

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: September 17, 2014**

IN ATTENDANCE:

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

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

6:30 p.m. Meeting convenes on the second floor of the Main Street Fire Station located at 43 S. Main St. (enter at rear of building)

6:30 p.m. **Application #40-14-T, Paul Reed** for a Zoning Permit, Subdivision Permit and Ridgeline, Hillside, Steep Slope Overlay District Permit to subdivide a 133 acre property into two lots off of Bear Creek Road, Waterbury Center, VT 05677 (Tax Map #14-057.000)

Approved and recorded under separate meeting minutes.

7:15 p.m. **Application #42-14-T, Joseph & Judith Duffy**, for a Zoning Permit, Subdivision Permit, Conditional Use Permit and Ridgeline, Hillside, Steep Slope Overlay District Permit to subdivide a 34.5+ acre property into three lots; and to conduct pre-development site preparation on one of the new lots for a future residence, off of Wood Farm Road, Waterbury Center, VT 05677 (Tax Map #14-084.000)

Approved and recorded under separate meeting minutes.

8:00 p.m. **Application 25-14-V, Robert L. Provost**, for a setback waiver for a new mobile home and to modify the "finished grade elevations" for the overall property, previously approved under Application #11-12-V, at Whalley Mobile Home Park, 26 O'Hear Court, Waterbury, VT 05676 (Tax Map #19-237.000)

Approved and recorded under separate meeting minutes.

8:45 p.m. **Continuation of Application #19-14-V, Chesbrough Properties/Thomas Anderson** for a Zoning Permit and Special Flood Hazard Area Overlay District Permit to construct a new single family dwelling within the Special Flood Hazard Area at 41 Perry Hill Road, Waterbury, VT 05676 (Tax Map #13-294.400)

Approved and recorded under separate meeting minutes.

Meeting Minutes:

Tom Kinley moved and Dave Rogers seconded the motion to approve the meeting minutes of 09/03/14, including the hearing minutes from that date, as amended.

VOTE: Passed unanimously.

Adjourned: 9:30 pm

 _____, Chair

Date: 10.1.14

THESE MINUTES WERE APPROVED ON October 1, 2014

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Minutes & Decision #40-14-T
September 17, 2014**

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

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

HEARING MINUTES:

Application for a 2-lot Subdivision in the Conservation Zoning District and Ridgeline, Hillside, Steep Slope Overlay District.

Permit Application #:	40-14-T
Applicant:	Paul Reed
Landowner:	Louise Reed Living Trust
Location of Project:	Off Bear Creek Lane, Waterbury Center, VT

Present and sworn in:
Paul Reed, Applicant
Andres Torizzo, Watershed Consultant

EXHIBIT LIST:

Exhibit A	Zoning Permit Application # 40-14-T
Exhibit B	Subdivision Plan, dated 12/21/06
Exhibit C	ANR Atlas maps of property
Exhibit D	Waterbury GIS Map of property
Exhibit E	Notice of Public Hearing, dated 8/26/14
Exhibit F	Notice to Adjacent Landowners, dated 9/2/14

Testimony:

1. This is the last step on this project to complete the original intent.
2. There is an amended stormwater permit that has been submitted with changes to the original permit application.
3. If this permit is received prior to 11/15/14 they will put in two stormwater ponds, otherwise they will be put in in the Spring of 2015.

Findings of Fact:

The applicant is seeking approval for a 2-lot subdivision of a 134 acre property, located off Bear Creek Lane, Waterbury Center, VT (Tax map # 14-057.000)

1. The existing 134+/- parcel is located off Bear Creek Lane and falls within the Conservation Zoning District and the Ridgeline, Hillside, Steep Slope Overlay Zoning District.
2. The applicant proposes to subdivide Bear Creek Lane Lot 8 (134+/- acres) into 2 lots. Revised Lot 8 will be 81.6 acres in size and new Lot 9 will be 52.3 acres in size.
3. The Conservation Zoning District has a minimum lot size requirement of 10 acres. Both lots will conform to the minimum lot size requirement.
4. The property lies entirely within the Ridgeline, Hillside, Steep Slope Overlay District. The entire property has an elevation of 1,500 feet and above, with the exception of one small section in the western portion of proposed Lot 9, which has elevations as low as ~1,410 feet in elevation (near Bear Creek Lane).
5. The subdivision map shows 3 wetland areas and several streams/ravines throughout future Lots 8 &9.
6. Development at or above 1,500 feet in elevation is considered "major" development.
7. "Development" is defined in the Waterbury Zoning Regulations as "*The division of a parcel into two or more parcels...*" The applicant is simply applying to subdivide the property, and nothing more.
8. Subdivisions in the Ridgeline, Hillside, Steep Slope Overlay Zoning District are subject to review by the Development Review Board.
9. Below are excerpts of the Subdivision Review Criteria, RHS Review Criteria for 'major' projects:

ARTICLE XII SUBDIVISIONS
Section 1202 Review Criteria

*(c) Any division of land in the Ridgeline/Hillside/Steep Slope (RHS) Overlay District shall conform to the following criteria in addition to the relevant criteria in Section 401, Dimensional Requirements, and Section 504, General Dimension, Location, and Height Requirements:
The standards set forth for development in Article X.*

ARTICLE X RIDGELINES, HILLSIDES, STEEP SLOPES
Section 1004 Standards of Review (RHS)

(a) Development of lands identified within the RHS Overlay District shall comply with all other applicable regulations, including conditional use review standards, within this bylaw and with the standards of review set forth in the following subsections.
(c) Major Development: In addition to the review applicable to minor development projects, the Development Review Board shall find that the application for a major development project complies with all of the following standards:

(1) Screening: Forest cover shall be maintained to the greatest extent possible. If there is to be tree-clearing for views from the site, it shall be done so as to create view corridors. The Development Review Board may limit the amount of tree-clearing and require the planting of

additional trees or other vegetation in order to assure adequate screening, and the Board may require the applicant to submit a plan for maintaining and replacing designated trees during or after site development and construction.

(2) Access: Access roads and utility corridors, including the conversion of logging roads to private roads or driveways, shall use or share existing accesses and rights-of-way where feasible, and shall follow existing contours and linear features (e.g., tree lines, stone walls) where possible. In addition, they shall be located to:

- (A) Minimize stream and wetland crossings;*
- (B) Minimize impacts on steep slopes; and*
- (C) Minimize the need for road or driveway corridors of widths greater than 50 feet, with the exception of limited lengths of the road or driveway where wider side slopes are needed to prevent erosion.*

(3) Placement of Structures: Consideration shall be given to the location of proposed or potential structures relative to site conditions, existing vegetation, and the location of fragile features (including but not limited to steep slopes, streams, and identified habitat and natural areas). The clustering of houses and other structures is encouraged to retain larger blocks of forest and fields and to help retain the aesthetic character and wildlife value of the RHS Overlay District. The location of proposed or potential structures may be restricted to ensure that development:

- (A) Is minimally visible, as defined in this bylaw;*
- (B) Is designed so that the height of any structure does not exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure;*
- (C) Is located so that buildings are not placed on existing steep slopes equal to or greater than 25 percent;*
- (D) Is located down-grade of ridgelines and is designed so that the proposed structures shall not break the skyline; and*
- (E) Is located at or near the edge of existing and new clearings and fields or in the interior of existing wooded areas.*

(4) Exterior Lighting: The off-site visual impacts of proposed exterior lighting shall be minimized. All exterior lights shall be shielded and downcast. The use of reflective surfaces and outdoor lighting fixtures more than 15 feet above the ground shall be minimized. Bollard, low-post lighting and low-level, indirect lighting is recommended. Spot or flood lights are prohibited.

(5) Clearcutting and Pre-Development Site Preparation: The proposed clearcutting and all harvesting activities associated with it shall comply with "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont," as published by the Vermont Department of Forests, Parks and Recreation, effective August 15, 1987, (as may be amended from time to time) and all other applicable regulations.

(6) Natural Resources: The proposed development will be designed and maintained so that

there is no undue adverse impact on, or undue fragmentation of, critical wildlife habitat and wildlife travel corridors, unique or fragile resources, or natural and scenic resources.

(7) Building Design: The massing of a single building or group of buildings shall be designed to minimize visual impacts and contribute to, and harmonize with, the scenic quality of the surrounding landscape. Building materials, including windows and roofs should minimize year-round visibility, reflectivity, and night-time light impacts as viewed from off site.

CONCLUSION

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #40-14-T for tax map #114-057.000, for a 2 lot subdivision in the Conservation Zoning District and Ridgeline, Hillside, Steep Slope Overlay District, located off Bear Creek Lane in Waterbury Center, meets the review criteria in Section 1202 Ridgeline, Steep slope and Hillside section 501 and 404 and Article X, Section 1004.

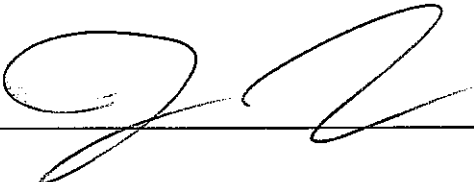
MOTION

On behalf of the Waterbury Development Review Board, David Frothingham moved and Dave Rogers seconded the motion to approve application #40-14-T for a subdivision permit in the Conservation Zoning District and RHS Overlay District, 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 applicant brings copies of the Final Plat to the Zoning Administrator within 150 days so the Development review Board can sign off on the Final Plat and meet the 180-day timeline required by 24 V.S.A., section 4463.
3. No zoning permits for houses will be issued without the necessary stormwater infrastructure to serve the lots and their access has been constructed and is operational.

VOTE: Passed unanimously.

Decision Approved:


_____, Chair

Date: 10.1.14

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 * October 1, 2014 .*

Town & Village of Waterbury
Development Review Board
Approved Minutes & Decision #19-14-V
Date: September 17, 2014

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Dave Rogers, Nat Fish, Martha Staskus, Tom Kinley, David Frothingham, Jeff Grace
Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

HEARING MINUTES

Application for a Zoning Permit and a Special Flood Hazard Area Overlay District Permit to construct a new single family dwelling located within Village Residential (VR) Zoning District.

Permit Application #: 19-14-V

Applicant: Chesbrough Properties, LLC

Property Owner: W. Thomas Anderson

Tax Map #: 13-294.400

Location of Project: 41 Perry Hill Road, Waterbury, VT

INTRODUCTION

The applicant seeks to construct a new single family dwelling on a property that lies within the SFHA Overlay District and 100-year floodplain.

PRESENT AND SWORN IN:

Bill Chesbrough, Applicant

Tom Anderson, Landowner

Adam Kornuth, Tenant (9/3)

Adjacent Property Owners:

Marvin Patnoe (9/3 & 9/17)

Duane Alberico (9/3 & 9/17)

Ann Marie Bove (9/3)

Joe Roskoski (9/3 & 9/17)

EXHIBITS

Exhibit A: Application # 19-14-V

Exhibit B: Site Plan/Elevation Drawings

Exhibit C: ANR Atlas maps of property

Exhibit D: FEMA FIRM Map of the area

Exhibit E: Notice of Public Hearing, dated August 6, 2014

- Exhibit F: Letter to Adjoining landowners, dated July 31, 2014
Exhibit G: Elevation Certificate
Exhibit H: Email from Richard W. Bell, dated July 23, 2014
Exhibit I: Email from Rebecca Pfeiffer, dated August 8, 2014

TESTIMONY:

1. 5 neighbors were present who expressed concern with flooding whenever there is a significant rainfall.
2. The flooding has gone on for +/- 7 years since the nearby brook was "tampered" with and has caused annual flooding since that time.
3. The lot at 41 Perry Hill Rd. has the potential to divert the water and back up to these homeowners.
4. Tree removal on the property was raised as a concern.
5. According to the applicant the grade is not going to change.
6. The landowner is willing to swale the properties properly.
7. The landowner testified that the tenant at 45 Perry Hill Rd. will have rights-of-way across the property at 41 Perry Hill Road.
8. An underground storage tank of 275 gallons for propane will be installed.
9. The builder agreed to work with Mr. Patnoe to create a mowable grass swale across Mr. Patnoe's land to the satisfaction of Mr. Patnoe.

FINDINGS OF FACT:

1. The property located at Perry Hill Road is 0.48 acres and is vacant.
2. The property is greater than the minimum lot size of 10,000 sq ft as required by the Village Residential Zoning District.
3. The Town of Waterbury Zoning Map shows the eastern portion of the property as being within the Special Flood Hazard Area.
4. The Development Review Board is tasked with reviewing applications for new residential structures within the SFHA.
5. FEMA FIRM Map, Panel 226 (Exhibit D), shows that the eastern portion of the property lies within Zone AE of the 100-year floodplain, with a base flood elevation of 503' above sea level.
6. The applicant seeks to construct a new single family dwelling on the property, into the portion of the property that the Town of Waterbury Zoning Map and the FEMA FIRM Map, Panel 226, identifies as a Special Flood Hazard Area and Zone AE of the 100-year floodplain, respectively.
7. The applicant has submitted an Elevation Certificate dated July 23, 2014 (Exhibit G), prepared by Licensed Land Surveyor Richard W. Bell, which shows that the lowest grade

adjacent to the future home is 506' above sea level, which is 3 feet above the base flood elevation of 503' above sea level.

8. In an email dated July 23, 2014 (Exhibit H), Richard W. Bell states "This property is not in the flood zone. By elevation the whole property is above the BFE by 2 feet."
9. Rebecca Pfeiffer with the State of Vermont Watershed Management Division provided an email dated August 8, 2014, in response to the application (Exhibit I). Ms. Pfeiffer recommends that the Development Review Board should confirm the following points:
 - That the proposed building will be built on a slab-on-grade foundation to ensure that there will be no basement with a floor that may be below the 507' elevation indicated on the site plan;
 - Confirm the final proposed contours for site grading or excavation;
 - Confirm the date, surveyor and vertical elevation datum for the submitted site survey if it is not provided on the full site plan.
10. The ANR Atlas Map also shows prime agricultural soils across the eastern half of the property. It should be noted that each adjacent lot is similar in size, and have been developed residentially.
11. 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;
- (4) All new construction and substantial improvements of residential structures within Zones A1-30, and AE must have the lowest floor of all residential structures (including basement) elevated to at least one foot above the base flood level. All manufactured homes to be placed within Zones A1-30, A, and AE shall be installed using methods and practices which minimize flood

damage. For purposes of this requirement, manufactured homes must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above base flood elevation, and they must be anchored to an adequately anchored foundation to resist flotation collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(6) Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.

CONCLUSION:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 19-14-V, tax map #13-294,400 for a Zoning Permit and a Special Flood Hazard Area Overlay District Permit to construct a new single family dwelling located within Village Residential (VR) Zoning District meets the Special Flood Hazard Area standards of Section 605.

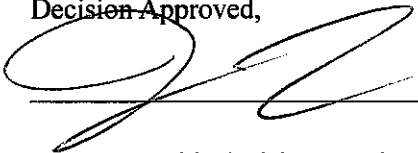
MOTION:

On behalf of the Waterbury Development Review Board Dave Rogers moved and David Frothingham seconded the motion to approve application #19-14-V 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. A mowable grass swale will be constructed from the applicant's property through Mr. Patnoe's property, 172 Lincoln Street, to the agreement of both parties.
4. On the applicant's property, the ditch will be cleaned out on the land that fronts Perry Hill Rd.

VOTE: Passed unanimously.

Decision Approved,

 , Chair

Date: 10.1.14

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 *October 1, 2014*

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes #25-14-V
Date: September 17, 2014**

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

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

HEARING MINUTES:

Application for a setback waiver for a new mobile home and to modify the “finished grade elevations” for the overall property on a property located within the Village Residential (VR) Zoning District and the Special Flood Hazard Area Overlay District.

Permit Application #: 25-14-V

Applicant: Robert L. Provost

Property Owner: Main Street Cottages, LLC

Tax Map #: 19-237.000

Location of Project: 26 O’Hear Court, Waterbury, VT

Present and sworn in:

Bob Provost, Applicant

Anthony Stout, Planner for applicant

INTRODUCTION

The applicant received Development Review Board approval in 2012 to rebuild Whalley Mobile Home Park. Infrastructure installment is currently underway. The applicant now seeks a setback waiver to accommodate the relocation of one home within the required building setback. The applicant also seeks to modify the “finished grade elevations” for the overall property. The property lies within Flood Zone AE and the 100-year floodplain.

EXHIBITS

Exhibit A: Application # 25-14-V

Exhibit B: Site Plan

Exhibit C: ANR Atlas map of property

Exhibit D: Letter from Chenette Associates, P.C. dated August 13, 2014

Exhibit E: Notice of Public Hearing, dated August 26, 2014

Exhibit F: Letter to Adjoining landowners, dated September 8, 2014

TESTIMONY:

1. There will be a 3.4% loss of stormwater storage within the lot.
2. A manhole changed by the Village affected the placement of one of the units.
3. Propane tanks were originally approved as 2 or 3 UST's. The new proposal is for 100 gallon tanks installed on each unit. They will be installed according to FEMA regulations.
4. Parking - 2 additional parking spaces were requested and will be located where the original propane tank was proposed.
5. Carport units would be changed to garage units with flood vents.

FINDINGS OF FACT

1. The property, located at 26 O'Hear Court, is 0.71 acres in size and was the site of an 11 unit mobile home park that was destroyed by the flood associated with Tropical Storm Irene.
2. On June 28, 2012, the Development Review Board approved an application (Application #11-12-V) for the Whalley Mobile Home Park to be reconstructed.
3. The property lies within the Village Residential Zoning District, where the minimum lot size requirement is 20,000 sq ft for uses other than single and duplex residential uses. The property conforms with the minimum lot size requirements of the VR Zoning District.
4. The reconstruction project has been underway for the last several months. During construction, a sewer line had to be relocated, which infringed upon Unit 9's building footprint.
5. The applicant is now seeking a Waiver from the 30' minimum rear setback requirement (west) to 24' to accommodate Unit 9's relocated position.
6. Unit 9 will comply with side/front setback requirements (north, south, east)
7. The setback waiver request is for a 6' reduction to the 30' rear setback requirement (west).
8. A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.
9. The property also lies within the Special Flood Hazard Area Overlay District and the 100-year floodplain. The FEMA FIRM Map (Panel 209), identifies the site as being within flood zone AE, with a base flood elevation of 423'.
10. As part of the reconstruction project, the applicant has imported fill to the site to raise the elevation of the mobile home units. As a result, the applicant proposes to modify the "finished grade elevations" that were approved in 2012 as part of Application 11-12-V.
11. The site plan (Exhibit B), shows the previously approved site elevations, and the new elevations. Specifically, these are shown on the site plan with the previous elevations noted right above the new elevations.
12. A letter from Bernard Chenette, with Chenette Associates, P.C., dated August 13, 2014, has been submitted (Exhibit D). Mr. Chenette notes that the base flood elevation of 423'

here is caused by backwater from the Winooski River, and that without the backwater conditions, the base flood elevation for Thatcher Brook alone would range from 416' to 419' with a designated floodway.

13. For this project, the first floor of the residential structures will be at an elevation of 424.2 feet, 1.2 feet above the base flood elevation.
14. Mr. Chenette also notes that as a result of the imported fill, the average site elevation has been raised by an average of 3½ inches, which reduced the floodplain storage within the site by 3.4 percent.
15. Mr. Chenette concludes that this project will comply with the elevation requirements of the Waterbury Zoning Ordinance.
16. Excerpts from Conditional Uses and Special Flood Hazard Area are listed below:

Conditional Uses

Section 303

(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.

(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:

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;

(3) In Zones AE, A, and A1 – A30 where base flood elevations and/or floodway limits have not been determined, new construction and substantial improvement shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

(4) All new construction and substantial improvements of residential structures within Zones A1-30, and AE must have the lowest floor of all residential structures (including basement) elevated to at least one foot above the base flood level. All manufactured homes to be placed within Zones A1-30, A, and AE shall be installed using methods and practices which minimize flood damage. For purposes of this requirement, manufactured homes must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above base flood elevation, and they must be anchored to an adequately anchored foundation to

resist flotation collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

CONCLUSION

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #25-14-V for tax map #19.237.000, for a 6' setback reduction, to the 30' requirement, waiver for a new mobile home and to modify the finished grade elevations for the overall property at 26 O'Hear Court, Waterbury, VT, meets the standards in Section 303 and Section 605 Special Flood Hazard area.

MOTION

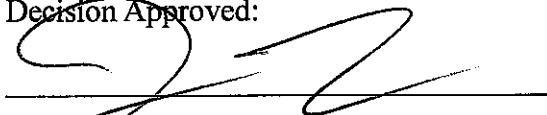
On behalf of the Waterbury Development Review Board Dave Rogers moved and David Frothingham seconded the motion to approve application 25-14-V for a 6' waiver reduction for the front setback for Robert Provost, Main Street Cottages LLC, with the following conditions

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 lights on the interior of the building that are designed or directed so as to increase the amount of light outside of the building require a revision of the site plan.
3. Prior to issuance of the permit drawings of the newly proposed propane tank tie down systems and calculations for the garage door vents and the cut sheet for the vents will be presented to the Zoning Administrator and approved and be compliant with FEMA regulations.

VOTE

The motion was approved unanimously.

Decision Approved:

 , Chair

Date: 10-1-14

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 * October 1, 2014 .*

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Minutes & Decision #42-14-T
September 17 2014**

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

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

HEARING MINUTES:

Application for Subdivision and pre-development site preparation in the Low Density Residential & Conservation Zoning District and Ridgeline, Hillside, Steep Slope Overlay District.

Permit Application #: 42-14-T
Applicant: Joseph & Judith Duffy
Landowner: SAME
Location of Project: Woods Farm Road, Waterbury Center, VT

Present and sworn in:

Judith Duffy, Owner
Chris Austin, Consultant
John Buck, Adjoining Landowner
Roy & Wendy Haupt, Adjoining Landowners

EXHIBIT LIST:

Exhibit A Zoning Permit Application # 42-14-T
Exhibit B Letter from Grenier Engineering, dated 8/22/2014
Exhibit C Site Plan, dated 2/2/2007
Exhibit D ANR Atlas maps of property
Exhibit E Wastewater Permit #WWV-5-3162-2, issued 12/19/13
Exhibit F Notice of Public Hearing, dated 8/26/14
Exhibit G Notice to Adjacent Landowners, dated 9/4/14

Testimony:

1. An adjoining landowner expressed concern about the development of Lot E in consideration of his septic (John Buck, adjoining landowner).
2. Wetland investigation would be required prior to development of these lots.
3. Existing screening of evergreen plantings was discussed. The neighbors would like a stipulation to preserve this vegetative buffer as part of the final plat for this application.
4. Another concern is with the existing sediment pond which is dumping sediment on the neighboring lot owned by Roy & Wendy Haupt. The applicant agreed to take a look at it.

Findings of Fact:

The applicant is seeking approval for a 3-lot subdivision and pre-development site preparation for a future residence on Lot D, located off Woods Farm Road, Waterbury Center, VT (Tax map # 14-084.000)

1. The existing 34.5 +/- parcel is located off Woods Farm Road and falls within the Low Density Residential Zoning District and within the Conservation Zoning District and also partly within the Ridgeline, Hillside, Steep Slope Overlay Zoning District.
2. The applicant proposes to subdivide the 34.5 +/- parcel into 3 lots (Lot E, Lot D and Lot A) All lots will be accessed off Woods Farm Road. Woods Farm Road is a private road constructed within a 50' ROW.
3. Proposed Lot E is located within the Low Density Residential Zoning District where the minimum lot size is 5 acres. Lot E will be 7 acres.
 - a. Proposed Lot E is predominantly open meadow.
4. Proposed Lot D is split between the Low Density Residential Zoning District and the Conservation Zoning District. The minimum lot size for the Conservation District is 10 acres. Lot D will be 10.1 acres.
 - a. As part of this application, a home-site on Lot D will be cleared for a future single family dwelling. The site plan identifies the building zone for this future home-site. The setbacks for the building zone meet or exceed the Districts' 100' setback requirement.
 - b. Lot D also falls within the Ridgeline, Hillside, Steep Slope (RHS) Overlay Zoning District and the elevation exceeds 1,200 feet in elevation.
 - c. Lot D is partially open meadow with the majority wooded. A general 50% cut area is identified on the site plan.
 - d. A seasonal streambed/drainage swale has been identified with a 50' buffer zone. The future driveway will cross this ditch.
5. Proposed Lot A falls predominately within the Conservation District and entirely within the Ridgeline, Hillside, Steep Slope (RHS) Overlay Zoning District.
 - a. Proposed Lot A will be 17.4 acres and is wooded.
 - b. A 450' x 40' 'No Cut Zone' is indicated along the northeast property boundary that Lot A shares with the Haults.
 - c. Three streams cross Lot A, and 50' buffer zones are identified.
6. All land which falls within the Ridgeline, Hillside, Steep Slope Overlay Zoning District does not exceed 1,400 feet in elevation and therefore is consider to be a 'minor' development within the Overlay District.
7. Subdivisions in the Ridgeline, Hillside, Steep Slope Overlay Zoning District are subject to review by the Development Review Board.
8. Development projects in the RHS District are subject to review under the conditional use criteria.
9. Below are excerpts of the Subdivision Review Criteria, RHS Review Criteria for 'minor' projects and Conditional Use criteria:

ARTICLE XII SUBDIVISIONS
Section 1202 Review Criteria

(c) Any division of land in the Ridgeline/Hillside/Steep Slope (RHS) Overlay District shall conform to the following criteria in addition to the relevant criteria in Section 401, Dimensional Requirements, and Section 504, General Dimension, Location, and Height Requirements:

The standards set forth for development in Article X.

ARTICLE X RIDGELINES, HILLSIDES, STEEP SLOPES
Section 1004 Standards of Review (RHS)

(a) Development of lands identified within the RHS Overlay District shall comply with all other applicable regulations, including conditional use review standards, within this bylaw and with the standards of review set forth in the following subsections.

(b) Minor Development: Minor development projects shall be subject to conditional use review, as set forth in Section 303, and all other applicable regulations.

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.

CONCLUSION

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #42-14-T for tax map #14-084.000, for subdivision and pre-development site preparation in the Low Density Residential & Conservation Zoning District and Ridgeline, Hillside, Steep Slope Overlay District at Woods Farm Road in Waterbury Center, VT meets Article XII, Subdivisions, section 1202, Section 401 and 504; and Article X, RHS section 1004 and section 303 conditional uses.

MOTION

On behalf of the Waterbury Development Review Board David Frothingham moved and David Rogers seconded the motion to approve application #42-14-T for Joseph and Judith Duffy 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 applicant brings copies of the Final Plat to the Zoning Administrator within 150 days so the Development review Board can sign off on the Final Plat and meet the 180-day timeline required by 24 V.S.A., section 4463.
3. A 20 foot no-clearing vegetative buffer shall be established upon the common boundary of the subdivision with the Roche and Haupt lots and will be marked on the final plat.

VOTE: Passed unanimously.

Minutes Approved:

 , Chair

Date: 10.1.14

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.

THESE MINUTES WERE APPROVED ON * October 1, 2014 .*