

**TOWN & VILLAGE OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Special Meeting Minutes
Thursday, January 23, 2014**

IN ATTENDANCE:

Board Members Present: Jeffrey Larkin, Chair, Martha Staskus, Nat Fish, David Frothingham, Tom Kinley, Mike Bard

Staff Members Present: Clare Rock, Steve Lotspeich

Public Present: Miranda Orso, Waterbury Record

At 6:30 p.m. the meeting convened on the second floor of the Main Street Fire Station located at 43 South Main Street, Waterbury, VT.

APPLICATION #50-13-V, TVRA REALTY

Application #50-13-V, TVRA Realty (applicant Shaughnessy) for Site Plan and Conditional Use Review for the change of use (to a gym) of 53 North Main Street, Waterbury, VT 05676 (Tax Map # 19-022.000)

The hearing was opened by Jeff Larkin, Chair, at 6:30 p.m. then continued to Thursday, February 6, 2014 at 6:30 p.m. due to lack of notice to the adjacent property owners.

CONTINUATION OF APPLICATION #73-13-T, JOE DUFFY

Continuation of Application #73-13-T, Joe Duffy for Subdivision and Ridgeline, Hillside, Steep Slope Review for a 3-lot Subdivision on Woods Farm Road, Waterbury Center, VT 05677 (Tax Map # 14-084.000)

The hearing was opened by Jeff Larkin, Chair, at 6:35 p.m., then continued to Thursday, February 6, 2014 at 8:15 p.m.

MEETING MINUTES:

The Development Review Board reviewed the general minutes for the meeting held on January 9, 2014 and the decision for Application No. 48-13-V, Blush Hill Ten.

MOTION:

Mike Bard moved and David Frothingham seconded the motion to approve the general minutes for the Development Review Board meeting held on January 9, 2014, and the decision for Application No. 48-13-V, Blush Hill Ten.

VOTE:

The motion was approved unanimously.

DISCUSSION OF DRAFTING FLOOD HAZARD AREA REGULATIONS:

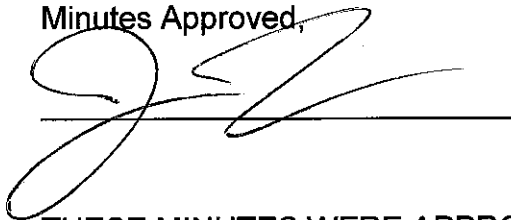
Clare Rock discussed the current Planning Commission project to draft new Flood Hazard area Regulations. The challenge of rising flood insurance rates was discussed. The current exemption of historic structures was also discussed. The Milone & MacBroom grant funded study to evaluate the economic costs and benefits of different scenarios for development versus limiting development in the floodplain was discussed. The Planning Commission's schedule for drafting the new regulations was discussed. The DRB members would like to meet with the Planning Commission prior to the first public meeting. One possibility is to met with the Planning Commission at their meeting scheduled for February 24th. Steve will check to see if Roy Schiff can come to the Planning Commission meeting on February 24th instead of February 10th so the DRB can hear his presentation and participate in a discussion of the flood hazard area regulations.

APPLICATION #02-14-T, BLUSH HILL TRUST

Application #02-14-T, Blush Hill Trust for Subdivision Review for a 6-lot subdivision off Blush Hill Road, Waterbury, VT 05676 (Tax Map #13-003.000). See separate minutes and decision.

At 9:05 p.m. the meeting was adjourned by the Chair.

Minutes Approved,

 _____, Chair

Date: 2-6-14

THESE MINUTES WERE APPROVED ON February 6, 2014.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Minutes, Findings and Decision
January 23, 2014**

Application for Subdivision in the Medium Density Residential, Low Density Residential, and Conservation Zoning Districts.

Permit Application #: 02-14-T
Applicant: Blush Hill Trust
Landowner: SAME
Location of Project: off Blush Hill Road, Waterbury Center, VT

IN ATTENDANCE:

Board Members Present: Jeffrey Larkin, Chair, Martha Staskus, Nat Fish, David Frothingham, Tom Kinley, Mike Bard

Staff Members Present: Clare Rock, Steve Lotspeich

Public Present: Jim Cataldo, owner – Blush Hill Trust; Nino Pedrelli, project manager; Chris Austin, consultant; Charlie Grenier, consultant; Judy Foregger, realtor; Serrefino Bueto, adjacent landowner; Miranda Orso, Waterbury Record; Raphael Lowe, adjacent landowner; Joyce Lowe, adjacent landowner; Bruce Scott, adjacent landowner, Julie Atwood, adjacent landowner; Tom Matt, adjacent landowner; Martin Johansen, adjacent landowner; James Hermanowski, adjacent landowner; Lisa Scagliotti, nearby landowner; Daniel Cory, adjacent landowner; Rosina Wallace, adjacent landowner.

Jeffrey Larkin opened the review at 7:15 p.m. Mr. Larkin swore in all those wishing to provide testimony.

INTRODUCTION

Clare Rock provided an overview of the proposed 6-lot subdivision located off Blush Hill Rd. Tax Map No. 13-003.000

TESTIMONY:

Jim Cataldo introduced the project. Nino Pedrelli, the project manager, provided an overview of the project. The site is 93.5 acres in size. It is a six-lot subdivision with access off Blush Hill Rd. The majority of the meadow will be in lot 6. This area will have covenants limiting future subdivision of this area to five-acre lots. Lot #6 is 29 acres and will be deed restricted to no more than two house sites in the future. Lot #5 is 32 acres in size and can be no more than three lots in the future. This lot is not proposed for development at this time. The lot covenants

will preserve the character of the area. Lots #1-#4 will not be further subdivided. Lots #5 and #6 may be further subdivided by the future owners who purchase them.

It was asked if there has been a traffic study done yet. No study has been done at this time. There was also testimony given that the sub-division could support up to 25 lots. The 800 ft long road has been constructed for access. This road will be extended to about 1,200 feet in length to access the rear portion of the site. No access is proposed off Windridge Ln. at this time. Lots one and two will have deeded access off the existing development road and will not have access developed off Windridge Rd. even though there is an existing right-of-way. The possibility of having the owner of the development give up the existing right-of-way to Windridge Ln. was discussed. The only benefit of the existing right-of-way is to Lot #1. If the future owner of Lot #1 wants to use the right-of-way, they would have to apply for a permit to use it. Mr. Cataldo stated that he is willing to limit access by the right-of-way to Windridge Ln., to only Lot #1.

Charlie Grenier stated that there is enough septic capacity for additional lots. Each lot will have its own on-site septic system and well. The septic systems will be either in-ground or mounds. All the on-site septic systems will meet and exceed the state standards. All the leach fields will be located where there is 6-7' depth of soil over bedrock. Mr. Grenier stated that there will be stormwater treatment and attenuation so there will be no increase in runoff from the site.

There is a total of nine acres of Class II wetlands on the site that are located primarily on the rear of lot five. All wetlands have a 50' buffer surrounding them. 42% or 23.5 acres of the wooded area is in a no clearing zone. A total of 56 acres of the site is wooded. This area ties into the adjacent Randolph property. The remaining wooded areas can be cleared. The large meadow is prime agricultural soil.

The views from the site are to the east and north-east toward the Worcester Range. Regarding aesthetics, Blush Hill Rd. is lower than all the lots. As a result, the houses will not be very visible directly from Blush Hill Rd. The closest houses will be 650' – 700' from Blush Hill Rd.

The proposed time schedule was discussed. The lots will be marketed after they are permitted. After the local zoning permit is issued, the state stormwater permit will be applied for. All utilities will be located underground. The main utilities will be located under the access road.

Rosina Wallace raised the issue of potential contamination of her spring. Dye tests in the past have indicated that runoff from the field adjacent to her land, showed up with dye in her spring. Her spring is located directly behind her house. Charlie Grenier stated that the closest leach field would be at least 1,000' from her spring. One of the wetlands that is located on Lot #6 feeds Ms. Wallace's spring. She is concerned that future wells in this area may negatively impact her spring. Charlie Grenier stated that the future wells will be drilled in rock and they will draw on a different source of water than her spring, that is probably fed by a water source nearer to the ground surface. The issue of future contamination of springs in the area from ground applied pesticides and fertilizer on the lots was raised.

The review criteria in Section 1202 of the Subdivision regulations were discussed. There will be a design review section of the development's covenants. There are no deer wintering yards located on the property being subdivided. There may be deer wintering yards included in part of the adjacent former "Percy" lot to the rear of lot #5.

The issue of the prime agricultural soils on Lot #6 was discussed. The criteria in Section 1202 requiring no undue adverse impact on those soils is addressed by limiting the future development of Lot #6 to no more than two lots or house sites.

Jeff Larkin closed the testimony part of the review at 8:35 p.m.

EXHIBIT LIST:

- Exhibit A Zoning Permit Application # 02-14-T
- Exhibit B Letter from Grenier Engineering, dated 1/6/2014
- Exhibit C Grenier Response to criteria in the Subdivision Regulations
- Exhibit D Overall Site Plan, dated 1/6/2014
- Exhibit E Site Grading Plan, dated 1/6/2014
- Exhibit F Curb Cut Request Letter from Grenier, dated 10/22/2013 & Curb Cut Permit
- Exhibit G Notice to Adjacent Landowners, dated January 9, 2014.

FINDINGS OF FACT:

Description of Project:

The applicant is seeking approval for a 6-lot subdivision located off Blush Hill Road, Waterbury, VT (Tax map #13-003.000)

1. The applicant proposes to subdivide the 93.5 +/- parcel into 6 lots.
2. The existing 93.5 +/- parcel is located off Blush Hill Road and falls within the Medium Density Residential (MDR), Low Density Residential (LDR) and the Conservation (CNS) Zoning District.
3. The following table demonstrates that the proposed lots exceed the respective minimum lot requirements:

	Zoning District	Minimum Lot Size	Proposed Lot Size
Lot 1	MDR	2 acres	6.7 acres
Lot 2	MDR	2 acres	7.3 acres
Lot 3	LDR	5 acres	9.0 acres
Lot 4	LDR	5 acres	9.5 acres
Lot 5	LDR & CONS	5 & 10 acres	32.0 acres
Lot 6	MDR & LDR	2 & 5 acres	29.0 acres

4. Access to the lots off Blush Hill Rd. was approved under Curb Cut Permit #03-13-C. A portion of the private road was already built. The proposed 60' ROW provides future access to the other lots. The 60' ROW extends to the rear of the property to provide future access to the separately deeded 'Percy Lot' to the west.

5. Building zones have been delineated on the site plan and illustrate general building zones with conforming setbacks.
6. Future further subdivision of the lots will be full or mostly restricted. Deed restrictions will be in place to prohibit the further subdivision of Lots #1-#4. Lot #5 will be restricted to the subdivision of two additional lots and Lot #6 will be restricted to the subdivision of one additional lot. The maximum of potential lots will not be able to exceed a total of nine possible lots.
7. "No clearing" zones are identified on Exhibit D, Overall Site Plan, to ensure limited clearing of existing tree cover.
8. The project was referred to the Development Review Board under Section 1202 of Article XII.
9. Subdivision Review Criteria are contained within Section 1202, Article XII.
10. There are prime agricultural soils located on Lot #6. The limited development of two building lots on this parcel addresses the requirement for no undue adverse impact to this significant natural resource.
11. The majority of the deer over-wintering yard is located to the west of the project site and is not impacted by the development.
12. All Class II wetlands on the project site are identified on Exhibit D, the Site Plan and have 50' buffers to protect the resource.

DECISION AND CONDITIONS

CONCLUSION:

Based upon these findings and subject to the conditions set forth below, the Waterbury Development Review Board concludes that application #02-14-T for Blush Hill Trust, for Subdivision in the Medium Density Residential, Low Density Residential, and Conservation Zoning Districts, meets the standards in Section 1202 of the Zoning Regulations and the minimum lots sizes for the zoning districts on the site.

MOTION:

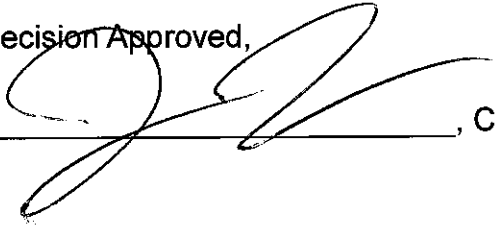
On behalf of the Waterbury Development Review Board, Mike Bard moved and Tom Kinley seconded the motion to approve application Application #02-14-T, Blush Hill Trust for Subdivision Review for a 6-lot subdivision off Blush Hill Road, Waterbury, VT 05676 (Tax Map #13-003.000) with the following conditions:

1. *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 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.*

VOTE:

The motion was approved unanimously.

Decision Approved,


_____, Chair

Date:

2-6-14

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.

THIS DECISION WAS APPROVED ON February 6, 2014.