

WATERBURY DEVELOPMENT REVIEW BOARD
General Minutes—March 4, 2020

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

David Frothingham opened the meeting at 6:30 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) **#096-19: Yao Alate, Kekeli LLC** (owner/applicant)
Site Plan, Conditional Use, Setback Waiver, and Special Flood Hazard Area review to construct a new commercial addition for vehicle repair and service at 150 South Main Street. (VNC/SFHA zoning/overlay districts) —*Continued from 10/16/19 (sketch) and 1/8/20 (no review). Applicant requests to be continued to 5/6/20 to complete application materials.*

No parties attended and no additional review was conducted. This item was continued, as requested, to the 5/6/20 DRB meeting, at 6:30 p.m. The application materials are due by 3/31/20 to allow time to receive SFHA comments from the State Regional CFM, Ned Swanberg.

- 2) **#013-20: Waterbury Housing Ltd. Partnership** (owner), **Tabbatha Henry** (applicant)
Site Plan and Conditional Use review to change the use of 1200 SF of retail space to craft production with a retail showroom in the Stimson & Graves building at 10 Stowe Street. (DC/DDR zoning and overlay districts)

Present and Sworn in:

Tabbatha Henry, Applicant

Testimony:

- The Applicant has not had the leased space inspected or the project reviewed by the State Department of Public Safety.
- The external venting was discussed and recommendations made, with a concern for potential fumes that may be offensive to upstairs tenants.

The hearing was continued to the 3/18/20 DRB meeting, at 6:30 p.m.

- 3) **#014-20: Trek Communities LLC/Unsworth Properties LLC** (owner/applicant)
Setback waiver to remove a mobile home and replace it with a larger mobile home in the setback at 268 East Wind Drive. (MDR/RT100 zoning districts)

Present and Sworn in:

James Unsworth, Unsworth Properties LLC (Property Owner/Applicant)

Jim Fecteau, Fecteau Homes, (Mobile home owner/Applicant)

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

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

- Review minutes and decisions from the previous meeting: Dave Rogers moved, and Alex Tolstoi seconded the motion, to approve the general minutes for February 19, 2020 and the decisions for applications #113-19 (Evans, 3079 Waterbury-Stowe Road) and #008-20 (Gristmill Properties, 5430 Waterbury-Stowe Road), as amended.

Vote: Motion approved: 4-0.

- Public Comment / Other business: None.

Adjournment: There being no other business, the meeting was adjourned at 8:12 p.m.



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

Approved: March 18, 2020

Notice of upcoming meetings:

- Wednesday, March 18, 2020, 6:30 p.m.
- Wednesday, April 1, 2020, 6:30 p.m.
- Wednesday, April 15, 2020, 6:30 p.m.
- Wednesday, May 6, 2020, 6:30 p.m.

**Town of Waterbury
Development Review Board
Decision #014-20 ▪ March 4, 2020**

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

Owner/Applicant:	Unsworth Properties / Jim Fecteau	
Address/Location:	268 East Wind Drive, Waterbury Center, VT	
Zones:	Medium-Density Residential (MDR), Route 100 (RT100)	
Application #	014-20	Tax Map # 13-139 L14

Applicant Request:

The Applicant seeks approval to remove a mobile home and replace it with a longer mobile home that will encroach on the rear setback at 268 East Wind Drive.

Present and sworn in:

James Unsworth, Unsworth Properties LLC (Property Owner/Applicant)
Jim Fecteau, Fecteau Homes, (Mobile home owner/Applicant)

Exhibits:

- A: Application #014-20 (3 pages: zoning, conditional use), submitted 2/5/20.
- B: Site plans showing existing and proposed conditions, prepared by Applicant, submitted 2/5/20.
- C: Photos representing the proposed mobile home style, submitted 2/28/20.
- D: Parcel maps of the site with an orthophoto base-map and zoning districts overlay.
- E: Letter to adjoining landowners, mailed certified on 2/15/20.

Findings of Fact:

1. Existing conditions: Unsworth Properties LLC/Trek Communities LLC own a 10± acre parcel on East Wind Drive in the Medium-Density Residential (MDR) and Route 100 (RT100) zoning districts. The property is developed with 28 mobile home sites. Jim Fecteau owns an existing mobile home located on Lot 14, 268 East Wind Drive. The lot also includes a small shed. Both the dwelling and the shed encroach on the rear setback (Exhibit B1). The mobile home park has interior front and side setbacks that are distinct from the zoning district requirements, but the setbacks for the perimeter of the park is 50', as required in the RT100 and MDR zoning districts. The mobile home sites are served by private-community water and wastewater systems.
2. Project: The Applicant proposes to remove the existing mobile home and accessory shed and replace it with a new mobile home, on a new pad. The new home will be 26' from rear property line (Exhibit B2).

3. Dimensional Requirements, Table 5.2: In the MDR and RT100 zoning districts, the minimum rear setback is 50'. The proposed dwelling will encroach upon the rear setback.
4. Waiver Request: The setback waiver request is to encroach on the rear setback by 24' (50'–26').
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 project will not change the residential use of the property or increase the occupancy. The project will not require additional water or sewer allocation (the site is served by private water and wastewater systems), will not increase traffic, burden the school capacity, or unduly increase the demand for fire protection. The Board concludes that the proposed project 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. The surrounding uses are residential as well. The proposed home (Exhibit C) matches the style and materials of the existing and neighboring dwellings. 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 project makes no change to the current residential use and complies 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 to the residential use is proposed. The dwelling will not create the above-named nuisances. 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 project proposed by Unsworth Properties LLC and Jim Fecteau to install a new mobile home on Lot 14 that will not come closer than 26' to the rear property line at 268 East Wind Drive, as presented in application #014-20 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 Dave Rogers seconded the motion to approve application #014-20 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) All exterior lighting shall be downcast and shielded.

Vote: The motion was approved, 4–0.



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

Approved: March 18, 2020

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.*