

**Town & Village of Waterbury  
Development Review Board  
Approved Hearing Minutes**

**Date: July 2, 2014**

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**IN ATTENDANCE:**

Board Members Present: Jeff Larkin, Chair; Nat Fish, David Frothingham, Martha Staskus

Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

Application for a setback Waiver for the construction of a replacement home located within the Low Density Residential (LDR) Zoning District.

Permit Application #: 23-14-T

Applicant: Touchette Builders

Property Owner: David & Christine Hancock

Tax Map #: 14-063.000

Location of Project: 176 Ripley Road, Waterbury Center, VT

Applicants were sworn in:

Christine & David Hancock

**INTRODUCTION**

*The applicant seeks to construct a replacement home within the property's side and rear setbacks.*

**EXHIBITS**

Exhibit A: Application # 23-14-T

Exhibit B: Sketch Plan

Exhibit C: ANR Atlas map of property

Exhibit D: Notice of Public Hearing, dated June 5, 2014

Exhibit E: Letter to Adjoining landowners, dated June 3, 2014

**TESTIMONY:**

1. The existing house is not in compliance with setbacks.
2. It is a pre-existing small lot (under 5 acres).
3. The existing garage and a portion of the existing house will be removed prior to the construction of the new house.
4. The remainder of the existing house will be removed within 3 months of the occupation of the new home.

**FINDINGS OF FACT:**

1. *The 1 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 districts' setback requirements are: Front 70', Sides 75', Rear 75'*
3. *The applicant is seeking a Waiver from the Side and Rear setback requirements as the home proposes the following setback: Side (north) 40', Side (south) 48', Rear (east) 35' based upon the applicants survey done by Glenn Towne. The survey was not presented to the Board.*
4. *The proposed home will meet the front setback requirement.*
5. *The setback Waiver request is: Side (north) setback waiver of 35', Side (south) setback waiver of 27', Rear (east) 40'*
6. *A setback Waiver may be granted by the DRB as per section 303 of the Waterbury Zoning Regulations.*
7. *Excerpts from Conditional Use are listed below.*

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.

(f) The Board may attach any reasonable conditions and safeguards it may deem necessary to implement the purposes of the district in which the use is located and other provisions in this bylaw, including, but not limited to, the following conditions:

#### CONCLUSION:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 23-14-T for a setback waiver for the construction and replacment of a home located at 176 Ripley Road in the LDR district in Waterbury Center meets the standards of Section 303, Site plan Review Conditional Use.


#### MOTION

On behalf of the Waterbury Development Review Board, David Frothingham moved and Nat Fish seconded the motion to approve application #23-14-T 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. The existing residence will be demolished within 3 months of the occupation of the new residence.

VOTE: Passed unanimously.

Decision Approved,

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

Date: 7-2-14

**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 July 2, 2014.