

WATERBURY DEVELOPMENT REVIEW BOARD
General Minutes —June 6, 2018

Attending: David Frothingham (Chair), Bud Wilson, Mike Bard, and Andrew Strniste.

Staff & public present: Dina Bookmyer-Baker, (ZA), Steve Lotspeich (Community Planner), Patti Spence (Secretary), and Alyssa Johnson (Economic Development Director).

The public meeting convened at 6:35 p.m. in the Steele Community Room in the Municipal Center, 28 North Main Street, Waterbury, VT. The agenda was approved as presented.

1) **#46-18: Darla Ripley Hartt (Owner/Applicant)**

Waiver request to construct a deck on the front of the existing single-family dwelling within the setback at 1237 Ripley Rd., Waterbury Center, VT. (LDR/RHS)

Testimony

1. The bulk head on the back of the house in the rear yard makes it unsuitable to have the deck in the back.
2. The adjacent properties have decks on the side or the front of the residences.

Hearing minutes and decision filed separately.

2) **#39-18: Ari Fishman (Applicant), 179 Guptil Road LLC (owner)**

Site plan and conditional use review to add parking spaces and an outdoor consumption area at 179 Guptil Road, Waterbury Center, VT. (RT100/MDR/SFHA)

The hearing was continued to 6:30 p.m. on Wednesday, June 20th at the request of the applicant.

3) **#009-18: Neokraft Signs/Irving Oil (appellant), Superior Development LTD (landowner)**

Appeal of denied zoning permit application #115-17 for a gas price sign at 1 River Road, Waterbury, VT. (IND/SFHA zoning/overlay districts)

The hearing was continued to 6:30 p.m. on Wednesday, July 11th at the request of the landowner.

Review minutes of May 16, 2018 meeting and decision for hearing held on June 6, 2018.

Dave Frothingham moved and Tom Kinley seconded to approve the general minutes and decision minutes from May 16, 2018, as amended.

Vote: Passed 5-0.

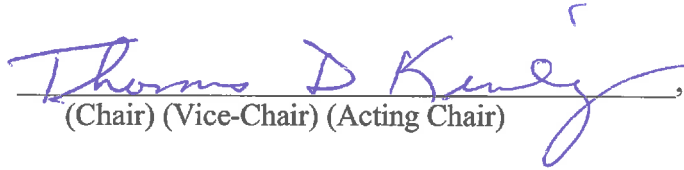
The decision for application #46-18: Darla Ripley Hartt (Owner/Applicant) for the hearing held tonight, was reviewed.

Dave Frothingham moved and Andrew Strniste seconded the motion to approve the decision for application #046-18: Darla Ripley Hartt (Owner/Applicant).

Vote: Passed 5-0.

Next meeting: 6:30 p.m. Wednesday, June 20, 2018

Adjournment: The meeting was adjourned at 07:30 p.m.



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

Approved: 6/20/2018

These minutes were approved: June 20, 2018

**Town & Village of Waterbury
Development Review Board
Approved Decision #046-18
June 6, 2018**

In Attendance: Board members present: Dave Frothingham, Chair; Bud Wilson, Mike Bard, Andrew Strniste

Staff present: Dina Bookmyer-Baker, Zoning Administrator; Steve Lotspeich, Municipal Planner; Patti Spence, Secretary

Owner/Applicant:	Darla Ripley Hartt (applicant/owner)	
Address/Location:	1237 Ripley Road, Waterbury Center, VT	
Zone:	Low-Density Residential (LDR)	
Application #	#046-18	Tax Map # 10-135.000

Applicant Request:

The applicant seeks approval to construct a residential deck within the front setback at 1237 Ripley Road, Waterbury Center, VT.

Present and sworn in:

Darla Ripley Hartt, applicant/owner

Present:

Candace R. Kellett, adjacent landowner and family member

Exhibits:

- A: Application #46-18 (3 pages: zoning, conditional use), submitted May 8, 2018;
- B: Site Plan by Applicant, dated May 17, 2018
- C: Railing and deck detail dated May 17, 2018
- D: Parcel map with orthophoto base layer (staff).
- E: Letter to adjoining landowners, mailed certified: May 21, 2018.

Findings of Fact:

1. Existing conditions: Darla Hartt owns a one acre parcel located at 1237 Ripley Road in the Low-Density Residential (LDR) zoning district. The lot is currently developed with a one-story single-family dwelling, built in 1968, and a one-story detached garage. The garage is located 25' from the nearest side property line (Exhibit B), which does not comply with the current LDR setback requirements. (Zoning Regulations were adopted in 1980.) The lot fronts on Ripley Road and is served by private well and septic.
2. Project: The proposal is to construct an "L" shaped deck on the front (east) and right (north) side of the existing house as shown in Exhibits B and C. The existing garage is located between the house and the

northern property line. The proposed deck will be located 58' from the centerline of Ripley Rd. and will be set back 33' from the edge of the right-of-way for Ripley Rd.

3. MDR Dimensional Requirements, Table 5.2: Minimum lot area: 5 acres; setbacks: 70' front, 75' sides/rear. The lot does not meet the minimum lot size for the LDR zoning district and is an existing small lot that pre-existed the establishment of zoning in March, 1980. The proposed deck will not meet the front setback.
4. Waiver Request: The setback waiver request is to encroach into the front-yard setback by 37 feet (70' minus 33').
5. Conditional Use/Waiver criteria: As set forth in Section 309, the DRB may grant a waiver of building setbacks as a conditional use review in accordance with Section 303; provided that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties. The Board must find that the proposal conforms to the following general and specific standards:
 - (a) Section 303(e)(1) Community facilities: No increase in occupancy and no change in the residential use of the property is proposed. The deck is for the use of the current residents. The addition of the deck 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. The deck will have a wooden railing and the style will match the existing dwelling (Exhibit C). The application states: "Relative to the character of the area, the deck will actually make my home more compatible with others on either side, as each has a deck and with my small pre-existing lot a deck will enhance its appeal and functionality."
 - (c) Section 303(e)(3) Municipal bylaws in effect: The deck is for residential use. The structure will be 6' closer to Ripley Road than the front of the existing house. This 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: Use of the structure will not 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 include earth removal activities. This provision does not apply.

Guiding ordinance sections:

Section 309—Waivers

Section 303—Conditional Uses

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Darla Hartt to construct a deck 37' within the front yard setback at 1237 Ripley Road, as

presented in application #46-18 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 Andrew Strniste seconded to approve application #46-18 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.

Vote: Passed 4 - 0


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


(date)

This decision was approved on June 6, 2018

***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.*