

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: April 20, 2016**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; David Frothingham; Mike Bard; Dave Rogers, Tom Kinley; Rob Dombrowski

Staff Present: Steve Lotspeich, Community Planner; Patti Spence, Secretary

The meeting convened at 6:30 pm.

6:30p.m. **Application #14-16-T, Stuart Murphy**, for a setback waiver to construct a residential accessory structure within required setbacks at 55 Stuart Lane, Waterbury, VT. (Tax Map # 13-269.000)

Hearing minutes and decision under separate cover, and motion to approve the minutes below.

7:00pm **Application #16-16-T, Jonathan Black**, for a setback waiver to construct a residential accessory structure within required setbacks at 74 Twin Peaks Road, Waterbury, VT. (Tax Map # 13-198.100)

Hearing minutes and decision under separate cover.

7:30pm **Application #20-16-T, James and Lori Ashley**, for a setback waiver to construct an addition to the existing residence within required setbacks at 2161 Waterbury-Stowe Road, Waterbury, VT. (Tax Map # 13-120.000)

Hearing minutes and decision under separate cover.

8:00pm **Application #19-16-T, Deidre Malloy (owner), Richard Bell (applicant)**

The hearing for application #19-16-T was continued to 6:45 pm on May 4th.

8:00pm **Application #21-16-T, Barrett Enterprises LLC**, construct a new mini self-storage building in the Industrial zoning district at 716 US Route 2, Waterbury, VT. (Tax Map # 12-042.100)

Hearing minutes and decision under separate cover.

APPROVAL OF MINUTES AND DECISION FOR APRIL 6, 2016:

Mike Bard moved and Dave Rogers seconded the motion to approve the general minutes of 04/06/16 and hearing decision for application #12-16-T as presented.

Vote: Passed unanimously.

APPROVAL OF MINUTES AND DECISION FOR APRIL 20, 2016:

Tom Kinley moved and Dave Rogers seconded the motion to approve the hearing minutes and decision for application #14-16-T, Stuart Murphy property.

Vote: Passed unanimously

ADJOURNMENT:

The meeting was adjourned at 8:50 p.m.

 Chair

Date: 5-4-16

THESE MINUTES WERE APPROVED ON 5-4-16

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes & Decision, #14-16-T
Date: April 20, 2016**

IN ATTENDANCE:

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

Staff Present: Steve Lotspeich, Community Planner; Patti Spence, Secretary

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

Permit Application #: 14--16-T
Applicant: Stuart Murphy
Property Owner: Same
Tax Map #: 13-269.000
Location of Project: 55 Stuart Ln., Waterbury, VT

INTRODUCTION

The applicant seeks to construct a garage within the property's front yard setback.

Present and sworn in:

Stuart Murphy, applicant

EXHIBITS

- Exhibit A: Application # 14-16-T
- Exhibit B: Site Plan dated February, 2016
- Exhibit C: Elevations and Floor Plans for Garage
- Exhibit D: Letter From Stuart Murphy Describing Project dated March 12, 2016
- Exhibit E: Aerial map of property with 20' contours dated March 29, 2016
- Exhibit F: Notice of Public Hearing, dated March 30, 2016
- Exhibit G: Letter to Adjoining landowners, dated April 2, 2016

Testimony:

1. The applicant is proposing to build a garage. A garage was approved on a previous permit but this proposal is to move to a new location., requiring a new permit.

2. There will be power and lighting in the garage. There are no exterior lighting plans but the applicant was advised that exterior lighting must be downcast and shielded.

FINDINGS OF FACT

1. The 17.3 acre property is located within the LDR Zoning Districts where the minimum lot size requirement is five acres. The lot is considered a conforming lot.
2. The property currently has an existing single-family residential structure that meets all setbacks for the Zoning District.
3. The applicant proposes to construct a 12' x 24' that will be one-story in the front and two-stories in the rear.
4. The LDR district's setback requirements are: Front 70', Sides 75', Rear 75'
5. The proposed structure is located within front yard setback.
6. The applicant is seeking a Waiver from the front yard setback requirement and proposes the following setbacks: Front (east) 3', Side (north) 710'+/-, Side (south) 230'+/-, Rear (west) 1,000'+/-'.
7. The shed will meet/exceed the side and rear setback requirements.
8. The setback Waiver request is: Front (east) setback waiver of 67'.
9. The topography of the site includes a steep bank that descends from near the edge of the right-of-way for Stuart Ln., sloping toward the existing house, and is a condition that was not created by the applicant. There is an existing level area off Stuart Ln. that will support only the front of the proposed garage.
10. The garage will be accessed from Stuart Ln. that is a Town road .
11. The proposed garage will be located a minimum of 10' from the existing culvert a shown on the Exhibit B, the Site Plan.
12. The Public Works Director, William Woodruff, and Highway Supervisor, Celia Clark, have reviewed the proposed location of the garage and agree that it can be a minimum of 10' from the nearest edge of the existing culvert and a minimum of 3' from the edge of the right-of-way for Stuart Ln. that is 25' front the centerline of Stuart Ln.
13. A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.
14. Below are excerpts from Conditional Use Criteria and Waivers.

Conclusion

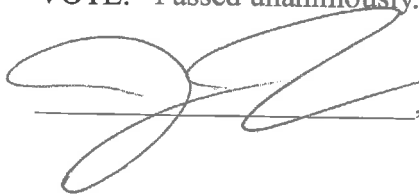
Based upon these findings and subject to the conditions set forth below, the Waterbury Development Review Board concludes that application # 14-16-T for a setback waiver of 67 feet front yard setback to construct a residential accessory structure, a garage, within required setbacks at 55 Stuart Lane, Waterbury, VT. (Tax Map # 13-269.000) meets the standards in section 303, Conditional Uses and 309, Waivers, of the Waterbury Zoning Bylaws.

MOTION:

On behalf of the Waterbury Development Review Board David Frothingham moved and Tom Kinley seconded the motion to approved application #14-16-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: Passed unanimously.

 , Chair

Date: 4-20-16

THESE MINUTES WERE APPROVED ON 4-20-16

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 and Decision, #16-16-T
Date: April 20, 2016

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; David Frothingham; Mike Bard; Dave Rogers, Tom Kinley; Rob Dombrowski

Staff Present: Steve Lotspeich, Community Planner; Patti Spence, Secretary

Application for a setback Waiver to construct a barn replacing a shed on a property located in the Medium Density Residential (MDR) Zoning District.

Permit Application #: 16-16-T

Applicant: Jonathan Black

Property Owner: Same

Tax Map #: 13-198.000

Location of Project: 74 Twin Peaks Rd., Waterbury Center, VT

INTRODUCTION

The applicant seeks to construct a barn to replace an existing shed within the property's side yard setback.

Present and sworn in:

Jonathan Black, Applicant

EXHIBITS

- Exhibit A: Application #16-16-T
- Exhibit B: Aerial Photo of site with Tax Map Boundary
- Exhibit C: Google Earth Image of Site
- Exhibit D: Notice of Public Hearing, dated March 30, 2016
- Exhibit E: Letter to Adjoining landowners, dated April 1, 2016

TESTIMONY:

1. The tree line on the property will not be touched.
2. The applicant spoke to several neighbors who were not opposed to the construction.
3. The applicant agreed to move the structure closer to the house to achieve a setback of 20'.

4. Any exterior lighting will be downcast and shielded.

FINDINGS OF FACT

1. The 2.1 acre property is located within the MDR Zoning District where the minimum lot size requirement is two acres. The lot meets the minimum lot size.
2. The property currently has an existing single-family residential structure and a storage shed.
3. The applicant proposes to remove the existing approximately 12'x 12' shed and replace it with a new 20' x 40' x 20' tall, 800 sq. ft. barn in the same location.
4. The MDR district's setback requirements are: Front 60', Sides 50', and Rear 50'.
5. The existing and proposed replacement structure are located within rear yard (west) setback.
6. The applicant is seeking a Waiver from the rear yard setback requirement, and is agreeable to the following setbacks: Rear (west) 20', Side (north) 120', Side (south) 240'.
7. The setback Waiver agreed to is: rear (west) setback waiver of 30'.
8. The barn will have electricity and lights but will not have plumbing and wastewater.
9. The barn is screened from view from the adjacent neighbor's property by rows of existing trees.
10. The use of the barn will be residential uses such as wood storage, a chicken coop, and the storage of tractors and a camper.
11. A setback Waiver may be granted by the DRB as per Section 309 of the Waterbury Zoning Regulations.

Conclusion:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 16-16-T for a setback waiver of 30' to the rear of the property line to construct a residential accessory structure within required setbacks at 74 Twin Peaks Road, Waterbury, VT. (Tax Map # 13-198.100) meets the standards in Sections 303, Conditional Uses and 309, Waivers, of the Waterbury Zoning Regulations.

Motion:

On behalf of the Waterbury Development Review Board David Frothingham moved and Mike Bard seconded the motion to approve application #16-16-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: Passed unanimously.

 , Chair

Date: 5-4-16

THESE MINUTES WERE APPROVED ON 5-4-16

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, Appl. #20-16-T
Date: April 20, 2016**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; David Frothingham; Mike Bard; Dave Rogers, Tom Kinley; Rob Dombrowski

Staff Present: Steve Lotspeich, Community Planner; Patti Spence, Secretary

Application for a setback Waiver to construct an addition to an existing on a property located in the Route 100 (RT100) Zoning District.

Permit Application #: 20-16-T
Applicant: James & Lori Ashley
Property Owner: Same
Tax Map #: 13-120.000
Location of Project: 2161 Waterbury-Stowe Rd., Waterbury Center, VT

INTRODUCTION

The applicant seeks to construct an addition on their existing single-family house within the property's side yard setback.

EXHIBITS

Exhibit A: Application #20-16-T
Exhibit B: Site Plan
Exhibit C: Aerial Photo of Site with Tax Map Boundary
Exhibit D: Notice of Public Hearing, dated March 30, 2016
Exhibit E: Letter to Adjoining landowners, dated April 4, 2016

PRESENT AND SWORN IN:

Lori and James Ashley, applicants

TESTIMONY

Lori and James Ashley described their project to put an addition onto the north side of their existing house to add a family room.

FINDINGS OF FACT

1. The 1.25 acre property is located within the RT100 Zoning District where the minimum lot size requirement is two acres for residential use. The lot is considered a legal non-conforming small lot.
2. The property currently has an existing single-family residential structure and a chicken coop.
3. The applicant proposes to add a 24' x 22' addition on the northeast side of the house that will be an open room. There will be no change to the number of bedrooms in the house.
4. The RT 100 district's setback requirements for residences are: Front 200', Sides 50', and Rear 50'.
5. The existing house and addition are located within the front yard (southeast) setback.
6. The applicant is seeking a Waiver from the front yard setback requirement, and proposes the following setbacks: Front (east) 90', Side (north) 102'+/-, Rear (west) 110'+/-.
7. The setback Waiver request is: Front (east) setback waiver of 110'.
8. The addition will maintain the same front setback as the main front façade of the existing house structure.
9. The addition will be minimally visible from the adjacent neighbor's property to the northeast.
10. A setback Waiver may be granted by the DRB as per Sections 303 and 309 of the Waterbury Zoning Regulations.

Conclusion:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 20-16-T for a front setback waiver of 110' to construct an addition to the existing residence within required setbacks at 2161 Waterbury-Stowe Road, Waterbury, VT (Tax Map # 13-120.000), meets the standards in Sections 303, Conditional Uses and 309, Waivers, of the Waterbury Zoning Bylaws.

Motion:

On behalf of the Waterbury Development Review Board David Frothingham moved and Tom Kinley seconded the motion to approved application #20-16-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: Passed unanimously.

 , Chair

Date: 5-4-16

THESE MINUTES WERE APPROVED ON 5-4-16

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 and Decision #21-16-T
Date: April 20, 2016

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; David Frothingham; Mike Bard; Dave Rogers, Tom Kinley; Rob Dombrowski

Staff Present: Steve Lotspeich, Community Planner; Patti Spence, Secretary

Application #21-16-T, Barrett Enterprises LLC, to construct a new 2,400 sq. ft. mini self-storage building in the Industrial Zoning District at 716 US Route 2, Waterbury, VT. (Tax Map # 12-042.100)

INTRODUCTION

This project is a 20' x 120' x 18' tall mini-storage building to be located at the rear of the existing four mini-storage buildings located at 716 U.S. Route 2 in the Industrial Zoning District.

PRESENT AND SWORN IN:

Chris Austin, Consultant

Pat Barrett, Applicant

Jonathan Griffin, Adjoining Landowner

EXHIBITS

- Exhibit A: Application #05-16-T
- Exhibit B: Site Plan dated 12-11-2015
- Exhibit C: Building #5 Floor Plans & Elevations dated 12-11-2015
- Exhibit D: Letter from Grenier Engineering addressing Site Plan Review Criteria dated March 30, 2016
- Exhibit E: Aerial Map of Parcel dated April 8, 2016
- Exhibit F: Erosion Control Plan dated January 12, 2016
- Exhibit G: E-mail from Gary Dillon, Fire Chief, dated April 9, 2016
- Exhibit H: Letter to Adjoining Landowners, dated April 2, 2016

TESTIMONY

1. Proposed lighting includes 2 downcast and shielded lights that will be mounted on the peak of the gable of existing buildings 2 and 3. Recessed canned lights in the soffit of building #5 will be added if needed or at the owner's discretion.
2. The applicant stated they would change the lighting if the neighbors were not satisfied with the shielding.

FINDINGS OF FACT

1. This project is located in the Industrial Zoning District. Mini-storage buildings are a permitted use in the Industrial Zoning District and require site plan review criteria. In addition to the standard criteria, the Special Considerations for projects bordering Route 2, Route 100, or Interstate 89 in Section 301(j) apply.
2. The existing mini-storage buildings were approved under Applications #37-96-T, and #49-97-T.
3. The one-story building will have a maximum height of 18' and will match the four existing mini-storage buildings on the site. The siding will be combination of light grey clapboards, cedar red shingles, medium grey trim, and pewter grey steel roofing to match the other buildings, as shown on Exhibit C, Building #5 Floor Plans & Elevations.
4. The vehicular access to the site is via the existing curb cut on U.S. Route 2. The existing gravel surface access areas on the site will be extended to access the front of the new building as shown on Exhibit B, the Site Plan.
5. There are no defined parking spaces on the site however the gravel surface access areas serve the parking requirements when people are loading and unloading materials and accessing the mini-storage units.
6. The existing landscaping on the site that was previously approved will remain in place with the exception of four evergreen trees and one apple tree that will be removed in order to construct Building #5, as shown on Exhibit B, the Site Plan. The remaining evergreen trees and existing deciduous vegetation between Building #5 and Interstate 89 will provide screening for the site as viewed from the Interstate.
7. There will not be a dumpster located on the site.
8. Proposed lighting includes 2 downcast and shielded lights that will be mounted on the peak of the gable of existing buildings 2 and 3. Recessed canned lights in the soffit of building #5 will be added if needed or at the owner's discretion.
9. The project as designed is acceptable to the Waterbury Fire Department as documented in Exhibit G, e-mail from Gary Dillon, Fire Chief.

Conclusion:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 21-16-T to construct one new mini self-storage building in the Industrial Zoning District at 716 US Route 2, Waterbury, VT. (Tax Map # 12-042.100) meets the criteria in Section 301, Site Plan Review.

Motion:

On behalf of the Waterbury Development Review Board, David Frothingham moved and Mike Bard seconded the motion to approve application #21-16-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: Passed unanimously.

, Chair

Date: 5-4-16

THESE MINUTES WERE APPROVED ON 5-4-16

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.