District where business office use is a permitted use.
2. The property is also located within the Historic/Commercial Sub District of the Downtown Design Review Overlay District.
3. The applicant proposes to convert a 360 sf studio apartment to a 360 sf business office.
4. No exterior changes are proposed, access will remain the same.
5. Parking requirements for the dwelling unit was 1.5 spaces; parking requirements for the proposed use are 1 space for every 300 sf of floor area of office space. Currently 11 parking spaces exist on the site, including the garage. Only ten parking spaces are required by all the existing and proposed uses.
6. No changes to the existing parking lot are proposed.

7. A change of use requires Site Plan Review and as the property is located within the Historic/Commercial Sub District of the Downtown Design Review (DDR) Overlay District, Downtown Design Review is also required. Yet as no exterior changes are proposed, few DDR standards apply.
8. The Site Plan Review Criteria and the Downtown Design Review Standards are listed below:

Testimony

1. The intended use is for a small business.
2. The trash receptacles are not located within the parking area.

Section 301 Site Plan Review and Approval

(1) Adequacy of traffic access. Considerations shall include:

(A) Traffic flows at the intersection of driveways or access roads with public roads and at other affected streets and intersections.

(B) Location of driveway entrances and exits so as to have sufficient sight distances.

(C) The need for turning lanes, traffic-control devices, or special provisions for emergency vehicles.

(D) Pedestrian safety and convenience.

(2) Adequacy of circulation and parking. Considerations shall include:

(A) Assurance that the criteria of Section 414 of this bylaw are met.

(B) The need for additional off-street spaces beyond the number required in Section 414.

(C) The adequacy of surfacing and provisions for the runoff and discharge of stormwater.

(D) The provision of appropriate buffer space and landscaping to insulate parking areas from adjoining properties and public streets.

(E) Placement of trees and shrubs around the periphery of parking lots and in the interior so as to break up large parking areas. Large parking lots of 20 or more spaces shall include at least 1 tree for every 8 spaces.

(F) The adequacy of parking, loading, refuse, and service areas.

(G) Provisions for clearing snow for maintaining parking areas.

(3) Adequacy of landscaping and screening. Considerations shall include:

(A) Adequacy of landscaping, screening, and setbacks with regard to achieving maximum compatibility with and protection for adjacent properties and public roads.

(B) Preservation of attractive or functional existing vegetation.

(C) The adequacy of landscaping materials to meet seasonal, soil, and topographical conditions.

(D) Reduction of lighting and glare to the necessary minimum, including provision of appropriate landscaping to reduce the impact of lighting and glare on adjacent properties

(E) Screening of unloading zones, trash bins, storage, and other service areas.

(F) The need for landscaping buffers, fences, or berms to reduce noise.

Section 1108 Design Review Standards

(1) Historic Structures (applying to all structures listed on the National Register of Historic Places):

(A) Original materials or materials typical of the architectural style of the structures shall be preserved or replaced with like materials to the extent feasible and appropriate.

(B) Historic building features shall be preserved or replicated to the extent feasible and appropriate.

(2) Historic/Commercial Sub-District:

(A) New building designs shall reinforce historic streetscape patterns, including orientation and setbacks. Building sites, including road and pedestrian networks, shall be designed in a manner that is integrated and compatible with adjoining parcels and areas.

(B) New buildings shall maintain overall height, size, massing, scale, and proportions compatible with those of buildings in the vicinity. New buildings shall incorporate building forms, lines, roof shapes, features, and materials compatible with those of buildings in the vicinity, but are not required to conform to a particular architectural style.

(C) New additions should be designed to complement and be compatible with, rather than detract from or obscure, the original structure.

(D) Project design shall reinforce a pedestrian streetscape through the provision, where appropriate, of such features as connecting walkways, landscaping and street trees, the incorporation of architectural features such as porches, store fronts and windows, and pedestrian-scaled street furniture and lighting.

(E) On-site utilities shall be buried and utility boxes shall be screened from public view if the utilities along the street serving that structure are also buried.

(F) Buildings, or portions thereof, having eaves heights of twenty (20) feet or less above ground level shall incorporate moderately to steeply pitched roofs, unless the Development Review Board determines that another roof type is appropriate.

CONCLUSION

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #15-13-V for site plan review for a change of use (from residential to office) at 21-2 North Main Street, Waterbury, VT (tax map #19-279.000 meets site plan review and design review standards.

MOTION

On behalf of the Waterbury Development Review Board, Martha Staskus moved and Dave Rogers seconded the motion to approve application #15-13-V with the following conditions:

1. This permit is granted on the condition that the applicant complete the project consistent with the Board's findings and conclusions and the approved plans and exhibits
2. All exterior lighting will be downcast and shielded.

VOTE: The motion passed unanimously.

 Chair

Date: 9.5.13

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 September 5, 2013.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Minutes, Findings, and Decisions
Date: August 15, 2013**

Board Members Present: Jeff Larkin, Chair; Nat Fish, Jeff Grace, Martha Staskus, Mike Bard, David Rogers

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Application for Subdivision in the Conservation District and Ridgeline, Hillside, Steep Slope Overlay District.

Permit Application #:	44-13-T
Applicant:	David Lachtrupp
Landowner:	Ripley Spring, LLC
Location of Project:	Woods Farm Road, Waterbury Center, VT

Present and Sworn In:

David Lachtrupp, Applicant

Joe Duffy, Applicant & Adjoining Landowner

EXHIBIT LIST:

Exhibit A Zoning Permit Application # 44-13-T
Exhibit B Notice to Adjacent Landowners, dated 8/2/2013
Exhibit C Site Plan, dated 7/29/2013
Exhibit D Waterbury ZBA Approved Minutes for Application #81-09-T, dated 3/8/2010
Exhibit E Wildlife Resource Assessment for Ripley Spring, LLC, dated Nov. 2009, amended Mar. 2010
Exhibit F Stream & Wildlife Buffers and Conservation Zones map, dated Feb. 2010
Exhibit G Wheeler Enviro Wetlands Determination Letter, dated 12/21/2009
Exhibit H Waterbury ZBA Approved Minutes for Application #56-10-T, dated 10/12/2010
Exhibit I Waterbury Fire Department Letter, dated 2/6/2011
Exhibit J Waterbury DRB Approved Findings and Decision for Application #60-11-T, dated 12/1/2011

FINDINGS OF FACT

Description of Project:

The applicant is seeking approval for a 2-lot subdivision (for the creation of Lot 2 of 10.2 +/- acres) in the Conservation Zoning District and within the Ridgeline, Hillside, Steep Slope Overlay Zoning District, off Woods Farm Road, Waterbury, VT (Tax map #14-084.080). This subdivision has previously been approved. The proposed lot is slightly smaller than what was originally approved.

Project Background:

- In March 2010, the ZBA granted approval for the creation of an 11+/- acre lot and house site off Wood Farm Road, under application #81-09-T (approval included in Exhibits.) Under #81-09-T, the applicant submitted a Wildlife Resource Assessment, a Stream & Wildlife Buffers and Conservation Zones map, and a Wheeler Environmental Wetlands Determination Letter (copies included in Exhibits.) A final plat was not filed.
- In October 2010, the applicant sought and received re-approval/an extension of the March 2010 approval under application #56-10-T (approval included in Exhibits.) As part of that approval the applicant submitted the letter from the Waterbury Fire Department regarding adequacy of emergency vehicle access (Letter included in Exhibits.) A final plat for the subdivision was filed and recorded in March 2011.
- In December 2011, the applicant received approval by the DRB for a boundary line adjustment under Application #60-11-T, which effectively dissolved the 11+/- acre lot by merging it back into the 'mother parcel'. The boundary line adjustment created a 36 +/- acre lot to the north of the 11+/- acre lot (approval included in Exhibits.) A final plat for the boundary line adjustment was filed and recorded in April 2012.

The applicant is now seeking approval to re-create the initial lot under this application #44-13-T. The applicant is seeking a subsequent approval to build a single-family house on the new lot under application #45-13-T.

Project Description:

1. Ripley Spring currently owns a 133 +/- acre lot off Woods Farm Road.
2. The property falls within the Conservation Zoning District where the minimum lot size is 10 acres and the setbacks are 100'.
3. The newly created will be 10.2 +/- acres and the previously approved building site is outside of the setbacks.
4. "Cut" areas surrounding the house site refer the % of trees which will be cut in preparation for the construction of the single-family house and will be reviewed further under the subsequent application.
5. The property also is within the Ridgeline, Hillside, Steep Slope (RHS) Overlay Zoning District.
6. The property falls between 1,490 feet in elevation (FIE) and 1,640 FIE as is therefore classified as a 'major' development within the RHS as the land is above 1,500 feet in elevation (FIE).
7. An existing driveway which serves an upper lot will provide access to the new lot. The Fire Chief has provided a letter (under a previous application) stating the fire department can provide fire protection to the development.
8. An area of wetlands and a 50' stream buffer have been identified on the site plan.
9. A 50' right-of-way (ROW) will run along the northwest property line for future access to an adjoining lot.
10. Subdivisions in the Hillside, Steep Slope Overlay Zoning District are subject to review by the Development Review Board.
11. Development projects in the RHS District are subject to review under the conditional use criteria.

12. Below are excerpts of the Subdivision Review Criteria, RHS Review Criteria for major projects and Conditional Use criteria:

Testimony

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.
- (c) **Major Development:** In addition to the review applicable to minor development projects, the Development Review Board shall find that the application for a major development project complies with all of the following standards:
- (1) *Screening:* Forest cover shall be maintained to the greatest extent possible. If there is to be tree-clearing for views from the site, it shall be done so as to create view corridors. The Development Review Board may limit the amount of tree-clearing and require the planting of additional trees or other vegetation in order to assure adequate screening, and the Board may require the applicant to submit a plan for maintaining and replacing designated trees during or after site development and construction.
 - (2) *Access:* Access roads and utility corridors, including the conversion of logging roads to private roads or driveways, shall use or share existing accesses and rights-of-way where feasible, and shall follow existing contours and linear features (e.g., tree lines, stone walls) where possible. In addition, they shall be located to:
 - (A) Minimize stream and wetland crossings;
 - (B) Minimize impacts on steep slopes; and
 - (C) Minimize the need for road or driveway corridors of widths greater than 50 feet, with the exception of limited lengths of the road or driveway where wider side slopes are needed to prevent erosion.
 - (3) *Placement of Structures:* Consideration shall be given to the location of proposed or potential structures relative to site conditions, existing vegetation, and the location of fragile features (including but not limited to steep slopes, streams, and identified habitat and natural areas). The clustering of houses and other structures is encouraged to retain larger blocks of forest and fields and to help retain the aesthetic character and wildlife value of the RHS

Overlay District. The location of proposed or potential structures may be restricted to ensure that development:

- (A) Is minimally visible, as defined in this bylaw;
- (B) Is designed so that the height of any structure does not exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure;
- (C) Is located so that buildings are not placed on existing steep slopes equal to or greater than 25 percent;
- (D) Is located down-grade of ridgelines and is designed so that the proposed structures shall not break the skyline; and
- (E) Is located at or near the edge of existing and new clearings and fields or in the interior of existing wooded areas.

(4) **Exterior Lighting:** The off-site visual impacts of proposed exterior lighting shall be minimized. All exterior lights shall be shielded and downcast. The use of reflective surfaces and outdoor lighting fixtures more than 15 feet above the ground shall be minimized. Bollard, low-post lighting and low-level, indirect lighting is recommended. Spot or flood lights are prohibited.

(5) **Clearcutting and Pre-Development Site Preparation:** The proposed clearcutting and all harvesting activities associated with it shall comply with "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont," as published by the Vermont Department of Forests, Parks and Recreation, effective August 15, 1987, (as may be amended from time to time) and all other applicable regulations.

(6) **Natural Resources:** The proposed development will be designed and maintained so that there is no undue adverse impact on, or undue fragmentation of, critical wildlife habitat and wildlife travel corridors, unique or fragile resources, or natural and scenic resources.

(7) **Building Design:** The massing of a single building or group of buildings shall be designed to minimize visual impacts and contribute to, and harmonize with, the scenic quality of the surrounding landscape. Building materials, including windows and roofs should minimize year-round visibility, reflectivity, and night-time light impacts as viewed from off site.

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

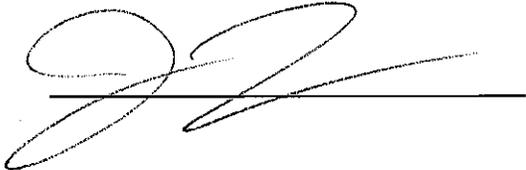
Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #44-13-T subdivision review and Ridgeline Hillside Steep Slope review for a 2 lot subdivision off Woods Farm Road, Waterbury, VT (tax map #14-084.080) meets the standards that were previously approved as per the decision of the Waterbury ZBA on Monday, March 8th, 2010 and as per Article XII, Subdivision Section 1202 Reveiw Criteria.

MOTION

On behalf of the Waterbury Development Review Board Mike Bard moved and Martha Staskus seconded the motion to approve application #44-13-T for a 2 lot subdivision off Woods Farm Road, Waterbury, VT (Tax map #14-084.080) with the following conditions:

1. This permit is granted on the condition that the applicant complete the project consistent with the Board's findings and conclusions and the approved plans and exhibits.
2. The applicant brings copies of the Final Plat to the Zoning Administrator within 150 days so 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: Passed unanimously.

 _____, Chair Date: 9.5.13

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 September 5, 2013.