

WATERBURY DEVELOPMENT REVIEW BOARD
General Minutes—May 15, 2019

Board members present: Dave Frothingham (Chair), Tom Kinley, Dave Rogers, and Bud Wilson.
Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary). Alyssa Johnson (Economic Development Director) was also present.

Dave 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 meeting was audio recorded.

- 1) **#010-19: Martha Staskus** (owner/applicant)
Minor Ridgeline review to construct a carriage barn with an accessory dwelling at 510 Ring Road. (LDR/CNS/RHS zoning/overlay districts)

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

2) **Agenda items as scheduled by the Chair:**

- Review minutes and decisions from previous meeting (May 1)
Staff will send minutes and decisions to the Board to be approved via email.

Adjournment: The meeting was adjourned at 7:00 pm.

Notice of upcoming meetings:

Wednesday, June 5, 2019, 6:30 p.m.

Wednesday, June 19, 2019, 6:30 p.m.

Wednesday, July 10, 2019, 6:30 p.m. (*Note: This is the 2nd Wed.*)



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

Approved on: 6/5/19

(date)

These minutes were approved: June 5, 2019

Town of Waterbury
Development Review Board
Decision #010-19 ▪ May 15, 2019

In Attendance: Board members present: David Frothingham (Chair), Dave Rogers (Co-Vice Chair), Tom Kinley (Co-Vice Chair), and Bud Wilson. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

Owner/Applicant:	Martha Staskus (owner/applicant)	
Address/Location:	510 Ring Road, Waterbury Center, VT	
Zones:	Low Density Residential (LDR), Conservation (CNS), and Ridgelines/Hillsides/ Steep Slopes (RHS) overlay district.	
Application #	010-19	Tax Map # 14-047.000

Applicant Request: The Applicant seeks approval to construct a detached carriage barn with an accessory dwelling at 510 Ring Road, located in the minor Ridgelines, Hillsides, Steep Slopes (RHS) overlay district.

Present and sworn in:

Martha Staskus, owner/applicant
Carl Haasper, adjoining landowner
Bob & Linda Kasvinsky, adjoining landowner

Exhibits

- A: Application #010-19 (6 pp: Zoning, Conditional Use, Overlay District), submitted 2/12 and 4/12/19.
- B: Site plan prepared by Applicant, submitted 3/19/19.
- C: Floor plans for 2-story Carriage Barn/Dwelling, prepared with Room Sketcher, submitted 3/7/19.
- D: Orthophoto and zoning districts for the lot. (Staff)
- E: Prior DRB decision #45-15-T Martha Staskus, dwelling in RHS, 8/5/15, for reference.
- F: Letter to adjoining landowners, mailed certified on: 4/25/19.
- G: VT permit ww-5-7244-2 and associated site plan for the existing and proposed dwellings, issued 8/16/17.

Findings of Fact:

1. Existing conditions: Martha Staskus owns a 76.9± acre lot at 510 Ring Road that includes a 1672 SF one-story single-family dwelling, built in 2017. The property is located in the Low-Density Residential (LDR) and Conservation (CNS) zoning districts with portions in the Ridgelines, Hillsides, Steep Slopes (RHS) overlay district (Exhibit D2). The lot has frontage and an access drive on Ring Road, a Class-4 Town road. The lot is served by a private well and an on-site septic system (WW-5-7244 series). The existing dwelling was approved in August 2015; zoning permit #45-15-T. The existing driveway also provides access, via a deeded right-of-way, for the adjoining lot to the south, 516 Ring Road.
2. Project: The proposed carriage barn/accessory dwelling will share the existing access driveway from Ring Road. The structure will be 30' 9" by 30' 9" and 20' high, with a total footprint of 945.5 SF. The lower floor will contain a garage, utility room, and small shop. The upper floor will contain living space

for the accessory dwelling (Applicant's Exhibit C). The new structure will be located in the LDR zoning district and RHS overlay district.

3. Zoning and Overlay District Requirements: The property is located in the LDR and CNS zoning districts. The proposed development is in LDR. The Northeasterly corner of the property, closest to Ring Road, lies within the RHS overlay district.

LDR Dimensional Requirements, Table 5.2: *Minimum lot area: 5 acres; frontage: 300'; minimum setbacks: 70' front, 75' sides/ rear.* The lot has adequate frontage, meets the minimum lot size, and the proposed structure will meet the setback requirements (Applicant's Exhibit B).

RHS Requirements, Section 1001: The RHS overlay district is comprised of lands at or above 1,200 feet in elevation (FIE) above mean sea level. Development at or above 1,200 FIE, but below 1,500 FIE, shall be considered "minor" development. Uses that are permitted in the underlying zoning districts, per the Use Regulation Table, shall be treated as conditional uses in the RHS Overlay District. The new structure will be located in the RHS overlay district below 1500 FIE; therefore, the project shall be considered "minor" development.

4. Table of Uses, Section 503: In the LDR zoning district, a single-family dwelling is a permitted use. In the RHS overlay district, as per Section 1001(c), permitted uses are treated as conditional uses.
5. Accessory Dwelling Unit, Section 503(d): The Applicant proposes to construct a detached accessory dwelling unit (see definition, below). The application materials demonstrate compliance with the accessory dwelling criteria as follows:
 - The dwelling unit contains only one bedroom (Applicant's Exhibit C1).
 - The owner currently occupies the primary dwelling.
 - The property has sufficient wastewater capacity. See ww-5-7244-2 (Exhibit G).
 - The dwelling unit is 945.5 SF, which is \leq 1400 SF.
 - Two parking spaces are provided on the lower level (Exhibit C2).

(definition) DWELLING UNIT, ACCESSORY: An efficiency or one-bedroom apartment, located within or appurtenant to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following: the owner occupies either the primary dwelling or accessory dwelling; the property has sufficient wastewater capacity; the unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling, or the unit does not exceed 1,400 sq. ft. of habitable floor area, whichever is greater; applicable setback, coverage, and parking requirements specified in this bylaw are met.

6. Conditional Use/Waiver criteria, Section 303: As set forth in RHS overlay district Sections 1004 and 1001(c), minor development projects and permitted uses shall be subject to conditional use review. Prior to granting approval, the Board considered the following general and specific standards:
 - a. Community facilities, Section 303(e)(1): The Applicant proposes an accessory dwelling which is a permitted use. The development will be served by private well and septic. The project will not

unduly increase the traffic, does not require additional municipal water or sewer allocation, will not burden the school capacity, and will not unduly 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. Character of the area, Section 303(e)(2)(A-E): The use of the property will remain residential. The addition of exterior lighting is unknown. The structure is adequately screened from neighboring properties (Exhibit B). The neighboring uses are residential. The style and materials of the structure are unknown. The Board concludes that the project is appropriate in scale and design relative to the LDR/RHS districts and will not have an adverse impact on the character of the area.
- c. Municipal bylaws in effect, Section 303(e)(3): The proposal is for residential use. This project application presents compliance with the dimensional requirements of LDR and the conditional use criteria. The Board concludes that the proposal will not violate any municipal bylaws and ordinances.
- d. Methods to control fumes, gas, dust, smoke, odor, noise, or vibration; Section 303(f)(2): The Applicant anticipates that the proposed residential use will be consistent with other residential uses, which do not typically create the above-named nuisances, and therefore, no devices or special methods are proposed to control these impacts. The Board agrees and concludes that no devices or special methods are necessary to prevent or control these impacts.
- e. Removal of earth or mineral products, Section 303(h): The project does not involve 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 Martha Staskus to construct a detached carriage barn with an accessory dwelling at 510 Ring Road, as presented in application #010-19 and supporting materials, meets the Conditional Use and RHS Overlay District standards as set forth in Sections 303 and 1004.

Decision Motion:

On behalf of the Waterbury Development Review Board, Tom Kinley moved and Bud Wilson seconded the motion to approve Application #010-19 with the following conditions:

- (1) Applicant shall complete the project in accordance with the Board's findings and conclusions and the approved plans and exhibits;
- (2) All exterior lighting shall be downcast and shielded.
- (3) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in the prior zoning permit approval: #45-15-T.

(4) The property owner must occupy either the primary dwelling or the accessory dwelling to maintain compliance with the definition of an accessory dwelling.

(5) Applicant shall follow the Low-Risk Erosion Protection and Sediment Control Handbook during construction.

Vote: Motion approved 4-0.



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

Approved: 6/5/2019
(date)

This decision was approved on: June 5, 2019.

State permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 80-505-5367 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.*