

WATERBURY DEVELOPMENT REVIEW BOARD
General Minutes—April 3, 2019

Board members present: Dave Frothingham (Chair), Dave Rogers, Bud Wilson, and Andrew Strniste.
Staff present: Steve Lotspeich (Community Planner) and Patti Spence (Secretary).

Dave Frothingham, Chair, opened the meeting at 6:35 p.m. in the Steele Community Room in the Municipal Center, 28 North Main Street, Waterbury, VT. The meeting was audio recorded.

- 1) **#014-19: Donald Keith Renecl** (owner/applicant)
Site Plan and Conditional Use review to establish multi-family for three units in the existing residential structure at 14 Stowebury Road. (RT100 zoning district) —Continued from 3/20/19.

Hearing and decision under separate minutes.

- 2) **Approval of prior meeting minutes:**

Bud Wilson moved and Dave Rogers seconded the motion to approve the general minutes of 3/20/19 and the decisions for applications #002-19 Palmer, #007-19 Ben & Jerry's, #009-19 BGB, #013-19 Campbell, #014-19 Renecl, and #16-19 Winter Woods, as amended.

Vote: The motion was approved 4-0.

Adjournment: The meeting was adjourned at 7:00 p.m.



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

Approved on: 4/17/2019
(date)

These minutes were approved: April 17, 2019

Next meetings:

Wednesday, April 17, 2019, 6:30 p.m.
Wednesday, May 1, 2019, 6:30 p.m.
Wednesday, May 15, 2019, 6:30 p.m.

Town of Waterbury
Development Review Board
Decision #014-19 - March20/April 3, 2019

In Attendance:

(3/20/19) Board members present: David Frothingham (Chair), Dave Rogers, Bud Wilson, and Andrew Strniste. Staff attending: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

(4/3/19) Board members present: David Frothingham (Chair), Dave Rogers, Bud Wilson, and Andrew Strniste. Staff attending: Steve Lotspeich (Community Planner) and Patti Spence (Secretary).

Owner/Applicant:	Donald Keith Renecele	
Address/Location:	14 Stowebery Road, Waterbury Center, VT	
Zoning District:	Route 100 (RT100)	
Application #	014-19	Tax Map # 13-122.000

Applicant Request

The applicant seeks approval to establish a multi-family dwelling that will contain three units in the existing residential structure at 14 Stowebery Road.

Present and sworn in:

(3/20/19) Donald Keith Renecele, owner/applicant
Shawn Woods, adjacent landowner

(4/3/19) Donald Keith Renecele, owner/applicant

Exhibits:

- A: Application #014-19 (4 pages: zoning, site plan, conditional use), submitted 2/15/19.
- B: Site Plan, as amended, submitted 2/15/19; annotated by Applicant 3/27/19 and amended 4/3/19.
- C: Floor plans, submitted 2/27/19.
- D: Photographs of the building exterior, from Applicant's real estate listing. (Staff)
- E: Orthophoto of property. (Staff)
- F: Letter to adjoining landowners, mailed certified: 3/5/19.

Findings of Fact

1. Existing conditions: Donald Keith Renecele owns a 1.6-acre parcel developed with a one and one-half story dwelling built in 1971, a one-story detached garage-shed, and a small toolshed. The property has frontage on Route 100 and Stowebery Road, an access drive to Stowebery Road, is served by private well water and an on-site septic system, and is located in the Route 100 (RT100) zoning district.
2. Project: The existing single-family dwelling was divided into three apartments prior to the current ownership 17 years ago, but without obtaining a zoning permit. The proposal is for approval (after-the-fact) for three dwelling units in the existing residential structure. No change is proposed to the exterior

dimensions of the structure. Adequate parking exists.

The accessory garage was converted to a dwelling without a zoning permit, and therefore, the use of this structure as a dwelling is in violation of the Zoning Regulations. The owner testified that the tenant has since moved out of the accessory structure. The owner has agreed to remove the kitchen and bathroom facilities and restore this structure to be used as an accessory structure for residential storage and/or a garage. The Board does not permit the landowner to use this structure for a bedroom or as a dwelling.

3. Section 504 General Dimension, Location, and Height Requirements: In the RT100 zoning district: *Minimum lot area: 2 acres for residential use; minimum frontage: 400' or 200' for a residential lot; minimum setbacks: 100' front or 200' front for single- and two-family dwellings, 50' sides/ rear.* The lot does not meet the minimum lot size. The existing structures do not meet one or more setbacks. The lot and dwelling predate the establishment of the zoning regulations in the Town (the zoning regulations for the Town of Waterbury were adopted in 1980), and the lot is considered a pre-existing nonconforming small lot.
4. Section 503 Table of Uses: In the RT100 zoning district, multi-family is a conditional use.
5. Table 5.3: Multi-Family Density by District: The density allowed in the RT100 zoning district is as follows: 2 dwelling units per acre; 6 dwelling units per building. The proposal for three dwelling units on the 1.6 acre lot meets the density requirements.
6. Site Plan Review and Approval, Section 301: The project does not enlarge the existing structure. The structure includes a main covered entryway that provides access to the apartments. The Board considered the following criteria:
 - a. Section 301(f)(1) (A-D) Traffic access and pedestrian safety: Vehicular access to the site will remain unchanged and adequate parking is provided. Apartments 1 and 2 include exterior deck or patio entrances with pedestrian access to them. The Board concludes that the project proposal provides safe and adequate vehicular and pedestrian access and circulation.
 - b. Section 301(f)(2) (A-G) Circulation and parking, loading, refuse, and service areas: The site has seven parking spaces for the three dwelling units. See compliance with the parking requirements in paragraph 7, below. An area for snow-storage is shown on the Site Plan (Exhibit B) The Board concludes that the proposal includes adequate provisions for parking, loading, refuse, and service areas.
 - c. Section 301(f)(3)(A-F) Adequacy of landscaping, screening, and lighting: The existing landscaping around the building is mature and sufficiently screens the building from Route 100 (Exhibit E). The Board concludes that the existing landscaping and building siting achieves compatibility and protection for adjacent properties and public roads.

- d. Section 301(g)–(h) Uses in the Route 100 District: The property is developed. Adjacent uses are residential.
 - e. Section 301(j) Special considerations for uses of property bordering Route 100: The property is developed. The design minimizes the impact to Route 100 by maintaining the mature landscaping along Route 100. The Board finds that the project proposal meets these considerations.
7. Section 414 Parking Regulations: The lot includes seven on-site parking spaces to serve three 1-bedroom apartments. Each 1-bedroom unit requires one on-site parking space. Three parking spaces are required and 7 are provided. The Board concludes that the proposed parking plan meets the requirements.
8. Conditional Use criteria, Section 303: Multi-family is a conditional use in RT100. Prior to granting approval, the Board considered the following general and specific standards:
- a. Section 303(e)(1)(A–E) Impact on the capacity of community facilities: The use of the property will remain residential. The application states that the change of use will not require additional municipal water or sewer allocation, will not burden the school capacity, and will not increase the demand for fire protection. The Board concludes that the proposal will not have an undue adverse impact on the capacity of existing or planned community facilities.
 - b. Section 303(e)(2)(A–E) Impact on the character of the area: The use of the property will remain residential. The application states that the structure has been in use as a three-unit multi-family dwelling for many years. No change is proposed to the style, materials, or exterior dimensions of the structure (Exhibit D). The Board concludes that the structure is appropriate in scale and design with existing uses in the area and will not have an undue adverse impact on the character of the area affected.
 - c. Section 303(e)(3) Municipal bylaws in effect: The project application presents compliance with the site plan and conditional use criteria, and other applicable zoning bylaws. The Board concludes that the proposal will not violate any municipal bylaws and ordinances in effect.
 - d. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: A typical residential use will not emit the above-named nuisances. No controls are proposed. The Board concludes that no devices or special methods are necessary to prevent or control these impacts.
 - e. Section 303(h) Removal of earth or mineral products: The project does not include earth removal activities. This provision does not apply.

Conclusion:

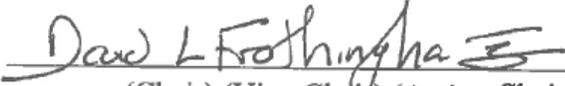
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the project proposal by Donald Keith Reneclé to establish a multi-family use that includes three 1-bedroom dwelling units within the existing dwelling structure at 14 Stowebury Road, as presented in application #014-19 and supporting materials, meets the Site Plan and Conditional Use criteria set forth in Sections 301 and 303.

Decision Motion:

On behalf of the Waterbury Development Review Board, Dave Rogers moved and Andrew Strniste seconded the motion to approve application #014-19 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.
- (2) The Applicant must remove the kitchen facility from the accessory outbuilding that was used for a residence and restore this structure to use as an accessory structure for residential storage and/or as a garage, prior to the issuance of the permit.
- (3) Any additional exterior lighting shall be downcast and shielded.

Vote: The motion passed 4-0.



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



(date)

This decision was approved on April 3, 2019.

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.*