

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: June 5, 2014**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Dave Rogers; Martha Staskus, Tom Kinley, Jeff Grace, Nat Fish

Staff Present: Steve Lotspeich, Community Planner; Ryan Morrison, 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 #09-14-V, Ayers Family Trust for the construction of two apartments in the accessory building (within the 100-year floodplain) at 18 Elm Street, Waterbury, VT 05676 (Tax Map #19-346.000)

Decision under separate minutes.

7:00 p.m.

Application #18-14-T, Richard Arzillo for a setback waiver for the construction of a barn and mudroom addition to the existing residence at 415 Upland Mowing Road, Waterbury Center, VT 05677 (Tax Map #14-132.600)

Decision under separate minutes.

7:30 p.m.

Application #17-14-T, Kelli Driscoll for a setback waiver for the construction of a deck at 12 Grove Lane, Waterbury Center, VT (Tax Map #14-074.000).

Decision under separate minutes.

REVIEW OF MINUTES AND DECISIONS:

The general meeting minutes for May 15, 2014 were reviewed.

MOTION:

Dave Rogers moved and Tom Kinley seconded to approve the general meeting minutes from May 15, 2014, as amended.

VOTE:

Passed unanimously.

MOTION:

Tom Kinley moved and Nat Fish seconded the motion to approve the hearing minutes and decision for application #17-14-T from June 5, 2014.

VOTE:

Passed unanimously.

 , Chair

Date: 6-26-14

THESE MINUTES WERE APPROVED ON 6-26-14.

Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes Appl. 09-14-V
Date: June 5, 2014

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Dave Rogers; Martha Staskus, Tom Kinley, Jeff Grace, Nat Fish

Staff Present: Steve Lotspeich, Community Planner; Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

Hearing at 6:30 p.m.

Application for a Zoning Permit and an Overlay District Permit to construct two apartments within an existing accessory structure located within both the Village Residential (VR) and Downtown Commercial (DC) Zoning Districts.

Permit Application #: 09-14-V

Applicant: Ayers Family Trust

Property Owner: Same

Tax Map #: 19-346.000

Location of Project: 18 Elm Street, Waterbury, VT

Present and sworn in:

Richard Ayers, Ayers Trust

Jeremy Ayers, Applicant

Anne Imhoff, Village Resident

Maggie Kerrin

INTRODUCTION

The applicant seeks to convert the second floor of an existing accessory structure into two apartments. The property lies within Flood Zone AE and the 100-year floodplain.

EXHIBITS

Exhibit A: Application # 09-14-V

Exhibit B: Sketch Plan/Floor Plan/Building Photos

Exhibit C: ANR Atlas map of property

Exhibit D: Notice of Public Hearing, dated May 15, 2014

Exhibit E: Letter to Adjoining landowners, dated May 12, 2014

Exhibit F: Elevation Certificate

TESTIMONY

1. Parking spaces have been maintained as per the last permit, which was for the studio.
2. Windows will maintain the same historical look as the existing building does.
3. All living space will be on the second floor.
4. The electrical plan is included in the site plan.

FINDINGS OF FACT

1. *The historic property located at 18 Elm Street is 0.6 acres and currently consists of a 3-unit apartment building and 3 accessory structures. The property is in the Waterbury Village Historic District and all of the structures are contributing historic buildings.*
2. *The property is split between the Downtown Commercial District and the Village Residential District.*
3. *The Waterbury Zoning Regulations state:*

Section 400 (c) In the case of lots lying in more than one district, the following shall apply:

- (1) The less restrictive use may extend into the more restrictive portion to a maximum of 30 feet; and*
- (3) The dimensional requirements of any less restrictive district may extend into and be applied in any adjacent district up to a maximum of 50 feet.*
4. *Therefore allowable uses within the Downtown Commercial District may apply to the property.*
5. *The applicant seeks to construct two apartments in the second floor of the existing accessory structure in the northeast corner of the property. This building is located entirely within the Downtown Commercial District.*
6. *Duplexes, as well as multifamily dwellings, are considered a permitted use in the Downtown Commercial District.*
7. *The parking requirements for the existing and proposed uses on the site are as follows:*
 - a. Retail sales/service and similar business is one (1) space for every three hundred (300) square feet of floor area.*
 - b. Wholesale establishments, warehouses, and similar facilities: one (1) space for every person employed at peak times.*
 - c. Dwellings: One and one-half (1.5) spaces for each dwelling unit.*
8. *Based upon the parking regulations, 1-2 spaces are required for the retail space, 2-3 for the craft production aspect (studio units), and 8 for the existing and proposed dwelling units for a total maximum of 13 parking spaces. The site plan identifies 13 parking spaces. Five parking spaces are located within existing garages, and eight parking spaces are located outside.*
9. *The property is located within the Special Flood Hazard Area Overlay District where development is required to be reasonably safe from flooding. The change of use from*

- storage to dwelling units in the second floor does not constitute a substantial improvement under the regulations because the buildings are historic and are exempt.*
- 10. The Applicant states that flood resistant techniques and materials will be utilized for this project which include new flood resistant beams, footings and headings; installing electrical service in the second floor; insulating the second floor with foam; and firmly securing two new outdoor propane tanks. The entry way heater will be raised as will the studio, both on the first floor, probably wall mounted.*
 - 11. Included in the Applicant's submittal is an Elevation Certificate that was done in February, 2014 for the property's primary building.*
 - 12. Excerpts from Special Flood Hazard Area are listed below:*

*Special Flood Hazard Area
Section 605 Development Standards*

(a) Special Flood Hazard Areas

- (1) All development within the Special Flood Hazard Area shall be:
 - (A) Reasonably safe from flooding; and*
 - (C) All fuel storage tanks shall meet the requirements set forth in Sections 605(a)(2)(A) through (D) and shall be either elevated or flood-proofed.**
- (2) All substantial improvements and new construction (including fuel storage tanks) within the Special Flood Hazard Area shall meet the following criteria:
 - (A) Be designed, operated, maintained, modified and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;*
 - (B) Be constructed with materials resistant to flood damage;*
 - (C) Be constructed by methods and practices that minimize flood damage;*
 - (D) Be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;**

CONCLUSION

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #09-14-V, Ayers Family Trust, for the construction of 2 apartments above the garage, at 18 Elm Street, Waterbury VT, (tax map #19-346.000), meets the standards of the Special Flood Hazard Area.

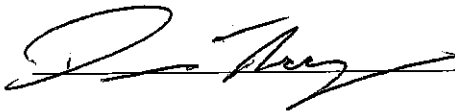
MOTION

On behalf of the Waterbury Development Review Board, Dave Rogers moved and Tom Kinley seconded the motion to approve application #09-14-V, Ayers Family Trust, 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. Any exterior lighting must be downcast and shielded.
3. All the State Flood Hazard area review conditions will be met.

VOTE: Passed unanimously.

Decision Approved,

 Chair

Date: 6-26-14

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 6-26-14.

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes App. #18-14-T
Date: June 5, 2014**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Dave Rogers; Martha Staskus, Tom Kinley, Jeff Grace, Nat Fish

Staff Present: Steve Lotspeich, Community Planner; Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

HEARING at 7:00 p.m.

Application for a setback Waiver for an addition to the existing residence located within the Conservation (CNS) Zoning District.

Permit Application #: 18-14-T

Applicant: Richard Arzillo

Property Owner: Same

Tax Map #: 14-132.600

Location of Project: 415 Upland Mowing Road, Waterbury Center, VT

Present and sworn in:

Paula Deveraux, Applicant

Richard Arzillo, Applicant

INTRODUCTION

The applicant seeks to build a 100 sf mudroom and 480 sf barn addition to the existing residence within the property's front and side setback.

EXHIBITS

Exhibit A: Application # 18-14-T

Exhibit B: Sketch Plan

Exhibit C: ANR Atlas map of property

Exhibit D: Notice of Public Hearing, dated May 15, 2014

Exhibit E: Letter to Adjoining landowners, dated May 20, 2014

Exhibit F: Buiding addition, design and elevations, dated April 15, 2014

TESTIMONY:

1. The setbacks can't be met to the east because of the drainage area to the east and the well is there and it is forested, which would increase the cost.
2. The existing buffer between the neighbors will not be touched. No trees will be cut.
3. The applicants stated that the design was kept small to stick with the proportions/dimensions of the existing home.

PROJECT DESCRIPTION

1. *The 6.12 acre property is located within the CNS Zoning District where the minimum lot size requirement is 10 acres for a residential lot. The property is considered a pre-existing small lot.*
2. *The district's setback requirements are: Front 100', Sides 100', Rear 100'*
3. *The applicant is seeking a Waiver from the front and side setback requirements, and proposes the following setbacks: Front (south) 95' and Side (west) 75'*
4. *The proposed addition will meet/exceed the side (east) and rear (north) setback requirements.*
5. *The setback Waiver request is: Front (south) setback waiver of 5'; and Side (west) setback waiver of 25'.*
6. *A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.*

CONCLUSION

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #18-14-T, Richard Arzillo, for a setback waiver for the construction of a barn and mudroom added to the existing residence at 415 Upland Mowing Rd., Waterbury, VT, (tax map #14-132.600), meets the conditional use criteria and section 309 of the Waterbury Zoning Regulations.

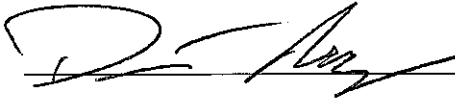
MOTION

On behalf of the Waterbury Development Review Board, Tom Kinley moved and Nat Fish seconded the motion to approve application #18-14-T, Richard Arzillo, 415 Upland Mowing Road, for a setback waiver, a 25 foot side setback waiver and a 5 foot front setback waiver for the project, 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. Any exterior lighting must be downcast and shielded.

VOTE: Passed unanimously.

Decision Approved,

, Chair

Date: 6-26-14

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 6-26-14.

**Town & Village of Waterbury
Development Review Board
Approved Minutes & Decision, App. #17-14-T
Date: June 5, 2014**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Dave Rogers; Martha Staskus, Tom Kinley, Jeff Grace, Nat Fish

Staff Present: Steve Lotspeich, Community Planner; Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

Application for a setback Waiver for the construction of an attached deck located within the Low Density Residential (LDR) Zoning District.

Permit Application #: 17-14-T

Applicant: Kelli Driscoll

Property Owner: Same

Tax Map #: 14-074.000

Location of Project: 12 Grove Lane, Waterbury Center, VT

Present and sworn in:

Jesse and Kelli Driscoll, Owner Applicants

INTRODUCTION

The applicant seeks to build an attached deck (240 sf) within the property's front setback.

EXHIBITS

Exhibit A: Application # 17-14-T

Exhibit B: Sketch Plan

Exhibit C: ANR Atlas map of property

Exhibit D: Notice of Public Hearing, dated May 15, 2014

Exhibit E: Letter to Adjoining landowners, dated May 22, 2014

TESTIMONY:

1. Materials used for the deck will match the color scheme of the existing home.

FINDINGS OF FACT:

1. *The 1.82 acre property is located within the LDR Zoning District where the minimum lot size requirement is 5 acres for a residential lot. The property is considered a pre-existing small lot.*
2. *The district's setback requirements are: Front 70', Sides 75', Rear 75'*
3. *The applicant is seeking a Waiver from the front setback requirement as the deck, while maintaining a greater setback as the existing residence, proposes the following setback: Front (south) 40'*
4. *The proposed deck will meet/exceed the side (east & west) setback requirements, as well rear (north) setback requirements.*
5. *The setback Waiver request is: Front (south) setback waiver of 30'*
6. *A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.*
7. *The deck will not be any closer to the road than the existing home currently is.*

CONCLUSION

Based upon these findings, and subject to the conditions set forth below, the Waterbury Development Review Board concludes that application #17-14-T, Kelli Driscoll, for a setback waiver of 30 feet for the construction of deck at 12 Grove Lane, Waterbury Center, VT (tax map #14-074.000), meets the conditional use criteria and section 309 of the Waterbury Zoning Regulations.

MOTION

On behalf of the Waterbury Development Review Board, Tom Kinley moved and Dave Rogers seconded the motion to approve application #17-14-T, for a setback waiver of 30 feet, 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. Any exterior lighting must be downcast and shielded.

VOTE: Passed unanimously.

Decision Approved,

 , Chair

Date: 6-5-14

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 June 5, 2014.