

**WATERBURY DEVELOPMENT REVIEW BOARD**  
**General Minutes**  
**Wednesday, August 16, 2017**

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

The public meeting was convened by David Frothingham, Chair, at 6:30 p.m. in the Steele Community Room in the Municipal Center, 28 North Main Street, Waterbury, VT. The Agenda was approved as presented.

1) **#68-17: Deborah Austin** (owner/applicant)

Construct a residential addition to existing dwelling to include a garage and an accessory dwelling within the setback at 1387 Ripley Road, Waterbury Center, VT. (LDR/RHS zoning and overlay districts)

**Present and sworn in:** Chris Austin, Consultant, Applicant Representative.

**Testimony:**

- There is no additional deck planned at this time. If a deck is proposed in the future, it will be in the back and outside of the setback area.
- Continuing with the existing roofline made the most sense for construction and drainage.

**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.

2) **#69-17: James and Julie Kent** (applicant), **Louise Reed Living Trust** (owner)

Construct a new single-family dwelling and garage on undeveloped Lot 7, Bear Creek Lane, Waterbury Center, VT. (CNS/RHS zoning and overlay districts)

**Present and sworn in:**

Brian Mac, Project Architect

Jeff Kamuda, Project Manager

Chris Austin, Consultant for Applicant

John Grenier, Consultant for Applicant

Jeffrey P Kilgore, Esq., representing adjoining landowner Gene D'avolio

**Testimony:**

- From the western facade there is “very little” glass exposure.
- There will be “fins” to reduce the glass reflectivity.
- The home is designed to mitigate the reflectivity from the glass windows.
- There will be minimal outdoor lighting, which is all downcast and shielded.
- The space off the garage is intended to be a future office space.
- The exterior finish will be black matte stain on cedar (brought sample).
- The engineers propose to modify the BZ to “pull it in” to change the original 0.7 acres to 0.6 acres.
- The view of the site from public vantage points was discussed. The lot is part of a PUD that was approved in permit #78-09 with clearing limits identified. The proposed home site needs

to be viewed from several perspectives.

- There will be exterior lighting on the western facing side that will be downcast and shielded.
- The BZ changed between Nov. 2010 and June 2015, but did not come closer to the boundary line between lots 6 and 7.
- On Exhibit D, there is a shaded area that says “building zone reduction area.”

**Next steps:**

- 1) Applicant must submit a revised site plan to show the revised building zone on Lot 7.
- 2) The conserved area on Lot 8 will be 22 acres. This will be shown on the final plat for the boundary line adjustment between Lots 7 and 8.
- 4) A condition will require plantings in the open area to make more defined view corridors and be more in compliance with the original PUD approval.

The hearing was continued to the next meeting on September 6, 2017, at 6:30 p.m.

**3) Approval of prior meeting minutes and decisions:**

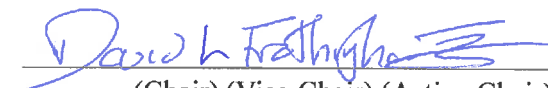
The August 2, 2017 minutes and decisions were reviewed.

**Motion:** by Mike Bard, seconded by Tom Kinley: To approve the general minutes of August 2, 2017 and the decisions for applications ##63-17, #65-17, and #56-17, as presented.

**Vote:** The motion was approved 5-0.

**Next meeting:** 6:30 p.m. Wednesday, September 6, 2017.

**Adjournment:** The meeting was adjourned at 8:40 p.m.

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

Approved on: 9/6/17  
\_\_\_\_\_  
(date)

These minutes were approved: September 6, 2017

**Town & Village of Waterbury  
Development Review Board  
Approved Decision #68-17  
August 16, 2017**

**In Attendance:** Board members present: Dave Frothingham, Chair; Mike Bard, Tom Kinley, Nat Fish, Bud Wilson

Staff present: Dina Bookmyer-Baker (ZA); Steve Lotspeich, Community Planner; Patti Spence, Secretary

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Owner/ Applicant:	Deborah Austin	
Address/Location:	1387 Ripley Road, Waterbury Center, VT	
Zoning District:	Low-Density Residential (LDR) Ridgelines/Hillsides/Steep Slopes (RHS) overlay district	
Application #	68-17	Tax Map # 10-128.000

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**Applicant Request**

The applicant seeks approval to construct a residential addition to include garage and accessory dwelling within the setback at 1387 Ripley Road.

**Present and sworn in:**

Chris Austin, Consultant

**Exhibits**

- A: Application #68-17 (3 pages: zoning permit, conditional use), 7/14/17.
- B: Project description, prepared by Grenier Engineering, dated July 14, 2017.
- C: Floor plan, received 7/26/17.
- D: Site Plan, prepared by Grenier Engineering, sheet 1 of 1, dated 7/26/17.
- E: Orthophotos of parcel with the 75' (LDR) building envelope and with the zoning districts. (staff)
- F: Letter to adjoining landowners, mailed certified on July 28, 2017.
- G: Letter from engineering addressing water and wastewater capacity.

**Findings of Fact**

1. Existing conditions: Deborah Austin owns a 2.2± acre parcel located at 1387 Ripley Road in the Low-Density Residential (LDR) and the Ridgelines/Hillsides/Steep Slopes (RHS) zoning and overlay districts (Exhibit E2). The parcel is currently developed with a one-story single-family dwelling and a one-story garage. The house was built in 1979 (Zoning Regulations were adopted in 1980). The parcel includes > 300 feet of frontage on and has access to Ripley Road and a driveway access/right-of-way along its southerly property line. The property is served by private on-site well and septic.
2. Project: The proposal is to remove an existing attached deck and construct in its place an attached garage /accessory dwelling measuring 24' by 28' (672 SF) by 18'-20' high. The proposed addition will be located 69.9' from the side property line to the south.

3. LDR Dimensional Requirements, Table 5.2: *Minimum lot area: is 5 acres; minimum frontage: 300'; minimum setbacks: 70' front; 75' sides/rear.* At 2.2 acres, the lot is undersized by 2.8 acres (more than half).
4. Waiver Request: The setback waiver request is to encroach into the side yard setback by 5.1' (75' minus 69.9').
5. 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. The Board must find that the proposed use conforms to the following general and specific standards:
  - a. Section 303(e)(1) Community facilities: No change in the residential use of the property is proposed. The property is served by private well and septic. The addition of a one-bedroom dwelling unit will not unduly increase the traffic, does not require addition municipal water or sewer allocation, will not burden the school capacity, and will not increase the demand for fire protection.
  - b. Section 303(e)(2)(A-E) Character of the area: The use of the property will remain residential. No exterior lighting is proposed. Presumably the addition will be constructed to match the style of the existing dwelling (*no elevation/sketch submitted*). The proposed addition expands on space occupied by the exterior deck, and 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 addition is for residential use. 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: The proposed residential use will not typically create the above-named nuisances and therefore no devices or special methods are proposed to 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.
6. Section 1001 RHS Applicability: Note that although the property is in the RHS overlay district, it is not subject to RHS review because the proposed residential addition is  $\leq 800$  square-feet, as per Section 1001(d)(1).
7. A future deck would be constructed to meet the setbacks on the lot.

**Conclusion:**

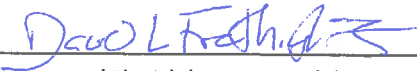
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Deborah Austin to construct an attached garage and accessory dwelling 5.1' within the side yard setback at 1387 Ripley Road, as presented in application #68-17 and supporting materials, 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 #68-17 with the following condition:

- (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 5, 0

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

  
\_\_\_\_\_  
(date)

This decision was approved on September 6, 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.*