

**Town & Village of Waterbury  
Development Review Board  
Approved General Meeting Minutes  
Date: May 1, 2014**

**IN ATTENDANCE**

Board Members Present: Jeffrey Larkin, Chair; Martha Staskus, Nat Fish, Tom Kinley, Mike Bard, Jeff Grace  
Staff Present: Steve Lotspeich, Planner & Acting Zoning Administrator; Patti Spence, Secretary

**MEETING MINUTES**

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

**At 6:30 p.m. the following application was heard:**

**Application #06-14-T**, Re-consider Condition #2 regarding stormwater management in the Development Review Board decision dated March 20, 2014, for 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**)

Jeff Grace reclused himself from the hearing on application #06-14-T.

Sworn in: All present

Applicants: George & Ginger Pierce

Interested parties: Paul Reed, David Lachtrupp, Joe Duffy

This application is to review a condition on an approved hearing from March 6, 2014 relative to stormwater management.

**MOTION TO REOPEN THE HEARING**

Tom Kinley moved and Mike Bard seconded the motion to reopen application #06-14-T to reconsider condition #2.

**VOTE:**

The motion passed unanimously.

EXHIBIT V Letter to adjacent landowners, dated April 18, 2014.

Exhibit V to be added to the original hearing file.

New testimony:

1. George Pierce offered that the condition was put on the applicant for the property but the intention and execution of the condition is the responsibility of the developer and the land, Paul Reed.
2. Paul Reed offered that the work under this permit failed to get done. He will take on the responsibility to get it done. He will work with the applicant to get the inspection reports current and the permits completed.

A board member asked if a performance bond could be posted. This question was tabled.

Steve Lotspeich presented that the current stormwater permit for the property, from 2007, includes the roadway and clearing for driveways for 2 lots. The general construction permit for the lot has expired. The site is overdue for an inspection report.

The construction for each house on the lot may need a general construction permit.

Zoning permits are not valid until all State permits are in place.

#### **MOTION**

Tom Kinley moved and Nat Fish seconded the motion to have the DRB remove the current condition #2 from the decision made on March 6, 2014 on Application #06-14-T. And, to add a new condition #2 that the applicant shall submit to the Town, by December 31, 2014, the revised Stormwater management plan and the associated State stormwater permit upon issuance by the State for the Bear Creek Lane subdivision including Lot 5.

VOTE: 4 in favor, 1 opposed. The motion passes.

At 7:25 p.m. the following application was heard and can be found under separate minutes.

**Application #11-14-T, Frank W. Whitcomb Construction Corp**, Special Flood Hazard Area Review to build a temporary gravel road on property located on U.S. Route 2 in Waterbury, Vermont, 05676 (Tax Map # 12-040.000). The site is located in the 100-year floodplain, and the road will access the Winooski River to get water for dust control for the re-build of US Route 2.

Hearing minutes for application #11-14-T are separate from these general minutes.

**MOTION TO APPROVE MINUTES**

Tom Kinley moved and Mike Bard seconded to approve the meeting minutes from April 17, 2014.

**VOTE**

Passed unanimously.

Mike Bard moved and Tom Kinley seconded the motion to approve the hearing minutes for App. 11-14-T, heard this same night May 1, 2014, as amended.

**VOTE**

Passed unanimously.

**OTHER BUSINESS**

Mark Friar of the Reservoir Restaurant has an application to reconfigure the kitchen which requires setback approval. It is a permit the Acting ZA could issue.

The meeting was adjourned at 08:45 p.m.

Minutes Approved,  , Chair

Date: 5-15-14

THESE MINUTES WERE APPROVED ON May 15, 2014.

**Town & Village of Waterbury  
Development Review Board  
Approved Minutes & Decision  
Date: May 1, 2014**

Board Members Present: Jeffrey Larkin, Chair; Nat Fish; Tom Kinley; Mike Bard; Martha Staskus; Jeff Grace

Staff Present: Stephen Lotspeich; Patti Spence

Public: EJ Blondin, Frank W. Whitcomb Company; Mike Bailey, Frank W. Whitcomb Company; Penny Carpenter, adjoining landowner; Clement Despault, adjoining landowner

Application for Flood Hazard Area Review for construction of a permanent gravel road located within the Medium Density Residential Zoning District.

Permit Application #:11-14-T

Applicant: Frank W. Whitcomb Constriction Corp.

Property Owner: SAME

Tax Map #12-040.000

Location of Project: U.S. Route 2 (Bolton Rd.)

**INTRODUCTION**

This project is a gravel road that will be located in the 100-year floodplain near the Winooski River. The road will be used by large semi-trailer tank trucks to be filled with water from the Winooski River for dust control for the re-paving of U.S. Route 2 (Bolton Rd.). This site does not have a current, or expired, permit for any commercial use.

**EXHIBITS**

Exhibit A: Application #11-14-T

Exhibit B: Field Access Drive Site Plan dated 4-9-14

Exhibit C: Field Access Permit from the Vermont Agency of Transportation dated 9-11-13

Exhibit D: Notice of Public Hearing, dated April 11, 2014

Exhibit E: Letter to Adjoining landowners, dated April 11, 2014

Exhibit F: Letter from Michael Burke, P.E. dated April 30, 2014

**Applicants & public sworn in:**

EJ Blondin, Frank W. Whitcomb Company

Mike Bailey, Frank W. Whitcomb Company

Penny Carpenter, adjoining landowner

Clement Despault, adjoining landowner

**TESTIMONY:**

1. There will be no more than 20 truck trips per day.
2. The work will be done Monday through Saturday, 6:00 a.m. – 7:00 p.m., no evenings and Sundays with mutual agreement with the abutting landowners.
3. There are no restrictions in the state access permit for work hours.
4. Calcium chloride may be used in advance of the weekend, will come mixed and will not be left at the site.
5. The road will be left after the project is complete. The base elevation will not be raised.
6. The road will be seeded and mulched at th end of the project.
7. The tanker would be parked on the gravel road at night.
8. After the construction period the property needs to be protected from general public access so it is not accessible. They have agreed to put boulders across the access road.

**FINDINGS OF FACT:**

**Project Description**

1. This project is located in the Medium Density Residential Zoning District and must meet the minimum requirements of Article VI, Interim Flood Hazard Area Regulations and Overlay District. The site and proposed permanent gravel road is located in the AE Zone of the Special Flood Hazard Area 100-yr. floodplain. However, the proposed permanent gravel road is located outside of the Regulatory Floodway.
2. The project was referred to the DRB for Flood Hazard Area Review under Article VI. The applicable review standards are in Section 605, Development Standards, including Sub-section 605(2)B) "Be constructed with materials resistant to flood damage", and 605(2)(C) "Be constructed by methods and practices that minimize flood damage."
3. As stated on Exhibit B, Field Access Drive Site Plan, "The proposed development does not involve the construction of a structure. The proposed gravel drive will be installed flush with the existing ground. Soil excavated to construct the gravel drive will be removed from the flood plain and taken off site. The proposed development, constructed in conformance with this plan, will not increase the base flood elevation by more than 0.25 ft." This Exhibit is stamped and signed by Michael Burke, P.E.

**DECISION AND CONDITIONS**

**CONCLUSION:**

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 11-14-T for **Frank W. Whitcomb Construction Corp**, to build a permanent gravel road on their property located on U.S. Route 2 in Waterbury, Vermont, 05676 (Tax Map # 12-040.000) to access the Winooski River to get water for dust control for the re-build of US Route meets the standards of Section 605.

**MOTION:**

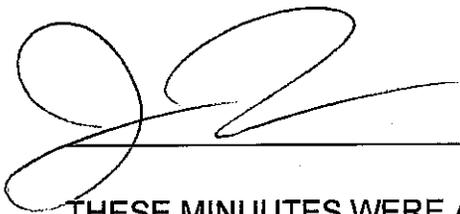
On behalf of the Waterbury Development Review Board, Jeff Grace moved and Tom Kinley seconded the motion to approve application 11-14-T, for **Frank W. Whitcomb Construction Corp**, with the following conditions:

1. The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;
2. Removing water as a permitted use at this location will expire at the end of the construction period, 12/15/14.
3. A mutual agreement with the adjacent landowner, Penny Carpenter, will be made to allow the landowner to contact the Frank Whitcomb Company if the hours and days of the week per this approval are not held to.
4. After the construction period the access area needs to be made inaccessible to limit any vehicle access.

**VOTE:**

Four voted members voted yes and one member voted no and the motion passed.

Decision Approved,



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

Date: May 1, 2014

THESE MINUTES WERE APPROVED ON May 1, 2014.