

WATERBURY DEVELOPMENT REVIEW BOARD
General Minutes—February 19, 2020

Board members present: David Frothingham (Chair), David Rogers (Vice Chair), Bud Wilson, and Andrew Strniste. Staff present: Dina Bookmyer-Baker (ZA) and Patti Martin (Secretary).

David Frothingham opened the meeting at 6:35 p.m. in the Steele Community room in the Municipal Center, 28 North Main Street, Waterbury, VT. Attendees were advised that the DRB is a 7-member Board and that any approval will require 4 votes in the affirmative.

- 1) **#113-19: Greg & Cynthia Jane Evans** (owner/applicant)
Setback waiver for a greenhouse and accessory shed for residential use at 3079 Waterbury-Stowe Road. (RT100 zoning district) —*Continued from 1/8/20 (without review)*.

Present and Sworn in:

Cynthia Jane Evans, Owner/Applicant

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

- 2) **#008-20: Gristmill Properties LLC and Charles G. Brady** (owner/applicant)
Create boundary-line adjustments between Lots 1, 2, and 5 in an existing Planned Unit Development at 5430 Waterbury-Stowe Road. (RT100 zoning district)

Present and Sworn in:

Chris Austin, Grenier Engineering, Applicant Consultant
Charles Brady, member of PUD, Owner/Applicant
Brendan O'Reilly, Gristmill Properties LLC, Owner/Applicant
Dave Lachtrupp, Gristmill Properties LLC Representative
Steve James, Adjoining Landowner
Kevin Rogers, Adjoining Landowner

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: Bud Wilson moved, and David Rogers seconded the motion, to approve the general minutes for February 5, 2020 and the decisions for applications #114-20 (Lester, 48 Appletree Lane), #002-20 (Perry Hill Partners, 28 Stowe Street), and #004-20 (Murray, 865 Guptil Road), as amended.

Vote: Motion approved: 4–0.

Adjournment: There being no other business, the meeting was adjourned at 7:45 p.m.


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

Approved: March 4, 2020

**Town & Village of Waterbury
Development Review Board
Decision #113-19 ▪ February 19, 2020**

In Attendance: Board members: David Frothingham (Chair), David Rogers (Co-Vice Chair), Bud Wilson, and Andrew Strniste. Staff: Dina Bookmyer-Baker (ZA) and Patti Martin (Secretary).

Owner/Applicant:	Cynthia Jane & Gregory Evans	
Address/Location:	3079 Waterbury-Stowe Road, Waterbury Center, VT	
Zone:	Route 100 (RT100)	
Application #	113-19	Tax Map # 09-315.000

Applicant Request:

The applicant seeks approval to construct a greenhouse and small shed/sugarhouse within the front setback at 3079 Waterbury-Stowe Road, Waterbury Center, VT.

Present and sworn in:

Cynthia Jane Evans, Owner/Applicant

Exhibits

- A: Application #113-20 (3 pages: zoning, conditional use), submitted December 3, 2019.
- B: Site Plan by Applicant (annotated McCain base-map), submitted December 3, 2019.
- C: Photoshopped mock-up of greenhouse on proposed site, submitted December 3, 2019.
- D: 3-D drawing of greenhouse, submitted December 3, 2019.
- E: Photoshopped mock-up of shed/sugarhouse on proposed site, submitted December 3, 2019.
- F: Parcel map with orthophoto base layer (Staff).
- G: Letter to adjoining landowners, mailed certified: December 23, 2019.
- H: Sketch on final plat, detailing placement of shed/sugar house, submitted February 19, 2020.

Findings of Fact:

1. Existing conditions: Cynthia & Gregory Evans own a 2.53-acre parcel located at 3079 Waterbury-Stowe Road 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 plus a one-bedroom Bed and Breakfast with an attached two-story garage. A replacement attached garage with a one-bedroom apartment has been approved under Permit #039-19, but has not been constructed to date. The existing house is located 32' from the centerline of Waterbury-Stowe Road (Route 100) and approximately 9' from the edge of the right-of-way for Route 100 (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 an 8' x 16' greenhouse to the north of the house on an existing barn foundation as shown on Exhibits B and C. The proposed greenhouse will be located approximately 64' from the centerline of Waterbury-Stowe Road (Route 100) and approximately 36' from the right-of-way

for Waterbury-Stowe Road (Route 100). The proposed greenhouse will be located on an existing concrete slab from a former barn. The greenhouse will meet the required 50' side yard setback. The proposed 12' x 20' (maximum size) shed/sugarhouse will be located in the rear yard as shown on Exhibits B2 and H. The proposed shed will be located approximately 160' from the right-of-way for Waterbury-Stowe Road. The shed will meet the required 50' side and rear yard setbacks. The shed shall not be located on the primary or replacement leach fields for the on-site septic system, as shown on Exhibit B2.

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 meets the minimum lot size for the RT100 zoning district for residential use. The proposed greenhouse and shed/sugarhouse will not meet the front setback.
4. Waiver Request: The setback waiver request is for the greenhouse to encroach into the front-yard setback by 164' (200' minus 36') and the shed to encroach into the front setback by 40' (200' minus 160').
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: No increase in occupancy and no change in the residential use of the property is proposed. The greenhouse and shed/sugarhouse are for the use of the current residents. The additional structures do not require addition 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) Character of the area: The use of the property will remain residential. No additional exterior lighting is proposed. The greenhouse is a style that will be compatible with the rural setting of the existing dwelling (Exhibit C). The application states: “(The greenhouse) will enhance the ‘farmhouse’ character.” The Board concludes that the project will not have an undue adverse impact on the character of the area affected.
 - (c) Section 303(e)(3) Municipal bylaws in effect: The greenhouse and shed are for residential use. The greenhouse will be set back farther from the street than the existing house. 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: Construction and use of the greenhouse will not create the above-named nuisances and therefore 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 Cynthia & Gregory Evans to construct a greenhouse 164' within the front yard setback and a shed/sugarhouse 40' within the front setback at 3079 Waterbury-Stowe Road, as presented in application #113-19 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, Andrew Strniste moved, and Dave Rogers seconded the motion, to approve application #113-19 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) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in zoning permits #087-17, #080-18, and 038-19.

Vote: Motion approved 4-0.


 _____,
 (Chair) (Vice-Chair) (Acting Chair)

Approved: March 4, 2020

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 permits that 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.*

**Town of Waterbury
Development Review Board
Decision #008-20 ■ February 19, 2020**

In Attendance: Board members: David Frothingham (Chair), David Rogers (Co-Vice Chair), Bud Wilson, and Andrew Strniste. Staff: Dina Bookmyer-Baker (ZA) and Patti Martin (Secretary).

Owner/Applicant:	Gristmill Properties, LLC and Charles G. Brady	
Address/Location:	5430 Waterbury-Stowe Road, Waterbury Center, VT	
Zone:	Route 100 (RT100)	
Application #	008-20	Tax Map # 09-048.100

Applicant Request

The applicant seeks approval to adjust the boundary-lines between Lots 1, 2, and 5 in an existing Planned Unit Development (PUD) at 5430 Waterbury-Stowe Road.

Present and sworn in:

Chris Austin, Grenier Engineering, Applicant Consultant
Charles Brady, member of PUD, Owner/Applicant
Brendan O'Reilly, Gristmill Properties LLC, Owner/Applicant
Dave Lachtrupp, Gristmill Properties LLC Representative
Steve James, Adjoining Landowner
Kevin Rogers, Adjoining Landowner

Exhibits

- A: Application #008-20 (zoning, subdivision), submitted 1/10/20 (4 pages).
- B: Project overview, prepared by Grenier Engineering, dated 1/9/20.
- C: Overall Site Plan, prepared by Grenier Engineering, dated 1/8/20.
- D: Orthophoto of PUD boundaries (Staff).
- E: Letter to adjoining landowners, mailed certified on 2/3/20.

Findings of Fact

1. Existing conditions: Gristmill Properties, LLC owns Lot 1, of 5.1± acres, and Lot 2, of 5.3± acres, located at 5430 Waterbury-Stowe Road in the Route 100 (RT100) zoning district. Charles G. Brady owns Lots 3 and 4. Lot 5 is owned in common by the PUD landowners.
2. Proposal: The project proposes to create a boundary-line adjustment between Lots 1 and 2 and Lot 5 (common land owned by each Applicant). Lot 1 will increase to 6.02± acres. Lot 2 will decrease to 3.92± acres. Lot 5 will increase to 18.86± acres. No construction is proposed at this time.
3. Dimensional Requirements: Table 5.2: The property is in the Route 100 (RT100) zoning district, which requires a minimum lot size of 5 acres for commercial use and 2 acres for residential use. Because this subdivision is a PUD there are no minimum lot sizes.

4. Section 1201 Authority and Review of Subdivisions: All applications for land division shall be reviewed by the DRB under Section 1202, unless exempted under Section 1203. Section 1203 notwithstanding, Section 704(g) states that any changes that the applicant wants to make to the approved project that involve aspects included in the DRB review and approval... shall require a subsequent review by the DRB under this bylaw.

Section 1202 Subdivision Review Criteria: Prior to granting approval, the Board must find that the proposed subdivision conforms to the standards in Section 1202 (a)–(d).

5. Section 1202 Subdivision Review Criteria: Prior to granting approval, in addition to the relevant criteria in Section 401, Dimensional Requirements, and Section 504, General Dimension, Location, and Height Requirements, the Board must find that the proposed subdivision conforms to the standards in Section 1202.

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Gristmill Properties, LLC and Charles G. Brady to adjust the boundary-lines between Lots 1, 2, and 5 in an existing Planned Unit Development at 5430 Waterbury-Stowe Road, as presented in application #008-20 and supporting materials, meets the Subdivision criteria as set forth in Section 1202.

Motion:

On behalf of the Waterbury Development Review Board, Dave Rogers moved and Dave Frothingham seconded the motion to approve application #008-20 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) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in all applicable prior zoning permit approval(s).
- (3) Within 180 days from this approval, the Applicant shall submit the final plat, prepared in accordance with 27 V.S.A. § 1403 and signed by the DRB Chair (or Acting Chair), to be recorded in the Office of the Clerk of the Town of Waterbury, in accordance with 24 V.S.A. § 4463.

Vote: Motion approved: 4–0.



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

Approved: March 4, 2020

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 permits that 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.*