

WATERBURY DEVELOPMENT REVIEW BOARD
General Meeting Minutes
Wednesday, May 3, 2017

In Attendance: Board members present: Dave Rogers (Chair), Nat Fish, David Frothingham, Rob Dombrowski, Mike Bard, and Tom Kinley. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

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

- 1) The Chair called the meeting to order at 6:32 p.m.
- 2) The agenda was amended to move the officer elections to follow the applications. The agenda was approved as amended.
- 3) **#26-17: John Schindler, Schindler Development Corporation** (owner/applicant)
Three-lot subdivision of an undeveloped parcel (Lot A), on Ripley Road and Ring Road, Waterbury Center, VT. (LDR/CNS zoning districts)

Present and sworn in:

John Schindler Jr., Applicant

Chris Austin and John Grenier, Consultant to applicant

Rob Dombrowski & Emily Hayworth, Adjoining landowner

Testimony:

- The applicant pointed out that there is an easement for a spring water line to the Dombrowski property.
- The applicant stated that the disturbed spring water line will be replaced.
- The adjoining landowner whose property the water line goes to wants to be sure this is recorded tonight. The water line is currently not functional due to ground work that has commenced in the previous months.

Motion: by Mike Bard, second by Tom Kinley: To approve application #26-17 with conditions.

Vote: Passed unanimously, 5-0. (Dombrowski recused)

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

- 4) **#15-17: Charles Timothy Grayson** (landowner/applicant)
Ridgeline/Hillside/Steep Slope review for revisions to the clearing limits of the previously approved three-lot subdivision on Sweet Road, Waterbury Center, VT. (MDR/CNS/RHS zoning and overlay districts). The review of this application was continued from April 5, 2017.

Present and sworn in:

George McCain, and Gunner McCain, Consultant to the owner/applicant

Glenn Anderson, Adjoining landowner

Deborah Mulvey, Adjoining landowner

Lauren Huffman and Matthew DesRoche, Adjoining landowner

Testimony:

- The driveway will be roughed in on Lot 3. The width is 30'
- The driveway for Lot 1 will be roughed in. The width is 30'.
- Selective thinning on Lot 1 to highlight views from the house site was presented on revised Exhibit C.
- An adjacent landowner expressed concern with any tree cutting without a study on how it will affect her well.
- An adjacent landowner has a spring which runs under where the proposed driveway will go. If any damage is done to the line for the spring it would be repaired as stated on the overview plan.

The board closed the public hearing to conduct private deliberations at a later time.

5) Election of DRB officers:

Motion: Tom Kinley moved and Mike Bard seconded that Dave Frothingham be elected Chair and Tom Kinley and Nat Fish be elected Co- Vice Chairs.

Vote: Passed unanimously, 6-0.


6) Approval of prior meeting minutes and decisions:

Motion: by Davd Frothingham, second by Tom Kinley: To approve the general minutes of March 1 and April 19 and the decisions for applications #18-17, #20-17 and #21-17, as amended.

Vote: Passed unanimously: 6-0.

Next meeting: Wednesday, May 17, 2017

Adjournment: The meeting was adjourned at 8:30 p.m.



(Chair) (Vice-Chair) (Acting Chair)

Approved on: 5/17/17

(date)

**Town & Village of Waterbury
Development Review Board
Approved Decision for Application #26-17
May 3, 2017**

In Attendance: Board members present: Dave Rogers (Chair), Nat Fish, David Frothingham, Mike Bard, and Tom Kinley. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

Owner/Applicant:	John Schindler, Schindler Development Corp.	
Address/Location:	Ripley Road & Ring Road, Waterbury Center, VT	
Zones:	Low-Density Residential (LDR), Conservation (CNS)	
Application #	26-17	Tax Map # 14-065.990

Applicant Request

The applicant seeks approval to create a three-lot subdivision of an undeveloped parcel (Lot A), on Ripley Road and Ring Road.

Present and sworn in

John Schindler Jr., Applicant
Chris Austin and John Grenier, Consultant to applicant
Rob Dombrowski & Emily Hayworth, Adjoining landowners

Exhibits

- A: Application #26-17 (4 pp: Zoning, Subdivision), submitted 4/3/17.
- B: Project description, prepared by Grenier Engineering, PC, dated 4/3/2017.
- C: Overall Site Plan, prepared by Grenier Engineering, PC, dated 1/29/2016.
- D: State Wastewater System and Potable Water Supply Permit, ww-5-4833-3, issued 2/26/16.
- E: Orthophoto of the parcel with the zoning districts overlay.
- F: Letter to adjoining landowners, sent certified 4/18/17
- G: ANR Atlas of Deer Overwintering Area

Findings of Fact

1. Existing conditions: Schindler Development Corp. owns Lot A, a 15.4± acre parcel located on the corner of Ripley Road & Ring Road, both of which are Town roads, Ripley being Class 3 and Ring being Class 4. The property is undeveloped and will be served by private water and wastewater systems (permit ww-5-4833-3). The parcel is located in the Low-Density Residential (LDR) and Conservation (CNS) zoning districts (Exhibit E).
2. Proposal: The proposal is to create three new residential lots as follows:
 - Lot 16, of 5.0± acres in LDR, will have 600'± of frontage on and driveway access to Ripley Road.
 - Lot 17, of 5.2± acres in LDR, will have 305'± of frontage on and driveway access to Ring Road. A portion of the driveway to Lot 17 is across Lot 18 via a 50' right-of-way.

- Lot 18, of 5.11± acres in LDR and 0.02± acres in CNS, will have > 500'± of frontage on Ring Road. The driveway access for Lot 18 is across is across Lot 17 via a 50' right-of-way.

3. Section 1201 Authority and Review of Subdivisions: All applications for land division shall be reviewed by the Development Review Board under Section 1202, unless exempted under Section 1203. This application is not exempted from Board review, as the project involves the division of land into four or more parcels within the previous five (5) years.
4. Section 504 General Dimension Requirements: Any subdivision of land must conform to the relevant criteria in Section 504. See the table below for compliance with the LDR and CNS zoning districts.

	Zoning District Minimum Lot Size	Proposed Lot Size	LDR Minimum Frontage	Proposed Frontage
Lot 16	LDR: 5 acres	5.0± acres	300'	600'± Ripley Rd
Lot 17	LDR: 5 acres	5.2± acres	300'	305'± Ring Rd
Lot 18	LDR: 5 acres CNS: 10 acres	5.11± in LDR 5.13± acres total	300'	> 500' Ring Rd

5. Section 1202 Subdivision Review Criteria: Prior to granting approval, the Board must find that the proposed subdivision conforms to the standards in Section 1202 (a)–(d).
 - (a) The Board must find that the proposal will not have an undue adverse impact on the following:
 - (1) The capacity of community facilities: The dwellings will not be connected to municipal water or sewer systems. The proposal to create three new residential lots, each approved for a 5-bedroom single-family dwelling. Three dwelling units will not exceed the school system capacity, or cause an undue adverse impact to traffic volumes, or create an unmanageable burden on fire protection services.
 - (2) The character of the area: The use of the new lots will be residential. The existing uses in the immediate area are residential.
 - (3) Water quality: Applicant has obtained the water/wastewater permit from the state (Exhibit D). Applicant has obtained a VT stormwater discharge permit (3-9015). Applicant must comply with erosion protection and sediment control measures when development commences on the lots. Regarding the water line for the spring on the adjacent Rahavy property, the owner Lot 16 agrees to repair or replace any damage done to the waterline that serves the Dombrowski property. The water line is currently not functional due to ground disturbance work that has commenced in the previous months.
 - (4) Aesthetics and scenic or natural beauty:
 - (5) Significant natural resources:
 - (b) The project is *not* in the RT100 zoning district. This provision does not apply.

- (c) The project is *not* in the RHS overlay district. This provision does not apply.
- (d) The Board may attach reasonable conditions and safeguards with respect to the following:
 - (1) Curb cuts: The project proposes two individual driveway accesses: Lot 16 is proposed with access off of Ripley Road; Lots 17 and 18 will share an access drive off of Ring Road.
 - (2) Excessively narrow or irregularly shaped lots: The ratio of a lot's depth to its width (frontage) shall not exceed five to one (5:1) unless the Board finds there is good cause otherwise.
 - (3) Preservation of existing vegetative screening: Building zones, conceptual house footprints, Class II wetland and wetland buffer (on Lots 16 and 17), infrastructure development, and existing vegetation is shown on Applicant's Overall Site Plan (Exhibit C).
 - (4) Setbacks from natural resources and/or adjoining properties: The proposed building zones and lot setbacks are shown on the plan.

Conclusion:


Based upon these findings, and subject to the conditions set forth below, the Board concludes that Schindler Development Corporation's request to create a three-lot subdivision of Lot A on Ripley Road & Ring Road, as presented in application #26-17 and supporting materials, meets the Subdivision criteria as set forth in Section 1202.

Motion:


On behalf of the Waterbury Development Review Board, Mike Bard moved and Tom Kinley seconded the motion to approve application #26-17 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) The Applicant shall submit a copy of the final plat, prepared in accordance with 27 V.S.A. § 1403, to the Zoning Administrator within 150 days of the approval date of this decision for Development Review Board approval.
- (3) The approved final plat, signed by the DRB Chair (or Acting Chair), shall be duly filed or recorded in the office of the clerk of the Town of Waterbury within 180 days from this approval, in accordance with 24 V.S.A. § 4463.

Vote: The motion was approved, 5-0



 (Chair) (Vice-Chair) (Acting Chair)



 (date)

This decision was approved on May 17, 2017.

***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 #15-17
May 3, 2017

Owner/Applicant:	Charles Timothy Grayson	
Address/Location:	Lot 1 and Lot 3 on Sweet Road, Waterbury Center, VT	
Zoning District:	Medium-Density Residential (MDR), Conservation (CNS), and Ridgeline/Hillside/Steep Slope (RHS) overlay district.	
Application #	15-17	Tax Map # 10-015.000

Procedural History and Applicant Request

1. On March 8, 2017, McCain Consulting, Inc., on behalf of owner/applicant Charles Timothy Grayson, submitted a zoning permit application (#15-17) to revise the clearing limits for driveway and infrastructure improvements on the previously-approved three-lot subdivision on Sweet Road in the Ridgeline/Hillside/Steep Slope (RHS) overlay district. The ZA scheduled the application for RHS review on April 5, 2017.
2. On April 5, 2017 the Development Review Board (Board) conducted a warned public hearing. Board members present: Dave Rogers (Chair), David Frothingham, Nat Fish, and Martha Staskus. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary). Others present and sworn in: George McCain, Consultant to the owner/applicant, Glenn Anderson, Deborah Mulvey, Lauren Huffman, and Matthew DesRoche. An initial review of the project was conducted. Applicant submitted a revised site plan that showed Peek-a-boo Views for Lot 1. The Board requested the Applicant to submit a clearing/thinning plan more-clearly defined and marked. The hearing was continued to May 3, 2017.
3. On May 3, 2017, the review resumed in a warned public hearing. Board members present: Dave Rogers (Chair), David Frothingham, Nat Fish, Tom Kinley, Mike Bard, and Rob Dombrowski. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary). Others present and sworn in: George McCain, and Gunner McCain, Consultants to the owner/applicant, Glenn Anderson, Deborah Mulvey, Lauren Huffman, and Matthew DesRoche.

Materials submitted and/or made available to the Board include the following Exhibits:

- A: Application #15-17 (6 pp: Zoning Permit, Conditional Use, Overlay District), submitted 3/8/17.
- B: Applicant Response to RHS criteria.
- C: Overview Plan (Sheet C-1), prepared by McCain Consulting, Inc., dated 1/17/17, as revised 4/28/17.
- D: Aerial photo of parcel with tax map boundaries and zoning districts (staff).
- E: Letter to adjoining landowners, mailed certified on: March 20, 2017.
- F: Correspondence from Glenn Andersen, adjoining landowner, submitted 5/3/17.

Findings of Fact

4. Existing conditions: Charles Timothy Grayson owns a 45.1± acre parcel located on Sweet Road. The property is undeveloped and includes 994' of frontage on Sweet Road. The parcel is located partially in

the Medium-Density Residential (MDR) and Conservation (CNS) zoning districts, and entirely within the Ridgeline/Hillside/Steep Slope (RHS) overlay district (Exhibit D). A three-lot subdivision of the parcel was previously approved (zoning permit #19-16T).

5. **Project scope:** The proposal involves clearing and pre-development site work for the construction of the Lot 1 driveway from Sweet Road to the approximate house site (clear $\pm 400'$; rough-in $\pm 500'$ of driveway) and to the force main route, construction of the Lot 3 driveway up to the common leach field site (clear $\pm 450'$; rough-in $\pm 650'$ access for leach field), and construction of the force main and leach field infrastructure as shown on Exhibit C. The width of the driveways on Lots 1 and 3 will be $\pm 30'$.

In addition, the proposal includes selective thinning on Lot 1 to highlight views from the house site. The thinning will include an area starting not less than 100' from the front property line in which $\leq 40\%$ will be cut, leaving $\geq 60\%$; and an area starting $\pm 180'$ from the front property line and extending to the approximate house site in which $\leq 25\%$ will be cut, leaving $\geq 75\%$ of the tree canopy, as shown on Exhibit C. The existing forested cover in the foreground of Lot 1 will be preserved.

This application is for pre-development site preparation only, not for approval of the proposed dwellings, which will require Board approval for development in the RHS overlay district.

6. **Section 1004 RHS Standards of Review:** The proposed building zones and associate clearing for the sites are below 1,500 FIE. A three-lot subdivision of the parcel was previously approved, in which compliance with the conditional use standards was addressed. As per Section 1001, the project is classified as "minor" development. Applicant's Exhibit B addresses compliance with the following review standards as set forth Section 1004(c) for Major Development:
 - (a) **Section 1004(a)(1) Screening:** As depicted on the Overview Plan (Exhibit C), the new lots will be buffered from adjoining properties.
 - (b) **Section 1004(a)(2) Access:** Each lot will be served by individual driveway accesses off of Sweet Road and this revision to the previously approved clearing limits includes clearing and construction of the Lot 1 driveway up to the approximate house site and the Lot 3 driveway up to the common leach field site (Exhibit C).
 - (c) **Section 1004(a)(3) Placement of structures:** The Applicant is not requesting review of the dwelling units at this time. The placement of structures will be limited to the building envelopes as depicted on the Overview Plan (Exhibit C). The building envelope areas are located below 1,500 FIE.
 - (d) **Section 1004(a)(4) Exterior Lighting:** No exterior lighting is proposed, as no structures are proposed.
 - (e) **Section 1004(a)(5) Clear-cutting and predevelopment site preparation:** The application is for clearing and pre-development site preparation as described above and depicted on Exhibit C. The plan states that all pre-development activities will be performed in accordance with Acceptable Management Practices for maintaining water quality on logging jobs in Vermont.

(f) Section 1004(a)(6) Natural resources: Applicant's narrative (Exhibit B) states that the clearing and pre-development construction as proposed will not cause an undue adverse impact on natural resources, as per approval of the subdivision proposal that included an ANR Atlas map.

(g) Section 1004(a)(7) Building design: No structures are proposed at this time. The specifics of the building materials for future dwellings will be further defined with an application to build.

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the Grayson proposal to revise the clearing limits for selective thinning on Lot 1 and for driveway and infrastructure improvements on the approved three-lot subdivision on Sweet Road in the RHS overlay district as presented in application #15-17 and supporting materials, meets the Ridgeline Hillside Steep Slope criteria as set forth in Article X.

Motion:

On behalf of the Waterbury Development Review Board, Rob Dombrowski moved and Mike Bard seconded the motion to approve application #15-17 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) The proposed clearcutting and pre-development activities associated with it shall comply with *Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont*, as published by the Vermont Department of Forests, Parks and Recreation, and other regulations applicable to silvicultural activities, as set forth in the Regulations, Section 1004(a)(5).
- (3) Any future proposal to build on or further subdivide the lots will require DRB review and approval for development or subdivision in the RHS overlay district.

Vote:

The motion was approved 4-0.



(Chair) (Vice-Chair) (Acting Chair)



(date)

This decision was approved on May 17, 2017.

NOTICE: State permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367 or pete.kopsco@vermont.gov, and the appropriate state agencies to determine what permits must be obtained.

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.