

**Town & Village of Waterbury
Development Review Board
Unapproved General Meeting Minutes
Date: July 15, 2015**

IN ATTENDANCE:

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

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

The meeting convened at 6:30 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. **Continued Hearing of Application #34-15-T, Sue Miller**, for a Zoning Permit and Setback Waiver to add on a 4' overhang to the existing accessory dwelling unit structure at 99 Maple Street, Waterbury Center, Vermont, 05677 (Tax Map # 09-197.000). This overhang will extend into the required side yard setback.

The hearing was continued to August 5th at 7:30 p.m. See hearing minutes for 34-15-T

7:00 p.m. **Application #40-15-T, Dorothy Robinson & Don Brown**, for a setback waiver to construct a garage addition within front yard setbacks at 870 Ripley Road, Waterbury Center, VT 05677 (Tax Map #14-086.000).

Approved, see hearing minutes for #40-15-T

7:30 p.m. **Application #42-15-T, Alan Beecher**, for a Zoning Permit and Ridgeline, Hillside, Steep Slope (RHS) Overlay District Permit to construct a new single family residence at 346 Stagecoach Lane, Waterbury Center, VT 05677 (Tax Map #14-065.990).

Approved, see hearing minutes for #40-15-T

8:00 p.m. **Application #18-15-V, Village of Waterbury**, for a Zoning Permit and Site Plan Review amendment to install new lighting above the patio at Rusty Parker Park, Waterbury, VT 05676 (Tax Map #19-398.000).

Approved, see hearing minutes for #18-15-V

APPROVAL OF MINUTES:

MOTION:

Tom Kinley moved and Dave Rogers seconded the motion to approve the DRB general minutes of

July 1, 2015 and the hearing minutes of applications 17-15-V, #19-15-V, #38-15-T and #39-15-T, as amended.

Vote: Passed unanimously.

Tom Kinley moved and David Frothingham seconded the motion to approve tonight's hearing minutes for Applications #40-15-T and 42-15-T.

Vote: Passed unanimously.

OTHER BUSINESS

The meeting was adjourned at

_____, Chair Date: _____

THESE MINUTES WERE APPROVED ON _____

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
Unapproved Hearing Minutes, #34-15-T
Date: June 17, 2015**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; David Frothingham; Martha Staskus;
Tom Kinley

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

Application for a setback Waiver to add an overhang to the existing accessory dwelling
unit structure on a property located in the Town Mixed Residential (TMR) Zoning
District.

Permit Application #: 34-15-T

Applicant: Sue Miller

Property Owner: Same

Tax Map #: 09-197.000

Location of Project: 99 Maple Street, Waterbury Center, VT

INTRODUCTION:

Ryan Morrison introduced the project. The applicant seeks to add a 4' wide overhang to
the existing accessory dwelling unit structure, within the property's side yard setback.
The structure was a garage and bakery and now an accessory dwelling.

PRESENT AND SWORN IN:

Sue Miller, applicant

Larry Nelson, neighbor

Cheryl & Fred Edwards, neighbors

EXHIBITS:

Exhibit A: Application # 34-15-T

Exhibit B: Site Plan

Exhibit C: Floor Plan

Exhibit D: ANR Atlas maps of property

Exhibit E: Notice of Public Hearing, dated May 29, 2015

Exhibit F: Letter to Adjoining landowners, dated May 29, 2015

Exhibit G: Letter from Larry Nelson, dated June 29, 2015

Exhibit H Preliminary Survey Map, dated July 14, 2015
Exhibit I Letter from McCain Consulting, dated July 15, 2015

TESTIMONY OF JUNE 17, 2015 HEARING:

A concern was raised regarding where the property line is located on the north side of the accessory building. The neighbor on the north side would like to have the property line surveyed since there is only one survey pin at the northeast corner in the front of the property. There is a door on the north side and the owner would like to have the area over the door covered with the overhanging awning. The owner testified that the new awning will be within 1' of the property line. The neighbors are concerned the overhang might end up being constructed partly on their property since the precise location of the common boundary has not been determined by a survey.

JULY 15, 2015 CONTINUED HEARING:

The applicant brought a survey done of the property. The applicant has requested of her neighbor an easement where the overhang would infringe on that property. Ryan has requested the VLCT to review this and determine if an easement would then allow the DRB to consider a setback waiver.

Sworn in:

Carol Miller, sister of applicant

TESTIMONY:

1. The issue of whether an easement would then allow an applicant to get a setback waiver was discussed. It was generally felt that it would not but Ryan Morrison has requested the VLCT to weigh in on this.

The hearing was continued to August 5th at 7:30 p.m.

PROJECT DESCRIPTION:

1. *The 0.5 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, an accessory dwelling unit structure, and a shed (Exhibit B).*
3. *The accessory dwelling structure was originally a garage, and then converted into a bakery use, until being converted into a 1-bedroom accessory dwelling structure – approved under permit no. 67-14-T.*
4. *The district's setback requirements are: Front 30', Sides 30', Rear 30'*

5. *The existing accessory structure already sets back from the side yard property line a distance of 5'.*
6. *The applicant is proposing to add a 4' wide overhang (covered entrance) along the north side of the structure, within the side yard setback.*
7. *The applicant is seeking a Waiver from the side yard setback requirement, and proposes the following setbacks: Side (north) 1'*
8. *All other setback requirements will be maintained (front, rear, and other side).*
9. *The setback Waiver request is: Side (north) setback waiver of 4'.*
10. *A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.*
11. *Below are excerpts from Conditional Use Criteria and Waivers.*

The review was continued to August 5th at 7:30 p.m.

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes #40-15-T
Date: July 15, 2015**

IN ATTENDANCE:

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

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

Application for a setback Waiver to construct an addition on a property located in the Low Density Residential (LDR) Zoning District.

Permit Application #: 40-15-T
Applicant: Dorothy Robinson & Don Brown
Property Owner: Don Brown
Tax Map #: 14-086.000
Location of Project: 870 Ripley Road, Waterbury Center, VT

The applicant seeks to construct an addition to the existing single-family residence (1st level garage and 2nd level family room) within the property's front yard setback.

Present and Sworn in:

Don Brown, Applicant

Dorothy Robinson, Applicant

EXHIBITS

- Exhibit A: Application # 40-15-T
- Exhibit B: Site Plan
- Exhibit C: ANR Atlas maps of property
- Exhibit D: Notice of Public Hearing, dated June 25, 2015
- Exhibit E: Letter to Adjoining landowners, dated June 30, 2015

TESTIMONY:

1. The applicant states that the location of the addition is based on the location of the existing house door that will provide access to the new garage. There is also the potential for a ramp to be added on the south side of the house connecting to the existing structure.

FINDINGS OF FACT

1. *The 1.7 acre property is located within the LDR Zoning District where the minimum lot size requirement is 5 acres. The lot is considered a legally existing, small lot.*
2. *The property currently has an existing single-family home that meets all current setback requirements, with the exception of the attached deck on the north side. This deck was legally established when the home was originally built in 1983.*
3. *The district's setback requirements are: Front 70', Sides 75', Rear 75'*
4. *The applicant is proposing to construct an addition (1st level garage and 2nd level family room), a small portion of which will be within the front yard setback (see site plan, Exhibit B).*
5. *The applicant is seeking a Waiver from the front yard setback requirement, and proposes the following setback: Front (west) 65'*
6. *The addition will meet/exceed the other setback requirements (sides and rear).*
7. *The setback Waiver request is: Front (west) setback waiver of 5'.*
8. *A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.*
9. *Below are excerpts from Conditional Use Criteria and Waivers.*

Conclusion

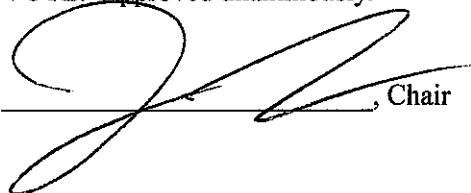
Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #40-15-T, Dorothy Robinson & Don Brown, for a setback waiver to construct a garage addition within front yard setbacks at 870 Ripley Road, Waterbury Center, VT 05677 (Tax Map #14-086.000) meets the standards of Section 303 Conditional Uses and Section 309 Waivers for a waiver of 5 feet to the front of the property which will reduce the setback to 65 feet.

Motion

On behalf of the Waterbury Development Review Board Dave Rogers moved and David Frothingham seconded to approve application 40-15-T 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: 7.15.15

THESE MINUTES WERE APPROVED ON 7.15.15

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 OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Hearing Minutes #42-15-T
July 15 2015**

IN ATTENDANCE:

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

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

Application to construct a new single family residence on a 10.1 acre property within the Conservation Zoning Districts, and within the Ridgeline, Hillside, Steep Slope Overlay District.

Permit Application #:	42-15-T
Applicant:	Alan Beecher
Landowner:	SAME
Location of Project:	346 Stagecoach Lane, Waterbury Center, VT

Present and sworn in:
Alan Beecher, Applicant

EXHIBIT LIST:

Exhibit A	Permit Application #42-15-T
Exhibit B	Site Plan
Exhibit C	Stagecoach Lane Phase 3 Overall Site Plan, dated July 14, 2008
Exhibit D	Site Plan of Lots 9 & 10, dated July 15, 2013
Exhibit E	Site Plan Concept, dated April 21, 2015
Exhibit F	Floor Plans, dated April 21, 2015
Exhibit G	Elevation Drawings, dated April 21, 2015
Exhibit H	DRB Meeting Minutes of August 1, 2013
Exhibit I	ANR Atlas maps of property
Exhibit J	Notice of Public Hearing, dated June 25, 2015
Exhibit K	Notice to Adjacent Landowners, dated June 24, 2015

Findings of Fact:

The applicant is seeking approval to construct a new single family residence on a 10.1 acre property located at 346 Stagecoach Lane, Waterbury Center, VT (Tax map # 14-065.990).

1. The existing 10.1 acre parcel is located at 346 Stagecoach Lane and lies within the Conservation (CNS) Zoning District, and also within the Ridgeline, Hillside, Steep Slope Overlay Zoning District.
2. The property is Lot 9 of the Stagecoach Lane Subdivision, approved under Permit # 43-13-T.
3. The Conservation zone requires a minimum lot size of 10 acres, a maximum height allowance of 35 feet, and front, rear and side yard setbacks of 100 feet.

4. The property also lies within the Ridgeline, Hillside, Steep Slope Overlay District, with elevations ranging from approximately 1060 feet in elevation (FIE) to 1250 FIE. The elevation at the future home site is between approximately 1220 and 1230 FIE. Section 1001(b) states that development at or above 1,200 FIE but below 1,500 FIE shall be considered "minor" development.
5. The home site on the lot was previously cleared under Permit # 43-13-T (Exhibit H)
6. In addition to the site plan, the applicant has included floor plans and elevation drawings, Exhibits F & G, respectively.
7. Section 1003(a) states that a site development plan for a minor development shall include information as required pursuant to Section 301(b) with the exception of a grading plan unless otherwise determined by the Development Review Board.
8. Development projects in the RHS District are also subject to review under the conditional use criteria.
9. Below are excerpts of the Site Plan Review process, RHS Review Criteria for 'minor' projects and Conditional Use criteria:

Conclusion

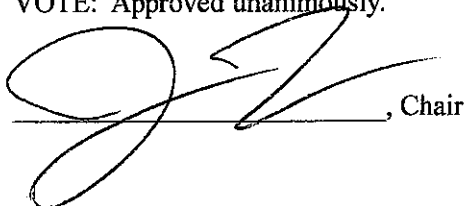
Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #42-15-T, Alan Beecher, to construct a new single family residence on a 10.1 acre property within the Conservation (CNS) Zoning District, and also within the Ridgeline, Hillside, Steep Slope Overlay Zoning District, at 346 Stagecoach Lane, Waterbury Center, VT 05677 (Tax Map #14-065.990) meets the standards of Article III, Section 301 Site Plan Review and Section 303 Conditional Uses and Article X Sections 1001, 1003 and 1004.

Motion

On behalf of the Waterbury Development Review Board Dave Rogers moved and Nat Fish seconded to approve application 42-15-T with the following conditions:

- (a) *The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;*
- (b) *All exterior lighting will be downcast and shielded.*

VOTE: Approved unanimously.

 , Chair

Date: 7.15.15

THESE MINUTES WERE APPROVED ON 7.15.15

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
Unapproved Hearing Minutes #18-15-V
Date: July 15, 2015**

IN ATTENDANCE:

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

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

Application for Zoning Permit and Site Plan Review to install new lighting above the patio at Rusty Parker Park, Waterbury, VT 05676, in the Village Mixed Residential (VMR) Zoning District.

Permit Application #: 18-15-V
Applicant: R Allen Lewis (Waterbury Rotary Club)
Property Owner: Village of Waterbury
Tax Map #: 19-398.000
Location of Project: Rusty Parker Park, Waterbury, VT 05676

INTRODUCTION

The applicant proposes to install five new lights above the patio, and LED light strings on existing tree branches, at Rusty Parker Park.

PRESENT AND SWORN IN

Al Lewis, Representing the Applicant
Mary Koen, Adjoining Landowner
Marie Gervais, Adjoining Landowner
Lea Fournier, Adjoining Landowner

EXHIBITS

Exhibit A: Application # 18-15-V
Exhibit B: Letter from Al Lewis, dated June 9, 2015
Exhibit C: Lighting Plan, dated June 8, 2015
Exhibit D: Light specific photos
Exhibit E: Zoning Permit #03-11-V, issued February 23, 2011
Exhibit F: Waterbury Planning Commission Meeting Minutes of February 16, 2011
Exhibit G: Letter from Al Lewis, dated March 31, 2012
Exhibit H: Site Plan dated March 31, 2012
Exhibit I: ANR Atlas Maps of property

Exhibit J: Notice of Public Hearing, dated June 25, 2015
Exhibit K: Letter to Adjoining landowners, dated June 22, 2015

TESTIMONY

1. Rusty Parker Park has under gone 3 phases, with the financing and support of the Waterbury Rotary
 - a. Construction of the Gazebo
 - b. Construction of the Band Stand and moving of the swings and slide
 - c. Patio project with 4 picnic tables (this is the location for the new lighting)
2. The lights are intended to illuminate the patio from phase 3 and were previously permitted but not installed, due to other priorities.
3. The lights would illuminate the patio but not the area outside of the patio.
4. The lights would be run on a photo cell timer. The proposal is for the lights to go off at 10 p.m.
5. The Rotary is willing to take down the lighting if it is determined they cause more problem than good.
6. The lights are down facing and shielded.
7. The wires would be 16 feet up and the base of the light canopy would be at 14 feet from the ground.
8. A resident of Park Street stated they can see the patio from their porch.
9. The residents at the hearing would like the lights turned off at 9 p.m.
10. The residents are concerned about the noise with people staying later at the park as they will likely stay a while after the lights go off.
11. The Rusty Parker Park was posted to shut down one hour after sunset but that posting has come down.
12. The Village Trustees would hear complaints from the public if there are problems/concerns with the extended hours at the patio.

PROJECT DESCRIPTION

1. The 1.3 acre Rusty Parker Park lies within the Village Mixed Residential (VMR) Zoning District. The VMR Zoning District has a minimum lot size of 20,000 sf.
2. In 2011, Permit # 03-11-V was issued for the construction of a patio at the park. The permit did not include the installation of additional exterior lights (Exhibits E & F).
3. In a letter from Al Lewis, dated March 31, 2015, a request was made to the Planning Commission to install wires above the patio and install 4 down facing can lights that would be electrically wired together and powered by an overhead extension cord from the bandstand (Exhibit G).
4. In a different letter from Al Lewis, dated June 9, 2015 (Exhibit B), it was noted that at the time of the 2012 request to install the 4 new can lights, Alec Tuscany recommended that

instead of utilizing the overhead extension cord to power the lights, the Waterbury Rotary Club should have a licensed electrician hard wire the electrical service to the lights.

5. The current proposal is to install five down facing LED lights above the Park's patio. This includes electric wiring in rigid conduit from the bandstand building to a tree and up the tree to an exterior electric service outlet which will be operated off a circuit breaker and timer within the bandstand building (Exhibit B).
6. The applicant also proposed to install LED light strings on tree branches (Exhibit B).
7. All electrical services will be installed by a VT licensed electrician.
8. Site Plan Review criteria apply to this project.

Conclusion

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #18-15-V, Village of Waterbury, for a Zoning Permit and Site Plan Review amendment to install new lighting above the patio at Rusty Parker Park, Waterbury, VT 05676 (Tax Map #19-398-000) in the Village Mixed Residential Zoning District meets the standards in section 301, Site Plan and Approval.

Motion

On behalf of the Waterbury Development Review Board David Frothingham moved and Nat Fish seconded to approve application #18-15-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, with the exception of the decorative string lights.*
3. *The photo cell for the lights will be set to turn off at 10 p.m.*

VOTE: Approved unanimously.

_____, Chair Date: _____

THESE MINUTES WERE APPROVED ON _____

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