

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: June 3, 2015**

IN ATTENDANCE:

Board Members Present: Dave Rogers, Acting Chair; Tom Kinley, Mike Bard, Nat Fish, Martha Staskus

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

The meeting convened at 6:45 pm.

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 #27-15-T, Clarissa Finks**, for a Zoning Permit and Setback Waiver to construct a shed within required setbacks at 694 Maple Street, Waterbury Center, VT 05677 (Tax Map #09-130.000).

Approved; hearing minutes under separate submission.

6:45 p.m. **Application #15-15-V, Peter Miller**, for a Zoning Permit and Site Plan Review to establish a bed and breakfast within the existing residence at 20 Crossroad, Waterbury, VT 05676 (Tax Map #13-095.000).

Approved; hearing minutes under separate submission.

7:15 p.m. **Application #14-15-V, Wade Hodge & Whitney Aldrich**, for a Zoning Permit and Special Flood Hazard Area Overlay Permit to raise the existing residence at least 2 feet above the base flood elevation and import fill for the crawlspace and exterior grade at 5 Healy Court, Waterbury, VT 05676 (Tax Map #19-455.100). Property lies within the Special Flood Hazard Area.

Approved; hearing minutes under separate submission.

7:45 p.m. **Application #13-15-V, Joe Greene**, for a Zoning Permit and Conditional Use Permit to construct a 58 space parking lot at 59 Railroad Street, Waterbury, VT 05676 (Tax Map #19-384.000).

CONTINUED HEARING:

Tom Kinley moved and Mike Bard seconded the motion to continued Application #13-15-V to June 17, 2015 at 8:30 pm.

VOTE: Passed unanimously.

APPROVAL OF MINUTES:

MOTION:

Tom Kinley moved and Mike Bard seconded the motion to approve the DRB general minutes of May 20, 2015 and the hearing minutes of #10-15-V; #26-15-T, as corrected.

Vote: Passed unanimously.

MOTION:

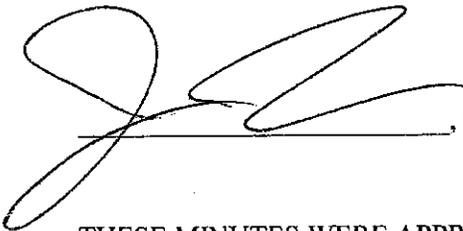
Tom Kinley moved and Mike Bard seconded the motion to approved the hearing minutes of application #24-15-T, with the following amendments of the minutes, eliminate from Exhibit H the words "revision to be submitted" and eliminate condition #4 from the motion.

MOTION:

Tom Kinley moved and Mike Bard seconded the motion to approved the hearing minutes of application #27-15-T, Clarissa Finks.

OTHER BUSINESS

The meeting was adjourned at 8:20 p.m.

 _____, Chair

Date: 6.17.15

THESE MINUTES WERE APPROVED ON 6.17.15

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.

Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes, #27-15-T
Date: June 3, 2015

IN ATTENDANCE:

Board Members Present: Dave Rogers, Acting Chair; Tom Kinley, Mike Bard, Nat Fish, Martha Staskus

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

Application for a setback Waiver to place a new shed on a property located in the Town Mixed Residential (TMR) Zoning District.

Permit Application #: 27-15-T
Applicant: Clarissa Finks
Property Owner: Same
Tax Map #: 09-130.000
Location of Project: 694 Maple Street, Waterbury Center, VT

INTRODUCTION

The applicant seeks to place a new, 120 sq ft shed within the property's side and rear yard setbacks.

PRESENT AND SWORN IN:

Clarissa Finks, Applicant

EXHIBITS

- Exhibit A: Application # 27-15-T, includes Site Plan
- Exhibit B: Email from Clarissa Finks, dated May 5, 2015
- Exhibit C: ANR Atlas maps of property
- Exhibit D: Notice of Public Hearing, dated May 7, 2015
- Exhibit E: Letter to Adjoining landowners, dated May 15, 2015
- Exhibit F: Letter from Lilli Biedermann, dated June 3, 2015

TESTIMONY:

1. The applicant is trying to maintain open space for future plans to expand the residence and construct a replacement garage.
2. The lot is a pre-existing small lot.
3. There are plans to expand the garden on the property.
4. It is the option that is furthest away from the adjacent Biedermann property

5. The siding will match the siding and color of the existing home.
6. There is no electrical power to the unit.

FINDINGS OF FACT:

1. *The 0.18 acre property is located within the TMR Zoning District where the minimum lot size requirement is 1 acre. The lot is considered a legally existing, small lot.*
2. *The property currently has an existing single-family residence, with an attached 16'x20' garage foundation for a garage that was removed in 2014. The site plan in Exhibit A shows that the existing home and attached deck lie within front and rear yard setbacks, and possibly the side yard (south) setback as well.*
3. *The district's setback requirements are: Front 30', Sides 30', Rear 30'*
4. *The applicant is proposing to locate a 10'x12' shed onto the property, within the side yard (north) and rear yard (east) setbacks.*
5. *The applicant is seeking a Waiver from the side and rear yard setback requirements, and proposes the following setbacks: Rear (east) 9', Side (north) 5'*
6. *The shed will meet/exceed the other setback requirements (front and other side).*
7. *The setback Waiver request is: Rear (east) setback waiver of 21', Side (north) setback waiver of 25'.*
8. *The applicant provides additional reasoning as to why she is requesting a setback waiver in Exhibit B.*
9. *A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.*
10. *Below are excerpts from Conditional Use Criteria and Waivers.*

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.

Section 309 Waivers

(a) Notwithstanding the minimum setback standards set forth in Table 5.2, in accordance with 24 V.S.A. § 4414(8), the Development Review Board may grant a waiver of building setbacks as a conditional use reviewed in accordance with Section 303; provided, however, that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties from which the setback waiver is sought.

(b) Any applicant for a setback waiver pursuant to Section 309(a) must notify adjacent land owners by certified mail of the nature of the application and of upcoming Development Review Board public hearing at least ten days prior to such hearing. The applicant must submit copies of certified mail receipts indicating that all adjacent landowners have received notice, and a copy of the notice sent.

Conclusion

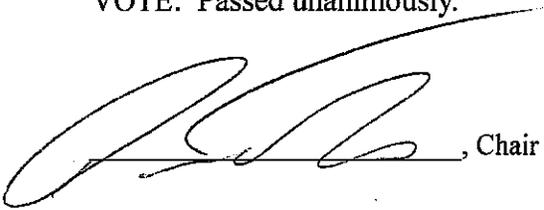
Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 27-15-T for **Clarissa Finks**, for a Zoning Permit and Setback Waiver to construct a 120 foot shed within required setbacks at 694 Maple Street, Waterbury Center, VT 05677 (Tax Map #09-130.000) meets the standards in Section 303, Conditional Units, and Section 309, Waivers.

Motion

On behalf of the Waterbury Development Review Board, Mike Bard moved and Tom Kinley seconded to approve application 27-15-T, granting a 25' rear waiver and 21' side waiver 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. *All exterior lighting will be downcast and shielded.*

VOTE: Passed unanimously.



_____, Chair

Date: 6-3-15

THESE MINUTES WERE APPROVED ON June - 3 - 15

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.

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes, #15-15-V
Date: June 3, 2015**

IN ATTENDANCE:

Board Members Present: Martha Staskus, Acting Chair; Tom Kinley, Mike Bard, Nat Fish
Note: Dave Rogers recused himself.

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

Application #15-15-V, Peter Miller, for a site plan review to convert the first floor of the existing structure from an office/gallery space into a bed and breakfast at 20 Crossroad, Waterbury, VT 05676 (Tax Map # 13-095.000) located within the Village Commercial (VCOM) Zoning District.

Permit Application #15-15-V
Applicant: Peter Miller
Property Owner: Same
Tax Map #13-095.000
Location of Project: 20 Crossroad, Waterbury, VT 05676

PRESENT AND SWORN IN

Peter Miller, Applicant

EXHIBITS

- Exhibit A: Application # 15-15-V
- Exhibit B: Site Plan
- Exhibit C: ANR Atlas Maps of Property
- Exhibit D: Notice of Public Hearing, dated May 7, 2015
- Exhibit E: Letter to Adjoining landowners, dated May 23, 2015

TESTIMONY

1. The site plan shows 7 parking spaces.
2. Some landscaping has been done to the exterior of the lot. It is well screened from every direction.
3. 4 offices spaces are being turned in the "tourist housing" and the use will change from commercial to

FINDINGS OF FACT

1. The existing 0.25 acre property is located at 20 Crossroad and lies within the Village Commercial (VCOM) Zoning District.

2. The property is at the NW corner of the Crossroad and Waterbury-Stowe Road intersection.
3. The property will continue to utilize its existing access off of Crossroad.
4. According to the Town Lister file, the existing structure totals approximately 4,768 sq ft in size (two floors, a garage, a deck and a covered porch). The file also notes that the front commercial area on the first floor totals 800, and is calculated within the overall size.
5. According to the applicant, the front commercial area, as well as some portions of the remaining first floor area, will be dedicated to the B&B use.
6. "Tourist House (B&B) (<= 5 rooms)" is a permitted use within the VCOM Zoning District.
7. Section 414(d)(3) requires: *"Motels, hotels, lodging or boarding houses, hospitals: one [parking] space for every guest room, plus employee parking with one space for every person normally working on premises during any one shift."*
8. Section 414(d)(1) requires: *Dwellings: one and one-half (1.5) spaces for each dwelling unit."*
9. Based on the parking requirements above, the property will be required to have at least 5.5 parking spaces on-site. Based on the parking lot dimensions shown on the site plan (Exhibit B), it appears that six, 9' wide parking spaces can fit on the property. There is also a single car garage attached to the main structure. Based on this, compliance with the parking requirements of Section 414 can be achieved.
10. Further compliance with Section 414 will be required to accommodate parking spaces for any potential employees that do not reside on the premises.
11. The property has extensive landscaping/screening along both Crossroad and Waterbury-Stowe Road frontages.
12. The property is currently served by Waterbury municipal sewer and water. The applicant will have to work with the Village of Waterbury to determine additional water and sewer allocation requirements for the change of use from office/gallery space to the creation of 4 new B&B rooms.
13. The applicant states that a new exterior light will be installed as part of the project, but no new construction will occur.
14. Below are excerpts of the Site Plan Review criteria and Downtown Design Review Overlay District.

Section 301 Site Plan Review and Approval

(f) The Development Review Board will take into consideration the following objectives prior to approval or denial:

(1) Adequacy of traffic access. Considerations shall include:

(A) Traffic flows at the intersection of driveways or access roads with public roads and at other affected streets and intersections.

- (B) Location of driveway entrances and exits so as to have sufficient sight distances.*
- (C) The need for turning lanes, traffic-control devices, or special provisions for emergency vehicles.*

(D) Pedestrian safety and convenience.

(2) Adequacy of circulation and parking. Considerations shall include:

(A) Assurance that the criteria of Section 414 of this bylaw are met.

(B) The need for additional off-street spaces beyond the number required in Section 414.

(C) The adequacy of surfacing and provisions for the runoff and discharge of stormwater.

(D) The provision of appropriate buffer space and landscaping to insulate parking areas from adjoining properties and public streets.

(E) Placement of trees and shrubs around the periphery of parking lots and in the interior so as to break up large parking areas. Large parking lots of 20 or more spaces shall include at least 1 tree for every 8 spaces.

(F) The adequacy of parking, loading, refuse, and service areas.

(G) Provisions for clearing snow for maintaining parking areas.

(3) Adequacy of landscaping and screening. Considerations shall include:

(A) Adequacy of landscaping, screening, and setbacks with regard to achieving maximum compatibility with and protection for adjacent properties and public roads.

(B) Preservation of attractive or functional existing vegetation.

(C) The adequacy of landscaping materials to meet seasonal, soil, and topographical conditions.

(D) Reduction of lighting and glare to the necessary minimum, including provision of appropriate landscaping to reduce the impact of lighting and glare on adjacent properties.

(E) Screening of unloading zones, trash bins, storage, and other service areas.

(F) The need for landscaping buffers, fences, or berms to reduce noise.

(j) Special considerations for uses of property bordering Route 2, Route 100, or Interstate 89:

(1) Buildings shall be screened or located on a lot so as to take advantage of significant existing vegetation and topographic features and to enhance the visual impact of the development from the road.

(2) Parking and loading areas may be required to be located behind buildings or otherwise screened from the road.

(3) Development access roads shall be designed to limit curb cuts in the area. A development will be permitted only one access curb cut, unless the Development Review Board finds that more than one is required for safety or effective traffic flow. The Development Review Board may require that access to properties be limited to secondary, frontage, or common access roads. The Development Review Board may require designation of a portion of a lot as a right-of-way for a frontage or common access road. Where a frontage road or common access road is planned but not yet constructed, temporary access from the main road may be permitted.

Conclusion

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 15-15-V **Peter Miller**, for a Zoning Permit and Site Plan Review to convert the 800 square foot first floor office space to a 4 room

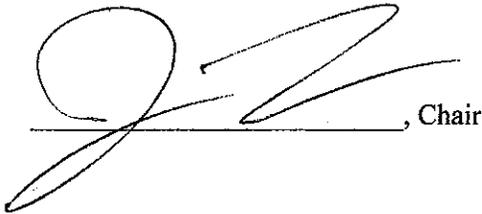
bed and breakfast within the existing residence at 20 Crossroad, Waterbury, VT 05676 (Tax Map #13-095.000), and located within the Village Commercial Zoning District (VCOM), meets the standards in Section 301, Site Plan Review.

Motion

On behalf of the Waterbury Development Review Board, Mike Bard moved and Tom Kinley seconded to approve application 15-15-V 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. *All exterior lighting will be downcast and shielded.*

VOTE: Passed unanimously.



_____, Chair

Date: 6.17.15

THESE MINUTES WERE APPROVED ON 6.17.15

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.*

Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes, #14-15-V
Date: June 3, 2015

IN ATTENDANCE:

Board Members Present: Dave Rogers, Acting Chair; Tom Kinley, Mike Bard, Nat Fish, Martha Staskus

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

Application for a Zoning Permit and a Special Flood Hazard Area (SFHA) Overlay District Permit to raise the existing residence at least 2 feet above the base flood elevation and import fill for the crawlspace and exterior grade on a property within the Village Residential (VR)/Conservation (CNS) Zoning District.

Permit Application #: 14-15-V
Applicant: Wade Hodge & Whitney Aldrich
Property Owner: SAME
Tax Map #: 19-455.100
Location of Project: 5 Healy Court, Waterbury, VT

INTRODUCTION

The applicant seeks to raise the existing residence at least 2 feet above the base flood elevation (BFE) and import fill for the crawlspace and exterior grade on a 1.9 acre property that lies within the SFHA Overlay District.

PRESENT AND SWORN IN

Wade Hodge, Applicant
Whitney Aldrich, Applicant

EXHIBITS

Exhibit A: Application # 14-15-V
Exhibit B: Site Plan, dated October 28, 2011
Exhibit C: Elevation Drawing, dated April 22, 2015
Exhibit D: NFIP Technical Bulletin 1 – August 2008
Exhibit E: NFIP FIRMette of property
Exhibit F: Letter to Rebecca Pfeiffer, Asst. NFIP Coordinator, dated May 7, 2015
Exhibit G: Comments from Rebecca Pfeiffer, dated May 14, 2015

- Exhibit H: ANR Atlas maps of property
Exhibit I: Notice of Public Hearing, dated May 7, 2015
Exhibit J: Letter to Adjoining landowners, dated May 13, 2015
Exhibit K: Grading plan calculation, per email from Grenier Engineering dated June 2, 2015
Exhibit L: Landscape plan, dated May 29, 2015

TESTIMONY

1. The construction material is poured concrete.
2. The landscaping will not block or restrict flood flow to the flood vents.
3. The retaining wall would be of a material that will be flood resistant.

FINDINGS OF FACT

1. *The 1.9 acre property, located at 5 Healy Court, lies within the Village Residential and Conservation Zoning Districts. Both the existing residence and garage are located within the VR Zoning District portion of the property. The remaining portion of the property (approx. 2/3s) is in the CNS Zoning District, and extends to the Winooski River.*
2. *The VR Zoning District requires a minimum lot size of 10,000 sq ft for single-family uses, a maximum height allowance of 35', a maximum lot coverage allowance of 25%, and setbacks of: front 30', side 10', and rear 30'.*
3. *The VR portion of the property, and the existing structures, comply with the above referenced requirements for the VR Zoning District.*
4. *There are no existing structures, nor development proposed, within the CNS portion of the property.*
5. *The property lies within the Special Flood Hazard Area Overlay District, with the front portion of the lot that contains the home and garage lying within the 100-year floodplain, and the remaining area (starting approx. 60' behind the home and extending to the Winooski River) within the floodway (Exhibit H).*
6. *According to the NFIP FIRM map, panel 228 (Exhibit E), the property has a floodplain designation of Zone AE, with a base flood elevation (BFE) of 427' above sea level.*
7. *The project proposes to raise the existing home at least 2 feet above the BFE and import fill for the crawlspace and exterior grade.*
8. *The Development Review Board is tasked with reviewing applications for fill needed to elevate existing structures, and for fill/grading within the SFHA.*
9. *The SFHA regulations, under Article VI of the Waterbury Zoning Regulations, require that all new construction and substantial improvements of residential structures within Zone AE must have the lowest floor elevated to at least one foot above the BFE. According to the elevation drawing (Exhibit C), after the home is raised, the first floor elevation will be at 430.0 above sea level – 3 feet above the BFE.*

10. *The elevation drawing (Exhibit C) shows that fill will be placed in the crawlspace, essentially raising the elevation of the crawlspace as well. Six flood openings in the foundation, as required by the floodplain ordinance, will allow floodwater to pass through the crawlspace.*
11. *The project also proposes importing fill for an elevated exterior grade and landscaping. It is understood that at this time, the specifics of the fill and landscape plan are still being finalized. As a result, the applicants have not yet been able to demonstrate that the overall project will result in a $\leq 0.25'$ rise to the BFE.*
12. *The application notes that the fuel storage tank is underground.*
13. *As required by Section 607(b), on May 7, 2015, notification was sent to Rebecca Pfeiffer, State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources. (Exhibit F)*
14. *Ms. Pfeiffer provided comments on the project on May 14, 2015. Those comments can be found in Exhibit G.*
15. *Excerpts from Special Flood Hazard Area are listed below:*

Conclusion

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #14-15-V, **Wade Hodge & Whitney Aldrich**, 5 Healy Court, Waterbury, VT, for a Zoning Permit and Special Flood Hazard Area Overlay Permit to raise the existing residence at 5 Healy Court to at least 2 feet above the base flood elevation and import fill for the crawlspace and exterior grade on a 1.9 acre property within the Village Residential (VR)/Conservation (CNS) Zoning District. (Tax Map #19-455.100) meets the standards in **Article VI – Interim Flood Hazard Area Regulations and Overlay District, Section 605.**

Motion

On behalf of the Waterbury Development Review Board, Mike Bard moved and Nat Fish seconded to approve application 14-15-V 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. *All exterior lighting will be downcast and shielded.*

VOTE: Approved unanimously.

 Chair

Date: 6.17.15

THESE MINUTES WERE APPROVED ON 6.17.15

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.