

WATERBURY DEVELOPMENT REVIEW BOARD
Approved General Minutes —August 15, 2018

Attending: David Frothingham, Chair; Tom Kinley, Bud Wilson, Mike Bard.

Staff present: Dina Bookmyer-Baker, (ZA) and Patti Spence (Secretary).

The public meeting convened 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.

The meeting was called to order by the Chair at 6:30 p.m. The presented agenda was approved.

1) **#70-18: Janet Cote (owner/applicant)**. Setback waiver and conditional use review to construct a residential addition in the setback at 17 East Street, Waterbury VT, (VR zoning district)

Hearing minutes and decision under separate cover.

2) **Additional Agenda items:**

a. **Sketch review:** Aaron Flint/Jason Wulff, 11 North Main Street and 26-28 Stowe Street boundary-line adjustment and change of use proposal.

A conversation took place regarding this property and proposed development and re-development of the sites. It was not a public hearing or formal review.

b. **Prior Meeting Minutes:**

Tom Kinley moved and Bud Wilson seconded to approve the general minutes from 7/18/18 and the hearing minutes of Application 039-18 (5/16, continued to 6/20 and 7/18).

Vote: 4 - 0 passed unanimously

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

Next meetings:

Wednesday, September 5, 2018, 6:30 p.m. (Final order TBD)

- #80-18: CJ Evans, residential addition in front setback, 3079 Waterbury-Stowe Rd. (RT100)
- #83-18: Ben & Jerrys, enlarge accessory bldg., 1281 Waterbury-Stowe Rd. (VCOM/RT100)

Wednesday, September 19, 2018, 6:30 p.m.

Approved:



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



(date)

**Town & Village of Waterbury
Development Review Board
Approved Hearing Decision 070-18
August 15, 2018**

Members: David Frothingham, Chair; Tom Kinley, Mike Bard, Bud Wilson

Staff present: Dina Bookmyer-Baker, (ZA) and Patti Spence (Secretary).

Owner/Applicant:	Janet Cote (applicant/owner)	
Address/Location:	17 East Street, Waterbury VT	
Zone:	Village Residential (VR)	
Application #	070-18	Tax Map # 19-101.000

Applicant Request

The applicant seeks approval to construct a residential addition within the front setback at 17 East Street, Waterbury, VT.

Present and sworn in

Janet Cote, owner/applicant

Exhibits

- A: Application #70-18 (3 pages: zoning, conditional use), submitted July 10, 2018;
- B: Photo of existing conditions by Applicant, dated 7/10/18
- C: Sketches of project, (C2) with dimensions, submitted 7/10 and 7/23/18.
- D: Parcel map with orthophoto base layer of individual lot and vicinity (staff).
- E: Letter to adjoining landowners, mailed certified: July 23, 2018.

Findings of Fact

1. Existing conditions: Janet Cote owns a 0.38 acre (16,553 SF) parcel located at 17 East Street in the Village Residential (VR) zoning district. The lot is currently developed with a one-story single-family dwelling, built in 1956, with an accessory apartment in the basement, an attached garage, and a one 1/2 story detached shed (zoning permit # 67-12-V). The lot has frontage on and driveway access to East Street and is served by municipal water and sewer. The house is located in the front setback being approximately 23' from the front property line.
2. Project: The proposal is to rebuild the front porch and stair with a larger porch roof and landing with a handicapped-accessible ramp. The porch landing and ramp will measure 15' x 9.5'. The existing roof over the porch will be extended by 7.5' to overhang 11' total. The rebuilt structure will be located 42' from the centerline of East Street; 17' from the front property line.
3. VR Dimensional Requirements, Table 5.2: Minimum lot area: 10,000 SF; setbacks: 30' front/rear, 10' sides. The lot meets the minimum lot size. The existing house is located 7' into the front setback. The

rebuilt porch will come closer to the front property line by 6'.

4. Waiver Request: The setback waiver request is to encroach into the front-yard setback by 13 feet (30' - 17' = 13').
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 subject residential addition does not require 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 additional exterior lighting is proposed. The rebuilt front porch will match the material and style of the existing dwelling.
 - (c) Section 303(e)(3) Municipal bylaws in effect: The use of the property will remain residential. 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.

Conclusion:

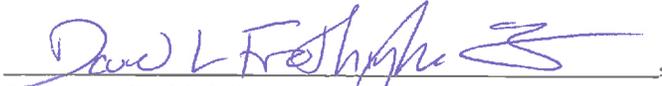
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Janet Cote to construct a front porch 13' within the front yard setback at 17 East Street, as presented in application #70-18 and supporting materials, meets the Waivers and Conditional Use criteria set forth in Sections 303 and 309.

Decision Motion:

On behalf of the Waterbury Development Review Board, Mike Bard moved and Tom Kinley seconded to approve application #70-18 with the following condition(s):

- (1) The applicant shall complete the project in accordance with the Board's findings and conclusions and the approved plans and exhibits.
- (2) All lighting will be downcast and shielded.

Vote: Passed 4 - 0


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

9/5/2018
(date)

This decision was approved on September 5, 2018

Additional 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.

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.*