

WATERBURY DEVELOPMENT REVIEW BOARD
General Minutes—September 5, 2018

Attending: Board members David Frothingham (Chair), Tom Kinley, Dave Rogers, Mike Bard, Rob Dabrowski, Bud Wilson, and Andrew Strniste. Staff present: Steve Lotspeich (Community Planner/Acting ZA) and Patti Spence (Secretary).

David Frothingham, Chair, opened the meeting 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) **#80-18: Chris Brault** (applicant), **Cynthia Jane and Gregory Kyle Evans** (owner)
Setback waiver and conditional use review to construct a residential addition in the front yard setback at 3079 Waterbury-Stowe Road, Waterbury Center, VT. (RT100 zoning district)

Testimony

- The requested change is for safety reasons and to meet code.
- There is no overhang planned.
- No additional lighting is proposed.

The Board approved the project with conditions and will issue a written decision within 45 days.

- 2) **#83-18: Ben & Jerry's Homemade Inc.** (owner/applicant)
Site plan and conditional use review to enlarge an existing commercial accessory structure (trucker's lounge and maintenance shop) at 1281 Waterbury-Stowe Road, Waterbury, VT. (VCOM/RT100 zoning districts)

Testimony

- The applicant submitted photos of the existing conditions.
- The existing trash compactor will be relocated to the opposite side of the loading dock.
- The colors of the proposed addition will match the existing building.
- The addition will have one overhead door, but not a loading bay.
- The truck schedule will not change; this is a project to enhance the facility.
- The heat pump for the addition will not be located on the roof of the addition; it will be located on the wall.
- Attending neighbors from the Countryside subdivision expressed concern that they should've received notification as adjacent landowners.

The application was continued to September 19, 2018 at 6:30 p.m. for staff to review that proper notice was issued to all adjoining landowners.

- 3) **Other agenda items as scheduled:**

- Sketch review: Dave Lachtrupp, conceptual plan for 4-lot PUD on Wood Farm Road in the LDR/CNS zoning districts.
 1. Proposed setbacks were reviewed.
 2. The PUD regulations were reviewed.
 3. Guidance was suggested for the next application pertaining to this property.

- Review of prior meeting minutes:
Tom Kinley moved and Dave Rogers seconded to approved the general minutes from August 15, 2018 and the decision for application #70-18, as corrected. Vote: Passed 7-0.

Next meetings: 6:30 p.m. Wednesday, September 19, 2018;
6:30 p.m.; Wednesday, October 3, 2018.

Adjournment: The meeting was adjourned at 8:10 p.m.



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

Approved on: 9/19/2018
(date)

These minutes were approved September 19, 2018

Town & Village of Waterbury
Development Review Board
Decision #80-18 - September 5, 2018

Attending: David Frothingham (Chair), Tom Kinley, Mike Bard, Rob Dabrowski, Bud Wilson, and Andrew Strniste. Staff: Steve Lotspeich (Community Planner/Acting ZA) and Patti Spence (Secretary).

Owner/Applicant:	Cynthia & Gregory Evans (owners) / Chris Brault (applicant)	
Address/Location:	3079 Waterbury-Stowe Road, Waterbury Center, VT	
Zone:	Route 100 (RT 100)	
Application #	80-18	Tax Map # 09-315.000

Applicant Request

The applicant seeks approval to construct a residential addition (two front entrance porches) within the front setback at 3079 Waterbury-Stowe Road, Waterbury Center, VT.

Present and sworn in:

Christopher Brault, applicant/contractor
Greg & Cynthia Evans, owners

Exhibits

- A: Application #46-18 (3 pages: zoning, conditional use), submitted August 2, 2018
- B: Site Plan by Applicant, dated August 2, 2018
- C: Railing and deck detail, dated August 2, 2018
- D: Parcel map with orthophoto base layer (staff).
- E: Photos of house with proposed porch improvements noted, dated August 2, 2018
- F: Letter to adjoining landowners, mailed certified: August 17, 2018.

Findings of Fact

1. Existing conditions: Cynthia & Gregory Evans own a 0.75 acre parcel located at 3079 Waterbury-Stowe Rd. in the Route 100 (RT100) zoning district. The lot is currently developed with a two-story cape style historic brick house built in 1850. The house is a single-family dwelling with one apartment and an attached two-story garage. The existing house is located 32' from the centerline of Waterbury-Stowe Rd. (Route 100) and approximately 9' from the edge of the Route 100 right-of-way (Exhibit B), which does not comply with the current RT100 setback requirements. (Zoning Regulations were adopted in 1980.) The lot is served by a private well and septic system as shown on Exhibit B.
2. Project: The proposal is to construct a landing, steps and two sets of stair railings on the front of the existing house as shown on Exhibits B and C. The proposed landing, steps and railing for the main entrance to the house will be located 29' from the centerline of route 100 and will be set back approximately 6' from the Route 100 edge of the right-of-way.

3. RT100 Dimensional Requirements, Table 5.2: Minimum lot area: 2 acres; setbacks: 200' front for one- and two-family dwellings, 50' sides/rear. The lot does not meet the minimum lot size for the RT100 zoning district and is an existing small lot that pre-existed the establishment of zoning in March, 1980. The proposed landing/steps/railing for the main entrance will not meet the front setback. The railing and adjustment of the stair height for the entrance to the one-story wing of the house will not reduce the setback for the existing house and do not need a waiver.
4. Waiver Request: The setback waiver request is to encroach into the front-yard setback by 194' feet (200' minus 6').
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 landing/steps/railings are for the use of the current residents. The additional structures do not require additional 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 landing/steps/railings will have a style that will be compatible with the existing dwelling (Exhibits C and E). The application states: “The style of the new stairs/rails will match (the) existing farmhouse.”
 - (c) Section 303(e)(3) Municipal bylaws in effect: The landing/steps/railings are for residential use. The structure will be 3' closer to Ripley Road than the front steps for 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. The Board concludes that 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:

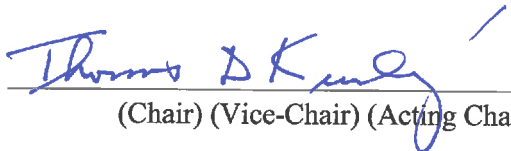
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by the owners Cynthia & Gregory Evans (Chris Brault - applicant) to construct a landing/steps/railings 194' within the front yard setback at 3079 Waterbury-Stowe Road, as presented in application #80-18 and supporting materials, meets the Waivers and Conditional Use criteria set forth in Sections 309 and 303.

Decision Motion:

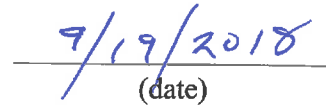
On behalf of the Waterbury Development Review Board, Rob Dabrowski moved and Tom Kinley seconded to approve application #80-18 with the following condition:

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

Vote: Passed 6-0



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



(date)

This decision was approved on September 19, 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.*