

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
June 1, 2016**

In Attendance:

Board members present: Dave Rogers (Chair), David Frothingham, Tom Kinley, Martha Staskus

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 #05-16-V, **Blush Hill Meadows Ten, LLP, Dean Salvas** (appellant) Appeal of zoning administrator denial of zoning permit #05-16-V for a sign.

Hearing minutes and decision prepared under separate cover.

7:00 p.m. Application #17-16-T, **Raemon Weston** (owner) and **Jody Garrant, Paul Mongillo, and Chris Nordle** (applicants), 1580 US Route 2, Waterbury VT, in the Flood Hazard Area overlay district, application to construct a new single-family dwelling.

Hearing minutes and decision for application #17-16-T prepared under separate cover; approved herein.

7:30 p.m. Application #07-16-V, **Stephen Van Esen** (owner) and **Danielle Nichols** (applicant). The applicant did not mail the letters to adjacent landowners via certified mail, as required in the Zoning Regulations, Section 301(c) and Section 303(b). The hearing was therefore continued.

The Chair continued the hearing to June 15, 2016 at 7 p.m.

8:00 p.m. Application #04-16-V, **Marvin Patnoe** (owner/applicant), 172 Lincoln St, Waterbury, VT, in the Village Residential zoning district and Flood Hazard Area overlay district, application for a setback waiver and Flood Hazard Area review to construct a residential accessory structure.

Hearing minutes and decision prepared under separate cover.

8:30 p.m. Application #29-16-T, **Bonnie & Dave Tominack** (owners) and **Bob Petrichko/Stowe Remodeling** (applicant). The applicant did not mail the letters to adjacent landowners via certified mail, as required in the Zoning Regulations, Section 309(b). The hearing was therefore continued.

The Chair continued the hearing to June 15, 2016 at 7:30 p.m.

Approval of Minutes and Decisions for May 18, 2016:

Dave Frothingham moved and Tom Kinley seconded the motion to approve the general meeting minutes of 5/18/16 and the hearing minutes of applications #27-16-T and #09-16-V, as amended.

Vote: Passed unanimously.

Approval of Decision for Weston-Garrant #17-16-T:

Tom Kinley moved and Dave Frothingham seconded the motion to approve the hearing minutes for application #17-16-T, as amended.

Vote: Passed unanimously.

Adjournment:

The meeting was adjourned at 9:15 p.m.

These minutes were approved:

 (Chair) or (Acting Chair)

6-15-16 (date)

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes & Decision #05-16-V
June 1, 2016**

In Attendance:

Board members present: Dave Rogers (Chair), David Frothingham, Tom Kinley, Martha Staskus.

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

Owner:	Blush Hill Meadows Ten, LLP
Appellant:	Dean Salvas
Address/Location:	33 Kimberly Lane, Waterbury, VT
Zones:	Village Commercial (VCOM), Route 100 (RT100)
Application #	Appeal of #05-16-V
	Tax Map #: 13-054.000

Appellant Request

Appeal of zoning administrator denial of zoning permit #05-16-V for a sign. Relief requested: to approve the sign.

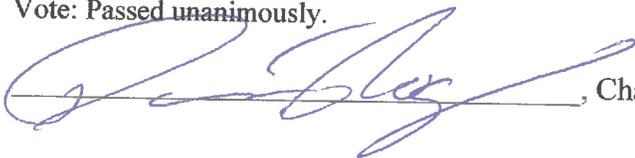
Present and sworn in: Dean Salvas, Dina Bookmyer-Baker.

Conclusion

The Waterbury Development Review Board concludes that the parcel is approved for multi-family residential use and that section 802.2 a, in the sign regulations, applies only to non-residential uses and does not apply to the use of this parcel as permitted. The parcel is located in the Village Commercial Zoning District. The sign size exceeds the maximum size requirements. Section 801.7(b) allows for a maximum of 4 square feet in area for residential development in the Village Commercial zoning district. The application is for a 32 square foot sign. Therefore the DRB concludes that the appeal is denied.

Motion: Dave Frothingham moved and Martha Staskus seconded the motion to uphold the zoning administrator's denial of the application #05-16-V and to deny the appeal.

Vote: Passed unanimously.

 , Chair

Date: 6-15-16

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 & Decision #17-16-T
June 1, 2016

In Attendance:

Board members present: Dave Rogers (Chair), David Frothingham, Tom Kinley, Martha Staskus.

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

Owner:	Raemon Weston
Applicant:	Jodi Garrant and Paul Mongillo
Address/Location:	1580 US Route 2, Waterbury, VT
Zones:	Medium-Density Residential (MDR), Special Flood Hazard Area (SFHA)
Application #	17-16-T
Tax Map #:	12-028.000

Present and sworn in:

Paul Mongillo, Applicant

Jodi Garrant, Applicant

Raemon Weston, Landowner

Applicant Request

The applicant seeks approval to add to an existing concrete slab and construct a single-family dwelling upon it, possibly within the flood hazard area, at 1580 US Route 2.

Exhibits

- A: Application #17-16-T (5 pp: Zoning Permit, Overlay District), submitted 5/6/16
- B: Cover letter from Christopher Nordle, representing Applicant.
- C: Site plan of the parcel and concrete slab, with elevations.
- D1: Aerial photo of the parcel with setbacks marked.
- D2: Aerial photo of the parcel showing the Special Flood Hazard Area overlay.
- E: Floorplan of proposed single-family dwelling
- F: Letter to Rebecca Pfeiffer, requesting comment on the proposal, dated May 13, 2016.
- G: Letters to adjoining landowners, dated May 12, 2016 *

**Not in DRB packet.*

Testimony

1. The applicants did not bring the receipts from the letters to adjoining landowners. Those will be provided to the ZA by the attorney, Chris Nordle, prior to issuance of the zoning permit.

Findings of Fact

1. Existing conditions: Raemon Weston owns a 1± acre parcel located at 1580 US Route 2. The property developed with an existing one-story garage and previously included a single-family dwelling, since removed. The property is served by a drilled well. The wastewater system is unknown. The parcel includes approximately 175' of frontage on and an access drive to US Route 2, and also has frontage on Interstate 89. The parcel is located in the Medium-Density Residential (MDR) zoning district and lies mostly in the Special Flood Hazard Area (SFHA) overlay district (Exhibit D2).
2. Dimensional requirements: In the MDR zoning district, the minimum lot size is 2 acres, minimum frontage: 200', maximum height: 35'; and the minimum setbacks are: front 60', sides and rear 50'. The lot does not meet the minimum lot size and frontage requirement. The existing slab meets the setbacks.
3. Flood Hazard Area: Most of the parcel appears to lie within the Special Flood Hazard Area (SFHA) (Exhibit D2). However, Applicant has submitted a site plan annotated with elevations and a narrative stating that the slab is above the base flood elevation (BFE) of 412' and that the lowest floor of the structure will be at least two feet above the BFE.

Comments from the Floodplain Manager, Rebecca Pfeiffer, are pending (Exhibit F).

Staff referral

This project was referred to the DRB for consideration of Flood Hazard Area review under Article VI.

Guiding ordinance sections

Article VI Interim Flood Hazard Area Regulations and Overlay District

Conclusion

Based upon these findings and subject to the conditions set forth below, the Waterbury Development Review Board concludes that application #17-16-T for the construction of a single-family dwelling at 1580 US Route 2, Waterbury, VT meets the standards of Article VI Flood Hazard Area Regulations and Overlay District.

Motion

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Tom Kinley seconded to approve application 17-16-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;
3. The applicant shall provide a copy of the Elevation Certificate when the house is completed.

Vote: Passed unanimously.

 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.

Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes, #04-16-V
June 1, 2016

In Attendance:

Board members present: Dave Rogers (Chair), David Frothingham, Tom Kinley, Martha Staskus

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

Owner/Applicant:	Marvin Patnoe
Address/Location:	172 Lincoln Street, Waterbury, VT
Zones:	Village Residential (VR), Special Flood Hazard Area (SFHA) overlay
Application #	04-16-V
Tax Map #:	13-294.100

Applicant Request

The applicant seeks approval for an existing residential accessory structure (shed) within the setback and flood hazard area at 172 Lincoln Street.

Exhibits

- A: Application #04-16-V (Zoning Permit, Conditional Use, Overlay District), submitted 5/4/16. (6 pages)
- B: Site plan of the parcel, existing dwelling, and the location of the shed.
- C: Photograph of the shed, with dimensions annotated.
- D: Applicant's narrative addressing the flood hazard standards and measure taken to minimize flood damage. (2 pages)
- E: FEMA Elevation Certificate application from 2002 (2 pages)
- F: FEMA Letter of Map Amendment, dated March 29, 2002, removing the primary dwelling from the SFHA (2 pages)
- G: Aerial photo of the parcel showing the Special Flood Hazard Area overlay. (staff)
- H: Letter to Rebecca Pfeiffer requesting comment on the proposal, dated May 16, 2016.
- I: Letters to adjoining landowners, dated May 14, 2016.

Testimony

1. Previous high water has flooded the existing shed but it has not been damaged by the flood water.
2. The shed has been adequately anchored.
3. Exhibit D was prepared by Mr. Patnoe and indicates the flood hazard standards are met.

Findings of Fact

1. Existing conditions: Marvin Patnoe owns a 0.24± acre parcel located at 172 Lincoln Street. The property is developed with an existing one-story single-family dwelling and a shed. The property is

served by municipal water and wastewater systems, includes an access drive to Lincoln Street, and also has frontage on Perry Hill. The parcel is located in the Village Residential (VR) zoning district and lies partially in the Special Flood Hazard Area (SFHA) overlay district.

2. Dimensional requirements: In the VR zoning district, the minimum lot size is 10,000 SF (for one family), maximum height: 35'; and the minimum setbacks are: front 30', sides 10', and rear 30'. The lot meets the minimum lot size requirement. The existing dwelling meets the setbacks.
3. Waiver Request: The applicant has constructed a 142.5 SF shed, approximately 10'5" high at the peak. The shed is located 2' from the left side (east) property line. The Setback Waiver request is to encroach into the side yard setback by 8'.
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 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 residential accessory structure is appropriate in scale and design in relation to the existing dwelling and others in the area.
 - c. Section 303(e)(3) Municipal bylaws in effect: The existing dwelling will continue to be for single-family occupancy and the shed is a customary accessory structure to a dwelling. A portion of the shed has existed on the parcel for 10 yrs. The shed 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: The shed is for storing residential tools and materials, not for work or hobby activities. This provision does not apply.
 - e. Section 303(h) Removal of earth or mineral products conditions: The structure is in place. This provision does not apply.
 - f. In accordance with Section 303, the Applicant has demonstrated that the existing residential accessory structure will not have an undue adverse impact on the use and enjoyment of adjoining properties from which the setback waiver is sought.
5. Flood Hazard Area: The front and side (north-westerly corner) portion of the parcel is shown to lie within the Special Flood Hazard Area (SFHA) (Exhibit G). However, Applicant has obtained a Letter of Map Amendment for the dwelling (Exhibit F). The shed might be outside of the SFHA as well. Comments from the Floodplain Manager, Rebecca Pfeiffer, are pending (Exhibit H). Staff Bookmyer-Baker and Lotspeich visited the property and noted that the ground looks to be relatively

level with the house being slightly elevated. Applicant has addressed the flood hazard standards (Exhibit D).

6. Section 304(c)(2) Noncomplying Structures within a designated FHA: Requirements have been met.

Staff referral

This project was referred to the DRB for Setback Waiver Request under Article III and consideration of Flood Hazard Area review under Article VI.

Guiding ordinance sections

Section 309—Waivers

Section 303—Conditional Uses

Table 5.2—Dimensional Requirements by District

Article VI Interim Flood Hazard Area Regulations and Overlay District

Conclusion:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #04-16-V, as represented by Marvin Patnoe, for a setback waiver for an existing residential accessory structure (shed) located 8 feet within the side yard setback at 172 Lincoln Street, in Waterbury, VT, meets the conditional use standards as reviewed in accordance with Sections 303, 309 Waivers, and the Special Flood Hazard Area development standards as reviewed in Section 604 in the Waterbury Zoning Regulations.

Motion

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Tom Kinley seconded to approve application #04-16-V with the following conditions:

1. The applicant shall complete the project in accordance with the Board's findings and conclusions and the approved plans and exhibits.

Vote: Passed unanimously.

 Chair

Date: 6-15-16

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.