

WATERBURY DEVELOPMENT REVIEW BOARD
General Meeting Minutes
Wednesday, June 7, 2017

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

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

The Chair called the meeting to order at 6:32 p.m.

The agenda was approved as presented.

- 1) **#23-17: Alchemy Holding Waterbury, LLC** (owner/applicant)
Site Plan, Conditional Use, and Setback waiver request to place a grain storage container within the setback and a refuse container at 35 Crossroad, Waterbury, VT (VCOM zoning district).

This application was continued from April 19, however, Applicant requests the Board to continue the review of this application to the next available meeting, due to a scheduling conflict.

Motion: by Tom Kinley, seconded by Mike Bard: To continue the Alchemy review to June 21, 2017 and that this be the final continuance on this application.

Vote: The motion was approved 5-0.

Also, a site walk will be held on June 21st at 5:30 p.m. The Board directed staff to request that the Applicant arrange to run the operation that deposits spent grain into the storage container at the time of the site visit for the Board to observe.

- 2) **#39-17: Jake Blauvelt** (owner/applicant)
Setback waiver request to construct a skateboard ramp for homeowner use within the setback at 1002 Sweet Road, Waterbury Center, VT. (MDR/RHS zoning and overlay district)

Present and sworn in:

Jake Blauvelt and Kristin Hebert, Owner/Applicant
Wm & Tanya White, Neighbor

Testimony:

- The structure will not be visible from the road.

The applicant noted the obstacles for placing the structure other than within the setback include two streams, existing gardens, and structures.

Motion: by Mike Bard, second by Nat Fish: To approve the application with conditions.

Vote: Passed unanimously, 5-0.

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

- 3) **#43-17: Natalie and John Sherman** (owner/applicant)
Setback waiver request to construct a residential pergola within the setback at 21 Union Street, Waterbury, VT. (VR zoning district)

Present and sworn in: Natalie Sherman, Applicant, Owner/Applicant

Motion: by Mike Bard, second by Tom Kinley: To approve the application with conditions.

Vote: Passed unanimously, 5-0.

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

- 4) **Review final plat of #21-17: Christopher and LeeAnne Viens** (owner/applicant).
Boundary-line adjustments and four-lot subdivision of Lot 9 at Evergreen Woods, Waterbury Center, VT. (MDR/LDR zoning districts). Public hearing: 4/19/17; DRB decision approved: 5/3/17; final plat due to DRB (150 days): 9/3/2017.

Motion: by Tom Kinley, seconded by Mike Bard: To approve the final plat.

Vote: The motion was approved 5-0.

The Chair signed the final plat submitted.

- 5) **Other Business: #55-17: Zack Mostov** (Applicant), **Bank Hill LLC** (owner). Request for exemption from Site Plan review as per Section 301(a)(5) to change the use of a portion (800 SF) of the existing commercial building at 11 South Main St., from office to day spa/salon. Same parking requirements. (DC zoning district).

Motion: by Tom Kinley, seconded by Nat Fish: To exempt application #55-17 from Site Plan review in accordance with Section 301(a)(5).

Vote: The motion was approved 5-0.

- 6) **Approval of prior meeting minutes and decisions:**

The May 17, 2017 minutes and decisions were reviewed.

Motion: by Tom Kinley, seconded by Mike Bard: To approve the general minutes of May 17, 2017 and the decisions for applications #31-17 and #33-17.

Vote: The motion was approved 5-0.

Next meeting: Wednesday, June 21, 2017, 6:30 p.m. and a site visit at 5:30 p.m. at 35 Crossroad.

Adjournment: The meeting was adjourned at 7:40 p.m.



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

Approved on: 6/21/17
(date)

**Town & Village of Waterbury
Development Review Board
Decision #39-17 — June 7, 2017**

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

Owner/ Applicant:	Jake Blauvelt
Address/Location:	1002 Sweet Road, Waterbury Center, VT
Zoning Districts:	Medium-Density Residential (MDR), Ridgeline/Hillside/Steep Slope (RHS) overlay
Application #	39-17 Tax Map # 10-020.300

Applicant Request

The applicant seeks approval to construct a skateboard ramp for homeowner use within the setback at 1002 Sweet Road.

Present and Sworn in:

Jake Blauvelt, Applicant
Kristin Hebert, Applicant
Wm & Tanya White, Neighbor

Exhibits

- A: Application #39-17 (3 pages: Zoning Permit, Conditional Use), 5/3/17.
- B: Orthophoto of parcel with 50-ft. setback applied.
- C: Letter to adjoining landowners, mailed certified on: May 22, 2017.
- D: Diagram of Skateboard Ramp dated June 7, 2017

Findings of Fact

1. Existing conditions: Jacob Blauvelt and Kristin Hebert own a 5.97± acre parcel located at 1002 Sweet Road. The property is currently developed with an existing two-story single-family dwelling, a two-story detached garage with an accessory dwelling unit above, a greenhouse, and a detached garage/shed (labeled “lower barn” on the site plan). The parcel includes 341± feet of frontage on and has access to Sweet Road, a town road, and is served by a drilled well and on-site septic system. The parcel is located in the Medium-Density Residential (MDR) zoning district and Ridgeline/Hillside/Steep Slope (RHS) overlay district.

Previous approvals: In November 2014, the owners obtained RHS approval from the DRB to construct a garage with an accessory dwelling unit (zoning permit #48-14-T).

2. Project scope: The proposal is to construct a 750 SF skateboard “mini-ramp” ≤ 7' in height, for personal recreation use. The nearest portion of the ramp will be located 20'± from the rear property line.

3. Dimensional requirements: In the MDR zoning district, the minimum setbacks are 60' for the front and 50' for the sides and rear. The setback waiver request is to encroach into the rear yard setback by 30':
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 of the property and no increase in occupancy is proposed. The proposed ramp is intended for homeowner use only, will not have electricity, plumbing, or wastewater. 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: The use of the property will remain residential. The proposed ramp will be located behind existing structures and will not be visible from the road or the developed areas on neighboring properties.
 - c. Section 303(e)(3) Municipal bylaws in effect: The project application presents compliance with the conditional use criteria 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: Use of the ramp will not emit any of the above, aside from slight noise, which will be absorbed by the existing house, garage, and woods. No devices or methods are necessary to prevent or control these impacts.
 - e. Section 303(h) Removal of earth or mineral products conditions: The project does not involve earth-removal activities. This provision does not apply.

Staff referral:

This project was referred to the DRB for a Waiver of building setbacks under Article III. Although the property is in the RHS overlay district, staff did not refer the project for Ridgeline/Hillside/Steep-Slope review as an accessory structure ≤ 800 SF is not subject to RHS review, per Section 1001(d)(1).

Conclusion:

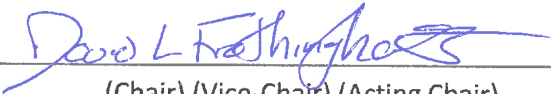
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Jake Blauvelt to construct a skateboard ramp 30' within the rear yard setback at 1002 Sweet Road, as presented in application #39-17 and supporting materials, meets the Waivers and Conditional Use criteria set forth in Sections 309 and 303.

Motion:


On behalf of the Waterbury Development Review Board, Mike Bard moved and Nat Fish seconded to approve application #39-17 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

Vote: The motion was approved 5-0



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



(date)

This decision was approved on June 21, 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
Decision #43-17—June 7, 2017

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

Owner/ Applicant:	Natalie and John Sherman	
Address/Location:	21 Union Street, Waterbury, VT	
Zoning Districts:	Village Residential (VR)	
Application #	43-17	Tax Map # 19-218.000

Applicant Request

The applicant seeks approval to construct a residential pergola within the setback at 21 Union Street.

Present and sworn in:

Natalie Sherman, Applicant

Exhibits

- A: Application #43-17 (3 pages: Zoning Permit, Conditional Use), 5/10/17.
- B: Photo representation of pergola size and style.
- C: Orthophoto of parcel in its neighborhood. (staff).
- D: Letter to adjoining landowners, mailed certified on: May 22, 2017.

Findings of Fact

1. Existing conditions: Natalie and John Sherman own a 0.19± acre (8,276 SF) parcel located at 21 Union Street in the Village Residential (VR) zoning district. The property is currently developed with a 1 1/2 story single-family dwelling with a 1 1/2 story attached garage. The nearest portion of the existing garage is 12'± from the rear property line. The parcel includes frontage on and has access to Union Street, a town road, and is served by municipal water and wastewater systems.
2. Project: The proposal is to construct a 12' by 15' (180 SF) by 8' high pergola over a ground-level patio. The nearest portion of the pergola will be located 18'± from the rear property line. The pergola will not be the closest structure to the rear property line.
3. Dimensional requirements: In the VR zoning district, the minimum lot area for one family is 10,000 SF. At 8,276 SF, the lot is undersized by 1,724 SF. The maximum lot coverage is 25%, which for this lot equals 2,068 SF. The footprint of the dwelling and garage equals 2,132 SF. The footprints of the existing roofed structures exceed the maximum lot coverage by 64 SF. Only the area covered by a roofed structure counts toward lot coverage (see definition, below). The Board finds that a pergola is *not* a roofed structure, as the top is slatted (Exhibit B). The minimum setbacks are 30' for the front/ rear; 10' for the sides. The setback waiver request is to encroach into the rear yard setback by 12'.

Coverage (or Lot Coverage): That percentage of the lot area covered by the footprints of all existing and proposed roofed structures, including principal and accessory buildings and structures open at the sides, such as porches or carports.

4. Conditional Use/Waiver criteria: As set forth in 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 of the property and no increase in occupancy is proposed. The proposed pergola is intended for residential use and 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: The use of the property will remain residential. The proposed pergola is appropriate in scale and design (Exhibit B) in relation to existing uses and structures in the district.
 - c. Section 303(e)(3) Municipal bylaws in effect: The proposed pergola will be farther from the rear property line than the existing garage, which is 12'± from the rear property line. The project application presents compliance with the conditional use criteria 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: The pergola will provide limited shade for outdoor enjoyment and will not emit any of the above. Applicant intends to install string lights for occasional seasonal use. No devices or methods are necessary to prevent or control these impacts.
 - e. Section 303(h) Removal of earth or mineral products conditions: The project does not involve earth-removal activities. This provision does not apply.

Conclusion:


Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Natalie and John Sherman to construct a residential pergola 12' within the rear yard setback at 21 Union Street, as presented in application #43-17 and supporting materials, meets the Waivers and Conditional Use criteria set forth in Sections 309 and 303.

Motion:

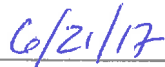
On behalf of the Waterbury Development Review Board, Mike Bard moved and Tom Kinley seconded to approve application #43-17 with the following conditions:

- (1) The Applicant shall complete the project in accordance with the Board's findings and conclusions and the approved plans and exhibits.

Vote: The motion was approved 5-0



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



(date)

This decision was approved on June 21, 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.*