

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved General Minutes
March 6, 2014**

IN ATTENDANCE

Board Members Present: Jeffrey Larkin, Chair; David Rogers, Martha Staskus, Tom Kinley, Nat Fish, David Frothingham, Mike Bard
Staff Present: Steve Lotspeich, Clare Rock
Public Present: George & Ginger Pierce, Joe Duffy

MEETING MINUTES

- 6:30p.m.** **Continuation of Application #04-14-T**, Felix and Geraldine Callan for Subdivision and a ‘minor’ and ‘major’ Ridgeline, Hillside, Steep Slope Overlay Review for a 4-lot subdivision (including original parcel) and boundary line adjustment at Moose Run Lane, Waterbury Center, VT 05677 (Tax map #10-023.000). See separate Decision.
- 7:45p.m.** **Application #05-14-T**, Andy & Mary Ellen Gordon for a setback Waiver for construction of an accessory structure (garage) at 4462 Waterbury-Stowe Road, Waterbury Center, VT (Tax Map # 09-033.000). See separate Decision.
- 8:15 p.m.** **Board Discussion**, The Development Review Board held an informal discussion with George Pierce regarding zoning regulations and the associated review for private towers and antennas, similar to ham radio antennas, or TV antennas mounted on a tower. The possible tower would be located behind the theater structure near the Ivy Computer offices located at 2933 Waterbury-Stowe Rd. The tower would be used for transmitting a point-to-point internet signal rather than for a telecommunications service. The tower is needed to get the signal over a nearby hill. The DRB members recommended that the tower should be referred to the DRB for site plan review.
- 8:30p.m.** **Application #06-14-T**, George & Virginia Pierce for a ‘major’ Ridgeline, Hillside and Steep Slope Overlay Review for the construction of a single-family dwelling at Lot 5, Bear Creek Lane, Waterbury Center, VT (Tax Map # 14-057.050). See separate Decision.

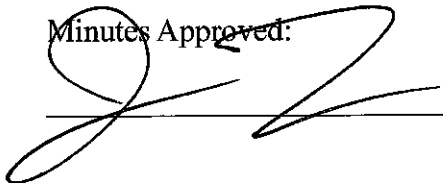
Reviews of previous meeting minutes - The general minutes for the meeting held on February 6, 2014 were reviewed.

MOTION: Nat Fish moved and Mike Bard seconded the motion to approve the general minutes of February 6, 2013

VOTE: The motion passed unanimously.

Jeffrey Larkin adjourned the meeting at 9:55 pm.

Minutes Approved:


_____, Chair

Date: 3-20-14

THESE MINUTES WERE APPROVED ON * March 6, 2014 .*

**TOWN & VILLAGE OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Minutes, Findings, and Decision
Date: March 6, 2014**

Application #04-14-T, Felix and Geraldine Callan, for a ‘minor’ and ‘major’ Ridgeline, Hillside, Steep Slope Review and Subdivision Review for a 4-lot subdivision and boundary line adjustment, located within the Medium Density Residential, Low Density Residential, and Conservation Zoning Districts and within the Ridgeline, Hillside, Steep Slope Overlay District.

Permit Application # 04-14-T
Applicant: Felix and Geraldine Callan
Property Owner: SAME
Tax Map #: 10-023.000
Location of Project: Moose Run, Waterbury Center, VT

IN ATTENDANCE

Board Members Present: Jeff Larkin, Chair; Martha Staskus, Mike Bard, David Rogers, Tom Kinley, Nat Fish, David Frothingham
Staff Present: Steve Lotspeich, Clare Rock
Present: Gunner McCain, Consultant, Ashley & Kurt Kellett Willie Leginowicz, John Campanion, Felix & Gerry Callan, Applicant, Paul Welch, James Abair

INTRODUCTION

Jeffrey Larkin, Chair, opened the review for Felix and Geraldine Callan, Application No. 04-14-T, at 6:32 p.m. Mr. Larkin swore in all those interested in providing testimony.

The applicant seeks to divide a parcel into 4 new lots. Clare Rock, the Zoning Administrator, gave an overview of the application for a ‘minor’ and ‘major’ Ridgeline, Hillside, Steep Slope Review and Subdivision Review for a 4-lot subdivision and boundary line adjustment, located within the Medium Density Residential, Low Density Residential, and Conservation Zoning Districts and within the Ridgeline, Hillside, Steep Slope Overlay District.

EXHIBITS

Exhibit A: Application # 04-14-T
Exhibit B: Letter from McCain Consulting, dated 1/15/2014
Exhibit C: McCain response to RHS Standards

- Exhibit D: McCain response to Conditional Use Standards
- Exhibit E: Revised Site Plan, dated 1/30/2014
- Exhibit F: Previous subdivision approval, ZBA Decision, dated 6/23/2009, Permit #27-09-T
- Exhibit G: Previous approval exhibit, letter from Agency of Ag, re: ag land, dated 3/26/2009
- Exhibit H: Previous approval exhibit, letter from Agency of Natural Resources, re: habitat, dated 4/6/2009
- Exhibit I: Previous approval site plan, dated 3/5/2009
- Exhibit J: Letter from McCain Consulting, re: Wildlife Assessment & additional info, dated 3/5/2014
- Exhibit K: McCain Wildlife Assessment Notes, dated 2/28/2014
- Exhibit L: ANR Atlas Map, dated 3/5/2014
- Exhibit M: ANR Atlas Map, with Ag Soils, dated 3/5/2014
- Exhibit N: Letter to Adjoining landowners, dated 1/31/2014

TESTIMONY

Gunner McCain provided a more detailed description of the proposed subdivision. The 40-acre Welch lot will be primarily for recreation use and is not proposed for further development at this time. Lots A and B are intended as building lots however houses are not proposed as part of this application. The neighbors, Kurt and Ashley Kellett, intend to purchase Lot B and construct a barn with an apartment on the new lot at a future date. Mr. McCain showed the DRB the detailed plan for Lots A & B that shows the proposed septic systems and building envelopes.

The existing logging road that accesses the “Welch” lot is within the 50-ft. buffer for the existing stream. The Vt. Dept of Fish & Wildlife has requested that a 50’ buffer from the stream be established. The Letter from McCain Consulting, re: Wildlife Assessment & additional info, dated 3/5/2014, authored by Kristen Howell, states that there are no mapped deer over-wintering yards in the proximity of the lots being subdivided. Mr. McCain offered to create a right-of-way for the road that would allow it to be re-located out of the 50’ wide buffer for the stream if that is required by the Vt. Dept. of Fish and Wildlife.

Paul Welch testified that he intends to manage the 39-acre “Welch” lot for wildlife and recreation in the near future but may develop it in the future.

There is an active state stormwater permit for the entire property. This permit stipulates that a 98-acre set-aside area is established along the south-eastern highest portion of the property. This set-aside area does not include any area on the Welch lot.

The black bear habitat is shown on Exhibit M. Exhibit H, that is a previous approval exhibit, and is a letter from Agency of Natural Resources, re: habitat, dated 4/6/2009, states that these habitat areas are all above 1,600' in elevation.

FINDINGS OF FACT

Based upon the application, exhibits, testimony and other evidence the Development Review Board makes the following finding:

1. The existing large parcel that is east of Sweet Rd. is approximately 354 acres total and falls entirely within the Ridgeline, Hillside, Steep Slope Overlay District. After the subdivided lots are created, the remaining land east of Sweet Rd. will be approximately 311 acres.
2. The project proposes to create 3 new lots (Lot A, Lot B and the Welsh Lot) and the remaining 311 acres will constitute the 4th lot.
3. The existing large parcel (and the proposed new lots) are located within the Ridgeline, Hillside, Steep Slope Overlay District and are subject to review by the Development Review Board per section 1203 (b) of the Waterbury Zoning Regulations.
4. Proposed Lots A and B will be accessed off Moose Run (a private road) and the 50-ft ROW will straddle the shared boundary between the newly created lots.
5. Proposed Lots A and B fall within the Medium Density Residential Zoning District and meet the minimum lot size requirements for the respective district.
6. No building zones are depicted on the proposed lots A and B and no structures are proposed under this approval and zoning permit.
7. The creation of proposed Lots A and B are subject to subdivision review under Section 1202 (c) of the Waterbury Zoning Regulations.
8. Lots A and B also fall within the Ridgeline, Hillside, Steep Slope (RHS) Overlay District and are subject to review under the 'minor' Standards of Review as outlined within Section 1004 of the Waterbury Zoning Regulations.
9. The proposed 39-acre Welsh Lot, was originally described as a 50-acre lot. The lot falls within the Conservation Zoning District where the minimum lot size requirement is 10-acres. No building zones are identified and no structures are proposed for this lot at this time.
10. The proposed "Welsh" Lot will be accessed off Sweet Road by crossing the remaining lands and utilizing an existing logging road to the southwest of Moose Run. A minimum 50 ft ROW will ensure legal access to the Welsh Lot.
11. If the logging road is to be used for vehicular access to the property a stream crossing, such as a culvert or bridge will be necessary. No stream crossing structures are proposed at this time.
12. The proposed "Welsh" Lot is subject to review under Section 1202 (c) of the Waterbury Zoning Regulations.

13. The proposed “Welsh” Lot also falls within the Ridgeline, Hillside, Steep Slope (RHS) Overlay District and are subject to review under the ‘major’ Standards of Review as outlined within Section 1004 of the Waterbury Zoning Regulations.
14. No clearing or structures are proposed for the “Welsh” Lot.
15. The Wildlife Assessment Notes (exhibit K) state that there are no mapped deer over-wintering yards and the land doesn’t ‘constitute a critical habitat’.
16. The ANR Atlas map, exhibit M, indicates no prime or statewide agricultural land.
17. The project also includes a boundary line adjustment which does not require DRB review. The boundary line adjustment is located on the easterly side of Lot B that is being created under this application

DECISION AND CONDITIONS

CONCLUSION:

Based upon these findings and subject to the conditions set forth below, the Waterbury Development Review Board concludes that application #04-14-T, Felix and Geraldine Callan for Subdivision and a ‘minor’ and ‘major’ Ridgeline, Hillside, Steep Slope Overlay Review for a 4-lot subdivision (including original parcel), and boundary line adjustment at Moose Run Lane, Waterbury Center, VT 05677 (Tax map #10-023.000), meets the Standards in Sections 1202(c) and 1004.

MOTION:

On behalf of the Waterbury Development Review Board, David Rogers moved and Tom Kinley seconded the motion to approve Application #04-14-T, Felix and Geraldine Callan for Subdivision and a ‘minor’ and ‘major’ Ridgeline, Hillside, Steep Slope Overlay Review for a 4-lot subdivision (including original parcel) and boundary line adjustment at Moose Run Lane, Waterbury Center, VT 05677 (Tax map #10-023.000), 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. The right-of-way for the road accessing the 39-acre Welch lot from Sweet Rd. shall have a width that is adequate to allow the existing road to be re-located out of the 50’ wide buffer for the stream, if that is required by the Vt. Dept. of Fish and Wildlife.
3. 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.

VOTE: The motion passed unanimously.

Decision Approved:



, Chair

Date: 3-20-14

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 * 3-20-14 .*

**TOWN & VILLAGE OF WATERBURY
DEVELOPMENT REVIEW BOARD**

Approved Minutes, Findings and Decision

Date: March 6, 2014

Application #05-14-T, Andy & Mary Ellen Gordon for a setback Waiver for construction of an accessory structure (garage) at 4462 Waterbury-Stowe Road, Waterbury Center, VT (Tax Map # 09-033.000)

Permit Application #:	05-14-T
Applicant:	Andy Gordon
Property Owner:	Andy & Mary Gordon
Tax Map #:	09-033.000
Location of Project:	4462 Waterbury-Stowe Road, Waterbury Center, VT

IN ATTENDANCE

Board Members Present: Jeff Larkin, Chair; Martha Staskus, Mike Bard, David Rogers, Tom Kinley, Nat Fish, David Frothingham
Staff Present: Steve Lotspeich, Clare Rock,
Present: Andy & Mary Ellen Gordon

INTRODUCTION

Jeffrey Larkin, Chair, opened the review for at 7:45 p.m. Mr. Larkin swore in all those interested in providing testimony.

Clare Rock, the Zoning Administrator gave an overview of the application for a setback Waiver for the construction of a residential accessory structure (garage) located within the RT 100 Zoning District.

EXHIBITS

Exhibit A:	Application # 05-14-T
Exhibit B:	Site Plan
Exhibit C:	Notice of Public Hearing, dated January 6, 2014
Exhibit D:	Letter to Adjoining landowners, dated February 18, 2014
Exhibit E:	ANR Atlas map of property

TESTIMONY

The front of the garage will be 42' from the center of Route 100 and 22' from the edge of the right-of-way for Route 100. The garage is located across from the existing turnaround for the driveway. There is a hill and a blueberry patch between the proposed site for the garage and the existing house that limits where the garage can be located. The garage will have a 12' x 24' third stall for a tractor. The adjacent house is very close to Route 100. The proposed garage will be farther back from Route 100 than the neighbor's house. There is an existing shed that will be removed for the construction of the garage.

FINDINGS OF FACT

Based upon the application, exhibits, testimony and other evidence the Development Review Board makes the following finding:

1. The 0.5 acre property is a pre-existing non-conforming small lot located within the RT 100 Zoning District where the minimum lot size requirement is 2 acres for a residential lot.
2. The districts' setback requirements are: Front 100', Sides 50', Rear 50'
3. The applicant is seeking a Waiver from the Front and Side setback requirements as the garage proposes the following setbacks: Front 22', Side (south) 10'
4. The proposed garage will meet/exceed the other side (north) setback requirement and the rear setback requirement.
5. The setback Waiver request is: Front setback waiver of 78' and a side setback waiver of 40'
6. A setback Waiver may be granted by the DRB as per Section 309 of the Waterbury Zoning Regulations.

DECISION AND CONDITIONS

CONCLUSION

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #05-14-T, Andy & Mary Ellen Gordon for a setback Waiver for construction of an accessory structure (garage) at 4462 Waterbury-Stowe Road, Waterbury Center, VT (Tax Map # 09-033.000, within the front and side setbacks, meets the standards of review in Section 309 of the Waterbury Zoning Regulations.

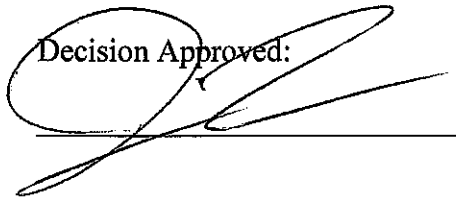
MOTION

On behalf of the Waterbury Development Review Board, Mike Bard moved and David Rogers seconded the motion to approve application #05-14-T, Andy & Mary Ellen Gordon for a setback Waiver for construction of an accessory structure (garage) at 4462 Waterbury-Stowe Road,

Waterbury Center, VT (Tax Map # 09-033.000) to build a garage with a front setback waiver of 78' and a side setback waiver of 40', 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. That all exterior lighting shall be downcast and shielded.

VOTE: The motion passed unanimously.

Decision Approved:  _____, Chair Date: 3-20-14

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 * March 20, 2014 .*

**TOWN & VILLAGE OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Minutes, Findings & Decision
Date: March 6, 2014**

Application #06-14-T, George & Virginia Pierce for a 'major' Ridgeline, Hillside and Steep Slope Overlay Review for the construction of a single-family dwelling at Lot 5 Bear Creek Lane, Waterbury Center, VT (Tax Map # 14-057.050)

Permit Application #: 06-14-T
Applicant: George & Virginia Pierce
Property Owner: SAME
Tax Map #: 14-057.050
Location of Project: Lot 5 Bear Creek Lane, Waterbury Center, VT

IN ATTENDANCE

Board Members Present: Jeff Larkin, Chair; Martha Staskus, Mike Bard, David Rogers, Tom Kinley, Nat Fish, David Frothingham
Staff Present: Steve Lotspeich, Clare Rock
Present: George & Ginger Pierce, David Lachtrupp, Joe Duffy

INTRODUCTION

Jeffrey Larkin, Chair, opened the review for, at 8:30 p.m. Mr. Larkin swore in all those interested in providing testimony. The applicant seeks to build a single-family dwelling within the Ridgeline, Hillside Steep Slope Overlay District. The lot was approved under subdivision application #81-09-T (Ripley Springs LLC).

Clare Rock gave an overview of the project that is to construct a single-family house on a lot that was previously approved as part of a Planned Unit Development. This is a Major Development because the house will be located above 1,500' in elevation.

EXHIBITS

Exhibit A: Application # 06-14-T
Exhibit B: Permit Supporting Documents Outline
Exhibit C: Lot Survey
Exhibit D: Full Lot w/ 2' topos

- Exhibit E: Building Zone
- Exhibit F: View Direction Indicators
- Exhibit G: Existing Trees
- Exhibit H: Remaining Trees
- Exhibit I: Silt Fence
- Exhibit J: Finished Topos
- Exhibit K: Visibility Study
- Exhibit L: Exterior Lighting
- Exhibit M: Floor plans
- Exhibit N: Exterior model
- Exhibit O: State Waster Water Permit
- Exhibit P: Prior Subdivision Approval, ZBA Decision, 9/25/2007, Permit # 49-07-T
- Exhibit Q: Natural Resource Assessment and Evaluation, from Permit # 49-07-T
- Exhibit R: Letter to Adjoining landowners, dated 2/12/2014
- Exhibit S: Development and Design Covenants, from Permit # 49-07-T
- Exhibit T: Well Protection Zone
- Exhibit U: ANR Atlas map of property

TESTIMONY

George Pierce testified that the house will have low sloping roofs to help it blend in with the wooded character of the site. It was noted that the state Wastewater System and Potable Water Supply Permit that is on file is not consistent with the current size of Lot 5. The issue of stormwater runoff and the impact on the downstream property was discussed. The previously approved stormwater plans for the road were reviewed. The proposed stormwater ponds will primarily serve the road. Concern was raised that the upper pond may not have been constructed. The revised plans for the stormwater management need to be obtained as well as evidence that the site is in compliance with the state stormwater permit.

The review criteria in Section 1004, RHS Standards of Review were discussed. The trees to be removed that are in the building zone where the house will be located were reviewed. The view corridors have been created to open the views to Camel's Hump and the Waterbury reservoir and won't be changed. The trees where the house will be constructed will be removed as noted on Exhibits E through K.

The Google aerial photo and cross-sections were reviewed. The site is mainly visible from Tanglewoods Restaurant. You can also see a portion of the site from behind the Maple St. Fire Station, however the site is not visible from the lower end of Loomis Hill Rd. Exterior lighting was discussed. The applicants want to have small downcast lights along the driveway that will

be on the approach side of the house. All of the fixtures will be recessed and downcast. There will be a narrow drive through the woods to the lower level at the rear of the house.

The Wildlife Study identifies the travel corridor that is to the north of the site.

The building design was discussed. The look of the house is a sawtooth to break up the façade and the runs of glass. There are also three foot overhangs. The roofing will be dark metal. Stone will also be used in the facades to help the house blend in.

FINDINGS OF FACT

Based upon the application, exhibits, testimony and other evidence the Development Review Board makes the following finding:

1. The property is located within the Conservation Zoning District and the lot was approved as part of a planned unit development under application #78-09-T. Under a PUD lots maybe smaller than the District's minimum lot size.
2. The Property also falls within the Ridgeline, Hillside, Steep Slope Overlay District and is considered a 'Major Development' as the elevation of the house is above 1,500 feet.
3. The single-family dwelling is proposed to be built and is within the previously approved building zone.
4. The project proposes to remove a limited amount of trees in the vicinity of the proposed building footprint and driveway as shown on Exhibit G.
5. The primary driveway (proposed to be approx. 250' in length) provides vehicular access from Bear Creek Lane to the garage, and a secondary narrow driveway is proposed access to the rear of the building.
6. A class 3 wetland and rock outcroppings will not be disturbed in the construction of the structure.
7. The wildlife assessment study (Exhibit Q) indicates that lot 5 is not within a wildlife travel corridor.
8. The proposed structure will not exceed the height of the adjacent tree canopy as illustrated within Exhibit K and will not break the skyline.
9. Exterior lighting will be downcast as depicted on Exhibit L with the exception of a light post which is proposed for the driveway side of the building. This light will not be visible from the downslope side of the building.
10. The Subdivision's Covenants were designed to protect the views of hillsides in Waterbury and conform to the standards within the RHS bylaw.
11. The proposal is subject to the 'major' RHS Standards as per section 1004 of the Waterbury Zoning Regulations.
12. Erosion and sediment control for the site shall be installed per the State of Vermont Low-Risk Site Handbook for Erosion Prevention and Sediment Control.

DECISION AND CONDITIONS

CONCLUSION

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Application #06-14-T, George & Virginia Pierce for the construction of a single-family dwelling at Lot 5 Bear Creek Lane, Waterbury Center, a single-family dwelling in the Conservation District and the Ridgeline, Hillside, Steep Slope Overlay District, (Tax Map # 14-057.050) constitutes a 'major development' and meets the standards of review in Sections 1303 and 1004.

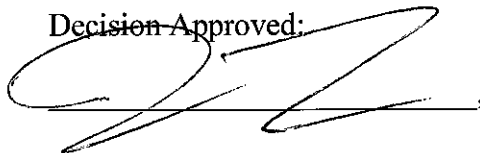
MOTION

On behalf of the Waterbury Development Review Board, David Fotheringham moved and Tom Kinley seconded the motion to approve Application #06-14-T, George & Virginia Pierce, for the construction of a single-family dwelling at Lot 5 Bear Creek Lane, Waterbury Center, in the Conservation Zoning District District and the Ridgeline, Hillside, Steep Slope Overlay District, (Tax Map # 14-057.050) 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 shall submit the Designer Statement of Compliance regarding stormwater management, to the Zoning Administrator prior to commencement of construction of the house.
3. All exterior lighting shall be downcast and shielded.

VOTE: The motion passed unanimously.

Decision Approved:



, Chair

Date: 3-20-14

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 * 3-20-14 .*