

**Town & Village of Waterbury  
Development Review Board  
Approved General Meeting Minutes  
Date: October 7, 2015**

**IN ATTENDANCE:**

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

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

The meeting convened at 6:30 pm.

**6:30 p.m.**      **Application #29-15-V, Flagship Associates LC**, for a Zoning Permit and setback waiver to construct a replacement garage within required building setbacks at 90 South Main Street, Waterbury, VT 05676 (Tax Map #19-404.000).

Hearing minutes filed separately from the general minutes. Minutes approved below.

**7:10 p.m.**      **Application 30-15-V, Ben & Jerry's Homemade, Inc.**, for a waiver from full the site plan review process to replace an existing outdoor staircase and construct a new roof for the staircase at 1281 Waterbury-Stowe Road, VT 05676 (Tax Map # 13-110.000).

Tom Kinley moved and Mike Bard seconded the motion that the proposal be deemed as minor in nature and that Ryan Morrison issue the permit.

Vote: Passed Unanimously

**7:15 p.m.**      **Discussion** – a proposed redevelopment of the mobile home park located at the corner of Hill Street and High Street Extension, Waterbury, VT 05676. The proposal is to replace existing mobile homes with “Vermod” homes.

The DRB answered the questions and the applicants were advised that the Zoning Administrator could handle the permits administratively.

**APPROVAL OF PRIOR MINUTES:**

**MOTION:**

David Frothingham moved and Nat Fish seconded the motion to approve the general hearing minutes of September 16, 2015, as amended.

Vote: Passed unanimously

The meeting was adjourned at 7:45 p.m.

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

Date: 11.4.15

THESE MINUTES WERE APPROVED ON 11.4.15

**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 #29-15-V  
Date: October 7, 2015**

**Attending**

Board members: Dave Rogers, Acting Chair; Mike Bard, Nat Fish, David Frothingham, Tom Kinley

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

Application for a setback Waiver to construct a replacement garage on a property located in the Village Residential (VR) and Village Mixed Residential (VMR) Zoning Districts.

Permit Application #: 29-15-V  
Applicant: Flagship Associates LC  
Property Owner: Same  
Tax Map #: 19-404.000  
Location of Project: 90 South Main Street, Waterbury, VT

Present and sworn in:

Peter Hanks, Applicant  
Marie A Gervais, Adjoining Landowner  
Mary Koen, Adjoining Landowner  
Patricia Russell, Adjoining Tenant

**INTRODUCTION**

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

**EXHIBITS**

Exhibit A: Application # 29-15-V  
Exhibit B: Site Plan  
Exhibit C: "Likeness" drawing  
Exhibit D: Property Zoning Map  
Exhibit E: ANR Atlas maps of property  
Exhibit F: Notice of Public Hearing, dated September 17, 2015  
Exhibit G: Letter to Adjoining landowners, dated September 11, 2015

## TESTIMONY

1. The height of the roof will be lower than the current structure.
2. The garage is not currently used because of its poor condition.
3. The proposal is to construct a new garage within the current structure's footprint.
4. The same concrete slab will be used; therefore the footprint hasn't been changed to be more in conformance with setback regulations.
5. The applicant agreed to add some property maintenance to take care of approximately 6 feet of over growth to the abutting landowner's property.
6. Demolition would begin upon issuance of the permit but reconstruction isn't planned until spring of 2016.
7. It was agreed that prior to the 3<sup>rd</sup> garage door being installed, proof of an easement between the applicant and the adjacent property owner would be submitted to the Town of Waterbury. The access to this 3<sup>rd</sup> garage door, from Moody Court, would have to cross the adjacent property, which should be accommodated by an access easement.
8. Construction of the 3<sup>rd</sup> access door on the Main Street side was discussed. It is an option to do it on the residential side.

## FINDINGS OF FACT

1. *The 0.41 acre property is located within the VR and VMR Zoning Districts where the minimum lot size requirement is 20,000 sq ft for commercial and residential uses of more than 2 family dwellings. The lot is considered a legally existing, small lot.*
2. *The property currently has an existing multi-family residential structure fronting South Main Street, a 1,167 sq ft barn/garage in the rear, and a small storage shed.*
3. *The applicant proposes to remove the existing barn/garage, which is in a state of disrepair, and replace with a new, 3 car garage. The existing barn/garage's footprint will be maintained.*
4. *The property is split-zoned. The front 2/3s (approx.) of the property, containing the multi-family building and associated parking, is located within the VMR Zoning District, and the Historic/Commercial Downtown Design Review Overlay District. The rear 1/3 (approx.) of the property, containing the subject barn/garage, is located in the VR Zoning District. This portion of the property is not within the Historic/Commercial Downtown Design Review Overlay District. (Exhibit D)*
5. *The VR district's setback requirements are: Front 40', Sides 25', Rear 50'*
6. *The existing and proposed replacement structure is located within side yard (north & south) and rear yard (east) setbacks.*
7. *The applicant is seeking a Waiver from the side and rear yard setback requirements, and proposes the following setbacks: Side (north) 16', Side (south) 2', Rear (east) 39' & 0'.*
8. *The shed will meet/exceed the front setback requirement.*

9. *The setback Waiver request is: Side (north) 9', Side (south) 23', Rear (east) setback waiver of 11' & 50'.*
10. *The applicant has stated that the replacement garage will maintain the same setbacks that the existing structure currently has.*
11. *The garage will be accessed from Moody Court, a Village street.*
12. *A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.*
13. *Conditional Use Criteria and Waivers are applicable to this review.*

**Conclusion**

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application **29-15-V, Flagship Associates LC**, for a Zoning Permit and setback waiver to construct a replacement garage within the required building setbacks at 90 South Main Street, Waterbury, VT 05676 (Tax Map #19-404.000) meets the standards in Section 303, Conditional Uses and Section 309, Waivers.

**Motion**

On behalf of the Waterbury Development Review Board Mike Bard moved and Tom Kinley seconded to approve application #29-15-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.*
3. *Installation of the third garage door on the Moody Court side of the structure which requires access through the neighbor's property shall not be installed until an easement and/or access agreement is delivered to the Town of Waterbury Zoning Administrator.*

VOTE: Passed unanimously.

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

Date: 11-4-15

THESE MINUTES WERE APPROVED ON 11-4-15

**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.*