

**WATERBURY DEVELOPMENT REVIEW BOARD**  
**General Minutes—August 21, 2019**

Board members present: Dave Frothingham (Chair), Dave Rogers, Tom Kinley, Bud Wilson, Andrew Strniste, and Alex Tolstoi. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

Dave Frothingham, Chair, opened the meeting at 6:34 p.m. in the Steele Community room in the Municipal Center, 28 North Main Street, Waterbury, VT. The meeting was audio recorded.

- 1) **#079-19: Lawrence Asam** (owner/applicant) Setback waiver request to enlarge the existing garage at 156 Sunset Drive, Waterbury Center, VT. (TCOM zoning district)

Present and sworn in:

Lawrence Asam, owner/applicant

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

- 2) **#081-19: Michael and Catherine Maetke** (owner/applicant) Setback waiver request to construct a two-car garage at 298 Twin Peaks Road, Waterbury Center, VT. (MDR zoning district)

Present and sworn in:

Michael and Catherine Maetke, owner/applicants

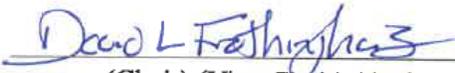
The Board approved the project with conditions and will issue a written decision within 45 days.

- 3) **Agenda items as scheduled by the Chair:**

- Review minutes and decisions from the previous meeting (August 7):  
Tom Kinley moved and Alex Tolstoi seconded the motion to approve the general minutes of August 7, 2019 and the decisions for applications #75-19 (Callan) and #040-19 (Grace), as amended.

**Vote:** Motion approved: 6–0.

**Adjournment:** The meeting was adjourned at 7:30 p.m.

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

Approved on: 9/18/2019  
(date)

These minutes were approved: September 18, 2019.

**Notice of next meetings:**

*No meeting on Wednesday, September 4, 2019*

Wednesday, September 18, 2019, 6:30 p.m.

#076-19: Morris/Brady, Setback Wvr/Ridgeline: existing dwl-deck, 1045 Ring Rd. (CNS/RHS)

—continued from 8/7/19.

**Town & Village of Waterbury**  
**Development Review Board**  
**Decision #079-19 ■ August 21, 2019**

**In Attendance:** Board members present: Dave Frothingham (Chair), Dave Rogers, Tom Kinley, Bud Wilson, Andrew Strniste, and Alex Tolstoi. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

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Owner/Applicant:	Lawrence Asam	
Address/Location:	156 Sunset Drive, Waterbury Center, VT	
Zone:	Town Commercial (TCOM)	
Application #	079-19	Tax Map # 09-272.000

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**Applicant Request:**

The Applicant seeks a setback waiver to enlarge the existing garage at 156 Sunset Drive, Waterbury Center.

**Present and sworn in:**

Lawrence Asam, owner/applicant

**Exhibits:**

- A: Application #079-19 (3 pages: zoning, conditional use), submitted 7/22/19.
- B: Elevation and project notes, prepared by Applicant, submitted 7/22/19.
- C: Site Plan and project notes, prepared by Applicant, submitted 7/22/19.
- D: Parcel maps with 25' and 50' setback boxes. (Staff)
- E: Letter to adjoining landowners, mailed certified on 8/6/19.

**Findings of Fact:**

1. Existing conditions: Lawrence Asam owns a 1.0± acre parcel at 156 Sunset Drive. The lot is developed with a dwelling and a one-story detached garage, and includes frontage and an access drive on Sunset Drive. The property is in the Town Commercial (TCOM) zoning district. The existing garage is 17' from the front property line.
2. Project: The Applicant proposes to enlarge the existing garage to make it longer and taller inside, as well as to widen the door (Exhibits B and C). The renovation will occur towards the rear of the structure, and therefore, it will not increase the encroachment into the front setback.
3. TCOM Dimensional Requirements, Table 5.2: *Minimum lot area: 1 acre; minimum setbacks: 50' front, 25' sides/rear.* The lot meets the minimum lot size, but the renovations to the garage will put more material in the front setback.
4. Waiver Request: The setback waiver request is to encroach no farther into the front-yard setback, but to increase the height and length of the existing garage.

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 considered the following general and specific standards:
- (a) Section 303(e)(1) Community facilities: The Applicant is proposing to enlarge a residential accessory structure. 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) Section 303(e)(2)(A–E) Character of the area: The style of the structure is as shown on the elevations (Exhibit B). The Board concludes that the project is appropriate in scale and design in relation to existing uses and structures in the district 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 structure is accessory to the primary residential use. This project application presents compliance with the conditional use criteria. The Board concludes that the proposal will not violate any municipal bylaws and ordinances.
  - (d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: No change of use is proposed. 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 conditions: The project does not include earth-removal activities. This provision does not apply.

**Conclusion:**

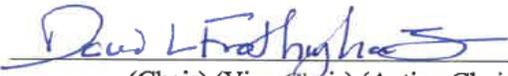
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Lawrence Asam to enlarge the existing garage, not to come closer than 17' to the front property line at 156 Sunset Drive, as presented in application #079-19 and supporting materials, meets the Waivers, and Conditional Use criteria set forth in Sections 309, and 303.

**Motion:**

On behalf of the Waterbury Development Review Board, Dave Rogers moved and Tom Kinley seconded to approve application #079-19 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) All exterior lighting shall be downcast and shielded.

**Vote:** The motion was approved 6–0.

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

Approved: 9/18/2019  
\_\_\_\_\_  
(date)

This decision was approved on: September 18, 2019.

***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.*

**Town & Village of Waterbury**  
**Development Review Board**  
**Decision #081-19 ■ August 21, 2019**

**In Attendance:** Board members present: Dave Frothingham (Chair), Dave Rogers, Tom Kinley, Bud Wilson, Andrew Strniste, and Alex Tolstoi. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

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Owner/Applicant:	Michael and Catherine Maetke	
Address/Location:	298 Twin Peaks Rd, Waterbury Center, VT	
Zone:	Medium Density Residential (MDR)	
Application #	081-19	Tax Map # 13-204.000

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**Applicant Request**

The Applicants seeks a setback waiver to construct a two-car garage at 298 Twin Peaks Road, Waterbury Center, VT (MDR zoning district).

**Present and sworn in:**

Michael and Catherine Maetke, Owner/Applicant

**Exhibits:**

- A: Application #081-19 (3 pages: zoning, conditional use), submitted 7/25/19.
- B: Elevations, Plans, Section and Notes by Amish Backyard Structures, dated 4/10/15.
- C: Site Plan and project notes, prepared by Applicants, submitted 8/21/19.
- D: Photo of style & materials, submitted 7/25/19
- E: Aerial photo of parcel with MDR setbacks of 60-50-50 (Staff)
- F: Letter to adjoining landowners, mailed certified on 8/1/19.

**Findings of Fact:**

1. Existing conditions: Michael and Catherine Maetke own a 2.51± acre parcel at 298 Twin Peaks Rd. The lot is developed with a single-family dwelling and an attached garage, and has frontage and an access drive on Twin Peaks Rd. The property is in the Medium Density Residential (MDR) zoning district. The existing dwelling meets all the setbacks.
2. Project: The existing driveway and drilled well restrict where a new garage could be constructed. The Applicant proposes to construct a two-bay garage within the side yard setback (Exhibits B, C and D).
3. MDR Dimensional Requirements, Table 5.2: *Minimum lot area: 2 acres; minimum setbacks: 60' front, 50' sides/rear.* The lot meets the minimum lot size, but the proposed garage will be within 15' of the north side yard setback.
4. Waiver Request: The setback waiver request is to encroach on the side setback by 35' (50' – 15').

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 considered the following general and specific standards:
- (a) Section 303(e)(1) Community facilities: The Applicants are proposing a new residential accessory structure (detached garage). 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) Section 303(e)(2)(A–E) Character of the area: The style of the structure is shown on Exhibits B and D. The Board concludes that the project is appropriate in scale and design in relation to existing uses and structures in the district, 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 structure is accessory to the primary residential use. This project application presents compliance with the conditional use criteria. The Board concludes that the proposal will not violate any municipal bylaws and ordinances.
  - (d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: No change of use is proposed. 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 conditions: The project does not include earth-removal activities. This provision does not apply.

**Conclusion:**

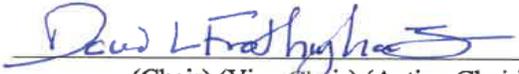
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Michael and Catherine Maetke to construct a two-car garage not less than 15 feet from the north side property line at 298 Twin Peaks Rd, as presented in application #081-19 and supporting materials, meets the Waivers, and Conditional Use criteria set forth in Sections 309, and 303.

**Motion:**

On behalf of the Waterbury Development Review Board, Alex Tolstoi moved and Tom Kinley seconded to approve application #081-19 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) All exterior lighting shall be downcast and shielded.

**Vote:** The motion was approved 6–0.

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

Approved: 9/18/2019  
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