

Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
May 18, 2016

In Attendance:

Board members present: Dave Rogers (Chair), David Frothingham, Tom Kinley, Mike Bard, Martha Staskus, Rob Dombrowski, and Nat Fish.

Staff Present: Dina Bookmyer-Baker (Zoning Administrator), Steve Lotspeich (Community Planner), Patti Spence (Secretary).

At 6:30 p.m. the meeting convened in the Steele Community Room in the Municipal Center at 28 North Main Street, Waterbury, VT.

6:30 p.m. Application #27-16-T, **John & Lini Alberghini** (owner/applicants), 342 Maple St., Waterbury Center, VT, in the TMR/MDR zoning districts, application for a five lot subdivision.

The Chair continued the hearing to June 15, 2016 at 7 p.m. A site visit will be conducted at 6 p.m., prior to the meeting.

The Board requested the following information be shown on the site plan for the June 15th meeting: the clearing limits, a screening plan for the cemetery, the zoning setbacks for each lot, the revised location of the access road within the right-of-way, and the landscaping plan for the access road. The plans may be on more than one sheet.

7:30 p.m. The chair continued application #29-16-T to June 1 at 8:30 pm., at the Applicant's request.

7:32 p.m. The following application, scheduled for 7:00 p.m., was heard at 7:30 p.m.: Application #28-16-T, **Robert Dombrowski & Emily Hayworth** (owner/applicants), 103 Ripley Rd., Waterbury Center, VT, in the LDR zoning district, application for a setback waiver request to construct a single-family dwelling.

Hearing minutes and decision for application #28-16-T prepared under separate cover; approved herein.

8:00 p.m. Application #09-16-V, **Sylvia Aylward** (owner) and **Nicole Grenier** (applicant), 29 Stowe Street, Waterbury, VT in the DC/DDR-HC zoning and overlay districts, application to construct a commercial addition (deck).

Hearing minutes and decision prepared under separate cover.

Approval of Minutes and Decisions for May 4, 2016:

Tom Kinley moved and Rob Dombrowski seconded the motion to approve the general minutes of 5/4/16 and the hearing minutes of applications #19-16-T and #06-16-V, as presented.

Vote: Passed unanimously.

Approval of Decision for Dombrowski application #28-16-T:

Nat Fish moved and Tom Kinley seconded the motion to approve the hearing minutes for application #28-16-T.

Vote: Passed unanimously.

Other Business:

Staff distributed the DRB Rules of Procedure and Conflict of Interest Policy to review for readoption at a later date.

Adjournment:

The meeting was adjourned at 9:30 p.m.

These minutes were approved:

 _____, Chair

6-1-16 (date)

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes, 27-16-T
May 18, 2016**

IN ATTENDANCE:

Board Members Present: Dave Rogers, Chair; ;David Frothingham, Tom Kinney, Martha Staskus, Rob Dombrowski, Nat Fish

Staff Present: Dina Bookmyer-Baker, Zoning Administrator; Steve Lotspeich, Community Planner; Patti Spence, Secretary

Owner/Applicant: John & Lini Alberghini
Address/location: 342 Maple St., Waterbury Center, VT 05677
Zones: Town Mixed Residential (TMR), Medium-Density Residential (MDR)
Application #: 27-16-T
Tax Map #: 09-180.000

Applicant Request

The applicant seeks subdivision review and approval of a five-lot residential subdivision at 342 Maple Street.

Present and sworn in

John Alberghini, Applicant
Patrick Larsen, Engineer
Holly & Denis Boucher, adjoining landowners
Jessie Graves, adjoining landowner
Amy & Steve Hoskins, residents
Bindy Kirk, adjoining landowner
Nolan Burkhouse & Emily Crawford, adjoining landowners
Nate Lewis, adjoining landowner

Exhibits

- A: Application #27-16-T (4 pp: Zoning Permit and Subdivision), submitted 4/14/16
- B: Plot Plan of parcel and proposed water lines and septic shields on each proposed lot.
- C: Letter from William Shepeluk regarding a water allocation request, dated March 7, 2016
- D: Vermont Wastewater System and Potable Water Supply Permit #WW-5-1509-2, for a 5-lot subdivision, dated March 23, 2016.
- E: Letter to adjoining landowners, dated May 1, 2016*
- F: Aerial photo of site with tax map boundary, showing zoning districts (staff).


**Not in DRB packet.*

Testimony

1. The Waterbury Fire Chief recommended that a turnaround was needed on the access road, and a 20 x 50 foot turnaround is marked on Exhibit B.
2. Power will be installed below ground.
3. The private road to access the property is located on the south side due to an existing septic on the north side.
4. The Town Cemetery Commissioners asked that the existing tree buffer between the cemetery and the property be maintained.
5. The proposed access road is 10 feet from the property line. The Board is asking that the access road be moved to be 25 feet from the property line and a tree buffer be added.
6. Neighbors asked for some landscaping along the driveway. A landscaping plan was not presented, but is being requested.
7. Existing leach fields need to be 10' from the drive.
8. One neighbor is concerned that more water may flow to her property.
9. Several of the neighbors said they currently have wet basements every Spring and are also concerned about displacement of water.
10. A neighbor asked about switching the access road to a neighbor's existing drive off Loomis Hill Rd., however the suggested drive is currently accesses only two residences and is protected from any additional right-of-ways.
11. Article XII - criteria concerns were raised by a neighbor in regard to "character of the area" as written in the Municipal Plan and he is concerned that a 5-lot subdivision is more than that acreage is planned for.
12. Regarding criteria 4 in the Subdivision criteria, "scenic natural beauty", this criteria needs to be addressed.
13. Criteria 5, also needs to be reviewed.

At 7:30 p.m. the Chair continued the hearing to June 15, 2016 at 7 p.m. A site visit will be conducted at 6 p.m., prior to the meeting.

The Board requested the following information be shown on the site plan for the June 15th meeting: the clearing limits, a screening plan for the cemetery, the zoning setbacks for each lot, the revised location of the access road within the right-of-way, and the landscaping plan for the access road. The plans may be on more than one sheet.

 , Chair

Date: 6-1-16

THESE MINUTES WERE APPROVED ON 6-1-16

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes, #28-16-T
May 18, 2016**

IN ATTENDANCE:

Board Members Present: Dave Rogers, Chair; David Frothingham, Tom Kinney, Martha Staskus, Nat Fish

Staff Present: Dina Bookmyer-Baker, Zoning Administrator; Steve Lotspeich, Community Planner; Patti Spence, Secretary

Owner/Applicant: Robert Dombrowski & Emily Hayworth
Address/location: 103 Ripley Rd., Waterbury Center, VT 05677
Zones: Low-Density Residential (LDR zoning district)
Application #: 28-16-T
Tax Map #: 14-061.000

Applicant Request

The applicant seeks approval to attach a new single-family dwelling to an existing garage barn within the front and side yard setbacks at 103 Ripley Road and abandon/deconstruct/reclaim the existing dwelling.

Present and sworn in

Robert Dombrowski & Emily Hayworth, Applicants

Robert Dombrowski recused himself from participating in this review as a member of the Development Review Board

Exhibits

- A: Application #28-16-T (3 pp: Zoning Permit and Conditional Use), submitted 4/21/16
- B: Aerial photo of parcel with location of addition and setback distances (Sheet 11), dated 4/20/16.
- C: Floor plan of proposed construction (Sheet 6A), dated 3/23/16.
- D: Construction perspective view, (Sheet P-1) dated 4/20/16
- E: Design Development Code Summary Report, dated April 14, 2016 *
- F: Aerial photo of site with tax map boundary
- G: Letters to adjoining landowners, dated May 2, 2016

Testimony

1. The lot is approximately 150 feet deep.
2. The existing home will remain as an accessory structure.
3. The existing septic is approved for 4 bedrooms. The new house will have 4 bedrooms.

Findings of Fact

1. Existing conditions: Robert Dombrowski & Emily Hayworth own a 1.7± acre parcel located at 103 Ripley Road. The property is developed with an existing two-story single-family dwelling and a 1-1/2 story garage. The property is served by an existing well and septic system. The parcel includes approximately 590' of frontage on and has access to Ripley Road, a class 3 town road. The parcel is located in the Low-Density Residential (LDR) zoning district.

2. Dimensional requirements: The minimum lot size in the LDR zoning district is two acres, minimum frontage: 300', maximum height: 35', and minimum setbacks: front 70', sides and rear 75'. The lot does not meet the minimum lot size requirements. The existing dwelling does not meet the front setback and the existing garage does not meet the front and side (right) setbacks.

3. Waiver Request: The applicant proposes to construct a 2,900 SF dwelling, 33± tall (2 stories with a basement), attached to the existing garage. The new dwelling will be placed no closer to the front and right-side property lines than the existing garage, but will be closer to the back property line, resulting in the following setbacks: Front (east) 64'7", Left side (south) > 100', Right side (north) 53', and Rear (west) 63'. The Setback Waiver request is: front 5'3" (behind and attached to existing garage), right-side 22', and rear 12'.

4. Conditional Use/Waiver criteria:

In accordance with Section 309, the DRB may grant a waiver of building setbacks as a conditional use reviewed in accordance with Section 303; provided 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.

- a. Section 303(e)(1) Community facilities: No change in the residential use and no increase in occupancy is proposed (the existing dwelling has four bedrooms and the proposed dwelling, although larger in square footage, will also have four bedrooms). The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities.
- b. Section 303(e)(2) Character of the area: No change of use is proposed; the use of the property will remain residential. The new dwelling is appropriate in scale and design in relation to existing uses and dwellings in the area. (Exhibit D)
- c. Section 303(e)(3) Municipal bylaws in effect: The proposed dwelling will continue to be for single-family occupancy and will not violate any municipal bylaws and ordinances in effect.
- d. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: No change in the existing residential use is proposed. This provision does not apply.
- e. Section 303(h) Removal of earth or mineral products conditions: The proposed use does not include earth removal activities. This provision does not apply.

Staff referral

This project was referred to the DRB for Setback Waiver Request under Article III.

Guiding ordinance sections

Section 309—Waivers

Section 303—Conditional Uses

Table 5.2—Dimensional Requirements by District

Conclusion

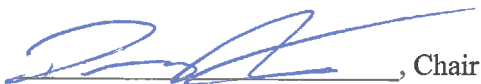
Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 28-16-T, Robert Dombrowski & Emily Hayworth (owner/applicant), to attach a new single-family dwelling to an existing garage barn within the front and side yard setbacks; 5'3" to the front, 22' to the right side and 12 ' to the rear , at 103 Ripley Road, tax map ID 14-061.000, meets the criteria in section 309, Waivers; section 303, conditional uses and the dimension requirements in table 5.2.

Motion

On behalf of the Waterbury Development Review Board Dave Frothingham moved and Tom Kinley seconded the motion to approve application #28-16-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 will be downcast and shielded.

VOTE: Passed unanimously.

 , Chair

Date: 5-18-16

THESE MINUTES WERE APPROVED ON 5-18-16

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, Application #09-16-V
Date: May 18, 2016**

IN ATTENDANCE:

Board Members Present: Dave Rogers, Chair; ;David Frothingham, Tom Kinney, Martha Staskus, Rob Dombrowski, Nat Fish

Staff Present: Dina Bookmyer-Baker, Zoning Administrator; Steve Lotspeich, Community Planner; Patti Spence, Secretary

Application #09-16-V, Nicole Grenier (owner Sylvia Aylward) for a Site Plan and Design Review to add a 5' x 46' deck for the 20-seat café at 29 Stowe Street, Waterbury, VT 05676 (Tax Map # 19-295.000) located within the Downtown Commercial Zoning District.

Permit Application #09-16-V
Applicant: Nicole Grenier
Property Owner: Sylvia Aylward
Tax Map #19-295.000
Location of Project: 29 Stowe Street

PRESENT AND SWORN IN

Nicole Grenier, Applicant
John Grenier, Engineer
Tom Nesbitt, Adjoining Landowner
Gary Cromie, American Legion
Scott Woodard, American Legion

EXHIBITS

Exhibit A: Application # 09-16-V
Exhibit B: Letter from Chris Austin, dated May 3, 2016
Exhibit C: Site Plan, Building Elevation & Railing Detail dated January 20, 2015
Exhibit D: Aerial Photo of Parcel and Context
Exhibit E: Letter to Adjoining landowners, dated May 6, 2016

Testimony:

1. The operating hours are 7:30am - 6pm, Tuesday-Saturday, plus special events as scheduled in the evening.
2. There are no intentions of expanding the operating hours.

3. The seating is not being increased. 2 tables from inside will be placed outside as weather allows.

FINDINGS OF FACT

The applicant seeks to add a 5' x 46' deck for the existing 20-seat Stowe St. Café located at 29 Stowe Street, Waterbury, VT (Tax Map # 19-295.000). The building also contains a bookstore and two 1-bedroom apartments.

1. The existing 0.10 acre property is located at 29 Stowe Street and lies within the Downtown Commercial (DC) Zoning District, and is also within the Historic/Commercial Downtown Design Review Overlay District.
2. The property also has frontage along Bidwell Lane.
3. The existing 3,300+/- sq. ft. building currently supports the café, the retail bookstore and two 1-bedroom apartments.
4. The property lies within the Downtown Design Review Overlay District (Historic/Commercial sub-district). Section 1102 requires review and approval by the Development Review Board for substantial alteration to structures such as decks.
5. Exhibit C, Site Plan, Building Elevation & Railing Detail, shows the proposed deck in relationship to the right-of-way for Bidwell Ln. that is a public street. The deck is set back approximately one foot from the right-of-way for the street. The Downtown Commercial Zoning District has front setback requirement of zero feet.
6. The building at 29 Stowe St. is listed as a contributing structure to the Village of Waterbury Historic District and meets the definition of a historic structure in the Waterbury Zoning Regulations. This project is reviewed under Sub-section 1108(1) and (2) as shown below.
7. The design and proposed color of the wooden deck and railing is very similar to and compatible with the existing landings and railings on the front of the building, and the historic appearance of the structure, as shown on Exhibit C.
8. As stated in Exhibit B, Letter from Chris Austin: "No additional parking or water/sewer is required for this project. While the deck space is in operation, seating will be removed from the interior of the café and placed outside on the new deck. Therefore, the project does not result in any additional seats for the café."
9. Below are excerpts of the Site Plan Review criteria and Downtown Design Review Overlay District.

Conclusion

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #09-16-V, Sylvia Aylward (owner) and Nicole Grenier (applicant), at 29 Stowe Street,

Waterbury, tax map ID #19-295.000, for site plan review to construct a commercial addition (deck) meets the criteria in Section 301 and Section 1108.

Motion

On behalf of the Waterbury Development Review Board Dave Frothingham moved and Tom Kinley seconded the motion to approve application #09-16-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 with 4 in favor, 1 opposed.



Chair

Date: 6-1-16

THESE MINUTES WERE APPROVED ON 6-1-16

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.*