

WATERBURY DEVELOPMENT REVIEW BOARD
Approved General Meeting Minutes
Wednesday, October 5, 2016

In Attendance: Board members present: Dave Rogers (Chair), Tom Kinley, David Frothingham, Nathaniel Fish, Rob Dombrowski, and Martha Staskus. Staff present: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Spence (Secretary).

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

6:30 p.m. #59-16-T: George & Patricia von Trapp (owner/applicant)
Setback waiver request to construct a residential addition and deck within the rear yard setback at 1303 Kneeland Flats, Waterbury Center, VT. (MDR zoning district)

Present and Sworn in: George & Patricia von Trapp, owner/applicant.

The setback waiver criteria were reviewed. Testimony included:

- The residential addition will not be the closest structure to the rear property line.

Motion by Dave Frothingham, seconded by Tom Kinley: To approve application # 59-16-T with conditions.

Vote: Passed unanimously, 6-0.

The Board will issue the final written decision within 45 days.

7:00 p.m. #22-16-V: Cris Jones (applicant), **Steven Van Esen** (owner)
Site Plan and Conditional Use Review to relocate the Factotum screen printing business to 30 Foundry St., Waterbury, VT (IND/DDR/FHA zoning and overlay districts). This is a change of use from business professional office to light industrial.

Present and Sworn in: Crispin and Meeghan Jones, Applicant
Nat Fish, Assisting Applicant (recused as a DRB member)
Martha Staskus, Adjacent Tenant (recused as a DRB member)

The site plan and conditional use criteria were reviewed. Testimony included:

- There will be deliveries by UPS, Fed Ex, and occasionally by a semi-trailer truck.
- Products used are non-toxic and non-flammable.
- There is no hazardous waste to dispose of.
- A dryer is vented outside that expels residual material, as would a home clothes dryer. It will be vented outside on the northwest wall of the building.
- The screen printing equipment will be installed on the slab in the Northern wing of the existing building.

Motion by Dave Frothingham, seconded by Tom Kinley: To approve application #22-16-V with conditions.

Vote: Passed unanimously, 4-0 (2 members recused).

The Board will issue the final written decision within 45 days.

7:40 p.m. #60-16-T: Dale Conoscenti & Shawna Ripley (owner/applicant)
Setback waiver request to replace the existing garage and shift the location within the required front yard setback at 1800 Shaw Mansion Rd., Waterbury Center, VT. (MDR)

Present and Sworn in: Dale Conoscenti and Shawna Ripley, owner/applicant

The setback waiver criteria were reviewed. Testimony included:

- The site location is restricted by an existing septic, located behind the existing garage, and a gas tank.
- A slope to the south, toward the house, prohibits moving the garage closer to the house, away from the road.

Motion by Dave Frothingham, seconded by Tom Kinley: To approve application #60-16-T with conditions.

Vote: Passed unanimously, 6-0.

The Board will issue the final written decision within 45 days.

8:06 p.m. #56-16-T: Daniel Dunster (owner/applicant)
Setback waiver request to construct residential addition to existing single-family dwelling within the side yard setback at 1513 U.S. Route 2, Waterbury, VT. (MDR/FHA zoning and overlay districts).

Present and Sworn in: Daniel Dunster, owner/applicant
Austin Dunster, resident

The setback waiver criteria were reviewed. Testimony included:

- The exterior will be the same as the existing exterior.
- There will be one light added that will be downcast and shielded.

Motion by Dave Frothingham, seconded by Tom Kinley: To approve application #56-16-T with conditions.

Vote: Passed unanimously, 6-0.

The Board will issue the final written decision within 45 days.

8:33 p.m. #53-16-T: Alexander McKenzie (owner/applicant)
Setback waiver request to construct residential addition to existing garage for residential use and existing home occupation within the side yard setback at 150 Stuart Lane, Waterbury, VT. (LDR zoning district)

Present and Sworn in: Alex McKenzie, owner/applicant

The setback waiver criteria were reviewed. Testimony included:

- The curved driveway is already in place, obtained a permit to build it.
- The addition will not be higher than the existing garage.

Motion by Dave Frothingham, seconded by Nat Fish: To approve application #53-16-T with conditions.

Vote: Passed unanimously, 6-0.

The Board will issue the final written decision within 45 days.

Approval of prior meeting minutes and decisions:

Motion: Tom Kinley moved and David Frothingham seconded the motion to approve the general minutes of September 21, 2016 and the decisions for application #57-16-T, as presented.

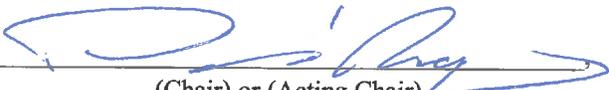
Vote: Passed unanimously, 6-0.

Other Business:

Steve reviewed the Municipal Planning Grant Application and the Scope of Work. The grant is being presented to the Selectboard on Oct. 17, 2016.

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

Next meeting: Wednesday, October 19, 2016, 6:30 p.m. (All applications will start at 6:30)



(Chair) or (Acting Chair)



(date)

These minutes were approved on October 19, 2016..

Next meeting: Wednesday, October 19, 2016, 6:30 p.m.

Town & Village of Waterbury
Development Review Board
Approved Decision Application #59-16-T
October 5, 2016

Attending Board Members: Dave Rogers (Chair), Tom Kinley, David Frothingham, Nathaniel Fish, Rob Dombrowski, Martha Staskus

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

Owner/Applicant:	George & Patricia von Trapp	
Address/Location:	1303 Kneeland Flats, Waterbury Center, VT	
Zones:	Medium-Density Residential (MDR)	
Application #	59-16-T	Tax Map # 14-040.000

Applicant Request

The applicant seeks approval to construct a residential addition and deck within the rear yard setback at 1303 Kneeland Flats.

Present and sworn in

George & Patricia von Trapp, applicants

Exhibits

- A: Application #59-16-T (3 pp: Zoning Permit, Conditional Use), 8/31/16.
- B: Site plan sketch.
- C: Aerial photo of the property in its neighborhood (parcel boundary may be misaligned). (staff)
- D: Floor plans and elevations (5 pages), prepared by Michael L. Brown, dated 7/25/2016
- E: Letter to adjoining landowners, sent certified 9/15/16

Findings of Fact

1. Existing conditions: George and Patricia von Trapp own a 1.12± acre parcel located at 1303 Kneeland Flats. The property is developed with an existing one-story single-family dwelling with a built-in garage and a one-story detached garage. The parcel includes some 200± feet of frontage on and has access to Kneeland Flats, a class-3 town road and is served by private water and wastewater systems. The parcel is located in the Medium-Density Residential (MDR) zoning district.
2. MDR dimensional requirements: In the MDR zoning district, the minimum lot size is 2 acres and the minimum setbacks are: front: 60', sides/rear: 50'. At 1.12 acres, the lot does not meet the minimum lot size. The existing detached garage does not meet the setback and extends some 29' into the rear yard setback.
3. Waiver Request: The proposed addition will not be the closest structure to the rear property line. Previous owners obtained a variance to place the detached garage 21' from the rear property line (zoning permit #050-98-T). The applicant proposes to construct an 830 SF two-story enclosed addition with a 144

SF deck with stairs to the existing dwelling. The nearest portion of the enclosed space will be located 44', and the nearest corner of the deck will be located 41' from the nearest property line to the rear. The setback waiver request is to encroach into the rear yard setback by 9'.

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 addition is to extend the existing residential use. The proposed addition will not have an undue adverse impact on the capacity of existing or planned community facilities.
 - b. Section 303(e)(2)(A-E) Character of the area: No change of use is proposed; the use of the property will remain residential. The proposed addition is appropriate in scale and design in relation to existing uses and structures in the district. (Exhibits C & D)
 - c. Section 303(e)(3) Municipal bylaws in effect: The project application presents compliance with the conditional use criteria. The existing dwelling will continue to be for single-family occupancy and will not violate any municipal bylaws and ordinances.
 - d. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: No change in the existing residential use of the dwelling is proposed. This provision does not apply.
 - e. Section 303(h) Removal of earth or mineral products conditions: The proposal does not include earth removal activities. This provision does not apply.

Conclusion

Based upon these findings, and subject to the conditions set forth below, the Waterbury Development Review Board concludes that application # 59-16-T, for a 9' waiver to construct a residential addition and deck for an existing dwelling within the rear yard setback at 1303 Kneeland Flats, Waterbury Center, VT meets the Waivers and Conditional Use standards.

Motion

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Tom Kinley seconded to approve application # 59-16-T 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: 10-19-16

THESE MINUTES WERE APPROVED ON October 19, 2016

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 Decision Application #22-16-V
Date: October 5, 2016**

Attending Board Members: Dave Rogers (Chair), Tom Kinley, David Frothingham, Nathaniel Fish, Rob Dombrowski, Martha Staskus

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

Applicant Request

#22-16-V: Stephen Van Esen (owner), **Cris Jones** (applicant)
30 Foundry St, Waterbury, VT (IND/DMU zoning and overlay districts)
Site Plan and Conditional Use review to change the use of existing commercial space from business professional offices to light industrial.

Permit Application #22-16-V
Applicant: Cris Jones
Property Owner: Stephen Van Esen
Tax Map #19-361.000
Location of Project: 30 Foundry Street

PRESENT & SWORN IN

Crispin Jones, Applicant
Meeghan Jones, Applicant
Nat Fish, Assisting Applicant (recused as a DRB member)
Martha Staskus, Adjacent Tenant (recused as a DRB member)

TESTIMONY

1. There are deliveries by UPS and Fed Ex and an occasional semi-trailer truck.
2. Products used are non-toxic and non-flammable.
3. There is no hazardous waste to dispose of.
4. A dryer is vented outside and expels the residual material, as would a dryer. It will be vented outside to the northwest of the building.
5. The screen printing equipment will be installed on the slab portion of the existing building.

EXHIBITS

- Exhibit A: Application # 22-16-V
- Exhibit B: Site Plan dated July, 1975
- Exhibit C: Photos of the Building
- Exhibit D: Aerial Photo of Site with Floodplain & Parcel Boundaries, October 5, 2016
- Exhibit E: Letter to Adjoining landowners, dated September 16, 2016
- Exhibit F: Warning published on September 15, 2016

TESTIMONY

1. There is 1 full-time employee and 2 part-time employees.
2. Customers come in to review and/or pick up work.

FINDINGS OF FACT

The applicant seeks to change the use of the existing 3,788 sq. ft. first floor space that was previously occupied by the Keurig Green Mountain, from business professional offices to light industrial. The second floor of the building is currently in business professional office use and will not change.

1. The existing 0.21 acre property is located at 30 Foundry Street and lies within the Industrial (IND) Zoning District, and is also within the Mixed-use Sub-district of the Design Review Overlay District, and the Flood Hazard Overlay District.
2. The property has frontage along Bidwell Lane and Foundry St.
3. The existing building currently has 5,588 sq. ft. of floor area with 3,788 sq. ft. on the first floor that will be primarily light industrial with associated offices, show room, and materials storage. A maximum of three people will work on the first in eth light industrial use. The second floor will remain as a 1,800 sq. ft. business professional office space.
4. The property lies within the Downtown Design Review Overlay District (Mixed-use sub-district). Section 1104(a)(1) provides an exemption for a change of use or type of occupancy that does not involve any of the following: any intensification or expansion of use, any alteration to the exterior of a building, or any parking lot or driveway construction;
5. Exhibit B, Site Plan, shows the entire building and the seven parking spaces that are on the parcel for 30 Foundry St. Four of these spaces appear to have been allocated to 40 Foundry St.
6. The building at 30 Foundry St. is not shown as a contributing structure to the Village of Waterbury Historic District so it does not meet the definition of a historic structure in the Waterbury Zoning Regulations. This project could be reviewed under Sub-section 1108(a)(3) as shown below. These requirements were exempted as allowed under Sub-section 1104(a)(1) also shown below as there are no changes proposed to the exterior of the building.

7. There will be no changes to the outside appearance of the structure, as shown on Exhibit C, Photos of the Building.
8. The parking requirement for the entire building is as follows: The light industrial use requires one space for each employee during the maximum shift that is three spaces. The 1,800 sq. ft. of business professional office space on the second floor requires six spaces. The total requirement is nine parking spaces. With the previous use of the entire building as business professional offices, the requirement was 19 spaces ($5,588/300 = 19$). The change of use of the first floor to light industrial use is a reduction of 10 spaces in the parking requirement for the entire building to the total of nine spaces.
9. Below are excerpts of the applicable Site Plan Review criteria and Downtown Design Review Overlay District. The Conditional Use Criteria in Section 303 also apply to light industrial use in the Industrial District, including the Downtown Overlay Mixed-Use Sub-District, as stated in the Use Regulation Table.
 - a. The silk press, other large equipment and the dryer vent will be located in the one story northwestern wing of the building.
10. Regarding Conditional Use Sub-section 303(e)(2) Describe how the proposed use will not have an undue adverse impact on the character of the area affected as defined by the Municipal Plan.....: the application states that “there are no exterior changes” and the use “should have no impacts on the area.”
11. Regarding Conditional Use Sub-section 303(e)(2)(B) Methods to control prevent or control fumes, gas, dust, smoke, odor, noise, or vibration: based on the current operation that is located in the Village of Waterbury, and the similar processing equipment that will be used at 30 Foundry St., the proposed silk screen operation will not have an undue adverse impact on any of these environmental factors.
12. The definition of Development as it relates to Flood Hazard Area Review is as follows: “For the purposes of Article VI, the Flood Hazard Area Regulations, "development" refers to any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.” The change of use in this application does not meet this definition therefore Flood Hazard Area Review is not required.

Conclusion

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #22-16-V for site plan and conditional use review to change the use of the 3,788 sq. ft. on the first floor of 30 Foundry Street, tax map #19-361.000 from the existing use of business professional office space to light industrial use, meets the standards in Section 301, Site Plan Review, Section 303, Conditional Uses, and Section 1104, Exemption (from Design Review).

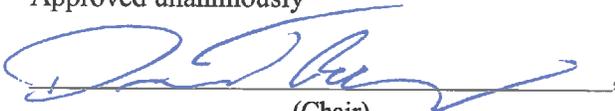
Motion:

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Tom Kinley seconded the motion to approve application 22-16-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;

Vote:

Approved unanimously


(Chair)

10-19-16
(date)

Decision Approved: October 19, 2016

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 Decision Application #60-16-T
October 5, 2016

Attending Board Members: Dave Rogers (Chair), Tom Kinley, David Frothingham, Nathaniel Fish, Rob Dombrowski, Martha Staskus

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

Owner/Applicant:	Dale Conoscenti & Shawna Ripley	
Address/Location:	1800 Shaw Mansion Road, Waterbury Center, VT	
Zones:	Medium-Density Residential (MDR) Ridgeline, Hillsides, Steep Slopes (RHS) overlay	
Application #	60-16-T	Tax Map # 10-115.000

Applicant Request

The applicant seeks approval to replace the existing garage and shift the location within the required front yard setback at 1800 Shaw Mansion Road.

Present and sworn in

Dale Conoscenti, applicant
Shawna Ripley, applicant

Exhibits

- A: Application #60-16-T (3 pp: Zoning Permit, Conditional Use), 9/6/16.
- B: Site plan sketch.
- C: Aerial photo of the property in its neighborhood (parcel boundary may be misaligned). (staff)
- D: Letter to adjoining landowners, sent certified September 20, 2016

Testimony

1. The site location is restricted by an existing septic, located behind the existing garage and a gas tank
2. A slope to the south, toward the house, prohibits moving the garage closer to the house.

Findings of Fact

1. Existing conditions: Dale Conoscenti & Shawna Ripley own a 2.19± acre parcel located at 1800 Shaw Mansion Road. The property is developed with an existing one-story single-family dwelling with a carport, a one-story detached garage, and a two-story guesthouse/two-bedroom apartment. The parcel includes some 300± feet of frontage on and has access to Shaw Mansion Road, a class-3 town road and is served by private water and wastewater systems. The parcel is located in the Medium-Density Residential (MDR) zoning district and the Ridgeline, Hillsides, Steep Slopes (RHS) overlay district.

2. MDR dimensional requirements: In the MDR zoning district, the minimum lot size is 2 acres and the minimum setbacks are: front: 60', sides/rear: 50'. The lot meets the minimum lot size. The existing detached garage does not meet the front setback, extending 40' into the front yard setback.
3. Waiver Request: The proposed replacement garage will be turned to face more toward the road, but will not come closer to the front property line than the existing garage. The replacement garage will be of the same size and dimensions as the existing structure: 840 SF, measuring 24' by 35'. Because of turning the way the structure faces, fewer square feet of the structure will be in the front setback. The setback waiver request is to encroach into the front yard setback by 40'.
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 proposal is to replace the existing garage with one of the same dimensions. The proposed rebuilt structure will not have an undue adverse impact on the capacity of existing or planned community facilities.
 - b. Section 303(e)(2)(A-E) Character of the area: No change of use is proposed; the use of the property will remain residential. The proposed garage is appropriate in scale and design in relation to existing uses and structures in the district.
 - c. Section 303(e)(3) Municipal bylaws in effect: The project application presents compliance with the conditional use criteria.
 - d. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: No change in the existing residential use of the garage is proposed. This provision does not apply.
 - e. Section 303(h) Removal of earth or mineral products conditions: The proposal 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.

Conclusion

Based upon these findings, and subject to the conditions set forth below, the Waterbury Development Review Board concludes that application # 60-16-T, for 40' set waiver waiver to replace the existing garage and shift the location within the required front yard setback at 1800 Shaw Mansion Road, Waterbury Center, VT meets Section 309 Waivers and Section 303 Conditional Use standards and RHS section 1004b, Standards of Review.

Motion

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Tom Kinley seconded to approve application # 60-16-T 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;

2. All exterior lighting will be downcast and shielded.

Vote: Passed unanimously.

 Chair

Date: 10-19-16

THESE MINUTES WERE APPROVED ON October 19, 2016

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 Decision Application #56-16-T
October 5, 2016

Attending Board Members: Dave Rogers (Chair), Tom Kinley, David Frothingham, Nathaniel Fish, Rob Dombrowski, Martha Staskus

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

Owner/Applicant:	Daniel Dunster	
Address/Location:	1513 U.S. Route 2, Waterbury, VT	
Zones:	Low-Density Residential (LDR), partially in the Flood Hazard Area (FHA) overlay	
Application #	56-16-T	Tax Map # 12-034.000

Applicant Request

The applicant seeks approval to construct a residential addition to existing single-family dwelling within the side yard setback at 1513 U.S. Route 2.

Present and sworn in

Daniel Dunster, Applicant
Austin Dunster, Resident

Exhibits

- A: Application #56-16-T (3 pp: Zoning Permit, Conditional Use), 8/22, 9/13/16.
- B: Aerial photo of the property in its neighborhood and showing the flood-hazard area. (staff).
- C: Letter to adjoining landowners, sent certified September 12, 2016

Testimony

1. The exterior will be the same as the existing exterior.
2. There will be one light added that will be downcast and shielded.

Findings of Fact

1. Existing conditions: Daniel and Valerie Dunster own a 1.0± acre parcel located at 1513 U.S. Route 2. The property is developed with an existing one-story single-family dwelling (mobile home) with an enclosed front porch and deck. The parcel has access to US Route 2 and is located in the Low-Density Residential (LDR) zoning district, and lies partially in the Flood Hazard Area (FHA) overlay district.
2. MDR dimensional requirements: In the LDR zoning district, the minimum lot size is 5 acres and the minimum setbacks are: front: 70', sides/rear: 75'. At 1 acre, the lot does not meet the minimum lot size. The existing dwelling does not meet the side setback and extends 45' into the side yard setback.
3. Waiver Request: The proposed mudroom will not come closer to the side property line than the existing dwelling. The setback waiver request is to encroach into the side yard setback by 45'.

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 proposed addition will not have an undue adverse impact on the capacity of existing or planned community facilities.
 - b. Section 303(e)(2)(A-E) Character of the area: No change of use is proposed; the use of the property will remain residential. The proposed addition is appropriate in scale and design in relation to existing uses and structures in the district.
 - c. Section 303(e)(3) Municipal bylaws in effect: The project application presents compliance with the conditional use criteria.
 - d. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: No change in the existing residential use of the property is proposed. This provision does not apply.
 - e. Section 303(h) Removal of earth or mineral products conditions: The proposal 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

Based upon these findings and subject to the conditions set forth below, the Waterbury Development Review Board concludes that application #56-16-T for a side yard setback waiver of 45' to construct a residential addition to an existing single-family dwelling within the side yard setback at 1513 U.S. Route 2, Waterbury, VT meets the standards in Section 309, Waiver; and Section 303 Conditional Uses.

Motion

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Tom Kinley seconded to approve application # 56-16-T 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;
2. All exterior lighting will be downcast and shielded.

Vote: Passed unanimously.

 , Chair

Date: 10-19-16

THESE MINUTES WERE APPROVED ON October 19, 2016

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.

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Town & Village of Waterbury
Development Review Board
Approved Decision Application #53-16-T
October 5, 2016

Attending Board Members: Dave Rogers (Chair), Tom Kinley, David Frothingham, Nathaniel Fish, Rob Dombrowski, Martha Staskus

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

Owner/Applicant:	Alexander McKenzie	
Address/Location:	150 Stuart Lane, Waterbury, VT	
Zones:	Low-Density Residential (LDR)	
Application #	53-16-T	Tax Map # 13-264.000

Applicant Request

The applicant seeks approval to construct a residential addition to an existing garage for residential use and an existing home occupation within the side yard setback at 150 Stuart Lane.

Present and Sworn in

Alex McKenzie, Applicant

Exhibits

- A: Application #53-16-T (3 pp: Zoning Permit, Conditional Use), 8/16, 9/8/16.
- B: Site plan, floor plans, and elevations of the proposed garage renovation (9 pages), prepared by RB Designs, dated 8/9/2016.
- C: Aerial photo of the property and neighboring properties (parcel polygon misaligned). (staff)
- D: Letter to adjoining landowners, sent certified 9/8/16

Findings of Fact

1. Existing conditions: Alexander and Jamie McKenzie own a 3.41± acre parcel located at 150 Stuart Lane. The property is developed with an existing two-story single-family dwelling and a two-story detached garage. The parcel includes some 500' of frontage on and has access to Stuart Lane, a class-3 town road and is served by a drilled well and on-site septic system. The parcel is located in the Low-Density Residential (LDR) zoning district.
2. LDR dimensional requirements: In the LDR zoning district, the minimum lot size for one family is 5 acres and the minimum setbacks are: front: 70', sides/rear: 75'. At 3.41 acres, the lot does not meet the minimum lot size. The existing garage does not meet the setback and extends some 20' into the side yard setback.
3. Waiver Request: The applicant proposes to construct a 1,600 SF two-story addition onto the existing two-story garage, resulting in a 2,752 SF structure with an outdoor storage area. The existing garage is approximately 55' from the side yard property line to the north where the addition will be attached. The nearest portion of the addition will be located approximately 32' from the nearest side property line to the

north. Nearly all of the addition will be located in the side yard setback to the north. The setback waiver request is to encroach into the side yard setback by 43'.

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 garage addition is to create additional storage and working space for the home occupation of woodworking. The lower-level floor will be used for storage and inside parking for the residents (Exhibit B1, Sheet A2.1). The upper-level space of 48' by 24' will be devoted to the home occupation use. The home occupation is conducted entirely by the Applicant, with no employees and no customers visiting the premises. The products are sold online. The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities.
- b. Section 303(e)(2)(A-E) Character of the area: No change of use is proposed; the use of the property will remain residential. The woodworking shop hours are during normal business hours. The proposed garage addition is appropriate in scale and design in relation to existing uses and structures in the district. (Exhibit B, Sheet A0.1 and Exhibit C)
- c. Section 303(e)(3) Municipal bylaws in effect: The project application presents compliance with the conditional use criteria. A zoning permit was issued in 2015 for the home occupation to be conducted in the existing garage.
- d. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The addition is to create a better space for the existing home occupation, which will be conducted on the upper level. The building will have sound-deadening insulation installed and use dust-collection and air-filtration systems. Applicant has been conducting the home occupation for several months in the existing space with no complaints.
- e. Section 303(h) Removal of earth or mineral products conditions: The proposed project does not include earth removal activities. This provision does not apply.

5. Home Occupations, Section 407(b): For those applications that do not clearly meet the criteria, the ZA shall refer it to the DRB for a ruling on whether an application qualifies as a home occupation.

Section 407(b)(2) Total area: The regulations state that the total area devoted to the home occupation shall be a minor portion of the dwelling living space. The existing dwelling is 2,580 SF, including the basement. The existing garage is 1,152 SF. The zoning permit issued in 2015 was for a home occupation woodworking space of 600 SF. The proposal is to expand the garage from 1,152 SF to 2,752 SF and for 1,152 SF of the space to be dedicated to the home occupation. The lower level of the garage will be returned to residential use. This is an increase of 552 SF for the home occupation. The DRB considers the home occupation to be a minor portion in comparison to the dwelling living space.

Staff referral

This project was referred to the DRB for Setback Waiver Request under Article III and a ruling on home occupation compliance under Section 407.

Guiding ordinance sections

Section 309—Waivers

Section 303—Conditional Uses

Table 5.2—Dimensional Requirements by District

Section 407—Home Occupations

Conclusion

Based upon these findings, and subject to the conditions set forth below, the Waterbury Development Review Board concludes that application # 53-16-T to construct a residential addition to an existing garage within the side yard setback at 150 Stuart Lane, Waterbury, VT meets the standards in Section 309, Waivers, Section 30,3 Conditional Use, and section 407 Home Occupation standards and is granted a 43' side yard setback waiver.

Motion

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Nat Fish seconded to approve application # 53-16-T 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;
2. All exterior lighting will be downcast and shielded;

Vote: Passed unanimously.

 Chair

Date: 10-19-16

THESE MINUTES WERE APPROVED ON October 19, 2016

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.