

WATERBURY DEVELOPMENT REVIEW BOARD
Approved General Meeting Minutes—April 15, 2020

Members: David Frothingham (Chair), David Rogers (co-Vice Chair), Tom Kinley (co-Vice Chair), Bud Wilson, Andrew Strniste.

Staff Members: Steve Lotspeich, Community Planner/Acting ZA; Patti Martin, Secretary.

Public: Alyssa Johnson, Economic Development Director

The public meeting convened at 6:30 p.m. in the Steele Community Room in the Municipal Center, 28 North Main Street, Waterbury, VT. Attendees participated in this meeting via conference call. Dial **1-320-202-1118** and enter Conference Code: **564162**.

David Frothingham and Steve Lotspeich were present in person.

Call to order by the Chair. *(Meeting was audio recorded.) The agenda was followed as presented.*

The Chair gave the following introduction: Applicants and consultants will be advised by phone call when their hearing is ready. Applicant's should try and have one spokesperson. Steve will give a staff overview. DRB members will be asked one at a time to ask questions, following by staff comments. Then the hearing will be opened for public questions.

Six DRB members are present; four votes in the affirmative will be needed to pass a motion.

1. **#023-20: Loc Nguyen** (owner/applicant)
Site Plan, Conditional Use, and Special Flood Hazard Area review to expand the existing restaurant use to include banquets and outdoor events at 1675 U.S. Route 2. (MDR/SFHA zoning and overlay districts)

Testimony:

- In addition to their restaurant they are seeking approval to host private events where clients would provide their own catering, and use the kitchen facilities on site as needed.
 - a. If additional toilets are needed the client would rent port-a-lets.
 - b. If a tent is required the client would rent the tent.
 - c. Events would range in size with maximum capacity of 200 people.
 - d. Outside noise would be kept to the regulated maximum.
- The inside of the restaurant has been renovated and the landscaping to the outside improved.
- The upper lawn is considered the most useable and prime space for events with the lower lawn for mingling with tables to be set up. The lower field maybe for pictures in the gardens. The location of the port-a-lets may be restricted to the area of the permanent or overflow parking areas.
- In the future if storage is needed it would be inside the existing building.
- It was noted that if tents are up for more than seven days in a three-month period, they need a zoning permit.
- Overflow parking: There is a concern for larger events due to the location being on U.S. Route 2, that any vehicles that couldn't fit in the parking areas would end up parking on

the shoulder of U.S. Route 2. What are overflow parking options for additional overflow parking?

- Hours of operation: The suggested time for weddings would be to end by 10:00 p.m.; restaurant closing time would also be 10:00 p.m.
- Tents: It was requested to mark on the drawings where tents would be set up.
- Temporary toilets: It was requested to mark on the plan where port-a-lets would be placed, and if parking spaces would be used.
- Lighting: What temporary lighting would be used for evening events. All temporary and permanent exterior lighting needs to be shown on the site plan.
- Landscaping: Is there something that could be used for screening for sound and exterior light to protect the nearby residences.
- Fireworks: There will be no fireworks allowed.

The hearing was continued to May 6, 2020 at 6:30 pm. A site visit was recommended for members on an individual basis.

2. **#024-20: Joel Baker** (owner/applicant)

Site Plan, Conditional Use, Setback Waiver, and Downtown Design Review to remove a historic accessory structure (carriage barn) and build an attached multi-family structure at 100 South Main Street. (VMR/DDR zoning and overlay districts)

- Change in height is close to the same (within 2 feet from the existing structure).
- Photo documentation was requested – per historical record keeping – to be kept in the zoning file
- The material below the clapboard is 410 or something similar.
- Parking: 2 spots were discussed that are currently angled, they will be revised.
- Wood clapboard will be used on the back (the front is vinyl clapboards and will remain).
- Repair to the foundation in the L section of the existing structure may/will occur – this is a repair not an alteration.
- Heat pump compressors will be on the back side.
- Parking will all be gravel.

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

3. **#025-20: Brian Leven** (applicant), **Furst Management Ventures** (owner)

Site Plan, Conditional Use, and Downtown Design Review to change the use of two floors from office to restaurant and construct an outdoor dining deck at 14 South Main Street. (DC/DDR zoning and overlay districts)

Testimony

- The fencing for the dumpsters was relocated. The concrete pad needs to be added to the plan. The screening for the dumpster needs to be added to the plan. The current design may require the dumpster/s to be on wheels so they can be moved when being picked up.
- The sidewalk in the original design is not financially feasible at this time. In the future, if the existing contaminated soil can be dealt with, it is agreed to be an integral part of the project.

- Parking: The third handicap spot needs to be addressed and the symbol adjusted on the plan.

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

4. **#076-19: Crescent Ridge Development LLC, c/o Eric Morris** (applicant) and **Laurie Brady** (owner). Ridgeline review after-the-fact for an existing dwelling and deck addition at 1045 Ring Road, Waterbury Center, VT. (CNS/RHS zoning/overlay districts) —*Continued from 8/7/19.*

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

Final plat review:

#004-20, Murray Family Trust, c/o Robert & Carline Murray, Trustees (owner/applicant), two-lot subdivision of existing 70.7-acre parcel at 865 Guptil Road. (MDR/RT100). DRB hearing: 2/5/20; decision approved: 2/19/20; final plat due (180 days): 8/17/20.

Tom Kinley moved and Andrew Strinste seconded the motion to approve the final plat for Permit #004-20.

Adjournment: There being no other business, the meeting was adjourned at 9:20 p.m.


 _____, Approved: May 6, 2020
 (Chair) (Vice-Chair) (Acting Chair) (date)

Next meetings:

Wednesday, May 6, 2020, 6:30 p.m. (Final order TBD)

- #026-20: Ben-Jerry’s, SP-CU truck-trailer access drop-lot, 1281 Wtby-Stw Rd. (VCOM/RT100)
- #028-20: Hallie Nelson, Site Plan review for in-home day-care, 258 Keltan Hts. (RT100)
- #030-20: M&K Bodan, Setback waiver, garage & deck, 160 Worcester View Dr. (MDR/LDR)
- #096-19: Kekeli LLC, WR/SP/CU/SFHA: comm. bldg. addition, 150 S. Main St. (VNC/SFHA)
—*Application withdrawn.*

Wednesday, May 20, 2020, 6:30 p.m. (Applications due: Mon. 4/20/20)

* During the declared COVID 19 emergency, a public body is not required to provide a physical location for an open meeting or have a person physically present. The state legislature amended the Open Meeting Law to allow a public body to hold its meeting by phone, electronic, or other remote means, provided that the public can participate and information about how and when the public can access the meeting is published in the agenda. A quorum or more of the members of the public body must participate in the meeting.

existing building has approximately 750 sq. ft. of office space and two apartments.

2. Project: The Applicant proposes to demolish the existing garage/carriage barn and add an addition with eight townhouse style apartment units as shown on Exhibits B and C. The existing parking area will be widened and a proposed gravel surface driveway will be constructed, thereby accessing a new parking area to the rear of the property to serve the eight new dwelling units. The additions will contain two identical sections with four units each. The sections will be connected with an open roofed structure with a concrete floor and will include a covered bike rack. This single structure conforms to the definition of building that follows:

(definition) Building: Any structure having a roof supported by columns or walls and intended for the shelter above ground or enclosure of persons, animals, activity, equipment, goods, or materials of any kind.

3. Site Plan Review and Approval, Section 301: Multi-family use is subject to site plan approval by the DRB before a zoning permit may be issued. Since the proposed project involves changes to vehicular access, circulation, and parking lot layout, it is subject to site plan review. Prior to approval, the Board considered the following objectives:

4. Traffic access and pedestrian safety, Subsection 301(f)(1) (A–D): There will be no change to the existing vehicular access to the site from S. Main St. A proposed, a 12' wide gravel surfaced driveway will access the proposed parking area at the rear of the parcel. A four-foot wide concrete walkway will be constructed – accessing the eight new dwelling units and the front portion of the building, as shown on Exhibit B.

5. Circulation and parking, loading, refuse, and service areas, Subsection 301(f)(2) (A–G): Seventeen parking spaces, including one handicap space, will serve the entire building with circulation via the proposed driveway, as described above. See the parking regulations in paragraph 4, below. The dumpsters for refuse and recyclables will be at the rear of the new parking area as shown on Exhibit B. They will be screened on three sides with a wooden privacy fence a minimum of six feet tall.

6. Adequacy of Landscaping, screening, and lighting, Section 301(f)(3) (A–F): The landscaping and screening are as shown on Exhibit B. Exterior lighting will consist of one 12-foot tall pole light with a single 155-watt motion activated LED fixture as shown on Exhibit H. The canopy roof over the entrance to each of the doorways into the eight new apartment units will have one recessed can light that will be downcast and shielded. The exterior lighting on the front portion of the building will remain unchanged.

7. Parking Regulations, Section 414: The 17 parking spaces will serve the building as follows: the 750 sq. ft. of office space requires three spaces; the two existing apartments are one-bedroom each, thus requiring one parking space each, for a total of two spaces; the eight proposed two-

bedroom apartments require a minimum of 12 spaces. The total requirement for the building is 17 spaces (3 + 2 + 12 = 17). The minimum parking requirement for the building is met.

8. Conditional Use criteria, Section 303: Prior to granting approval for a conditional use application, the Board finds that the proposed use conforms to the general and specific standards below. Business professional offices are a permitted use and multi-family is a conditional use in VMR.

9. Section 303(e)(1) (A–E) Community facilities: The building will be served by municipal water and wastewater services.

10. Section 303(e)(2)(A–E) Character of the area: No changes are proposed to the exterior of the existing building. The building addition is subject to Design Review as detailed below. The Design Review criteria address the impact of the building addition on the historic resource of the existing and nearby buildings. The existing garage/carriage barn is not listed on the National Register of Historic Places; therefore, the demolition of that specific structure is not subject to the Design Review bylaws.

11. Section 303(e)(3) Municipal bylaws in effect: The proposed uses and structures are before the Board for approval and will not violate any municipal bylaws and ordinances in effect.

12. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The buildings and their uses will not produce any of the above impacts beyond those customary to residential and office uses.

13. Section 303(h) Removal of earth or mineral products conditions: The project does not include earth removal and excavation activities other than activities associated with landscaping and construction.

14. Downtown Design Review Overlay District Standards, Section 1108: Prior to granting design approval, the Board considered and found that the proposed development meets the Downtown Design Review standards, where applicable. As noted above, the existing garage/carriage barn is not described or listed on the National Register of Historic Places as noted in Exhibit F1; therefore, the demolition of that structure is not subject to the Design Review bylaws.

Design Review Standards, Section 1108: Prior to granting design approval, the Development Review Board considered and found that the proposed development meets the following standards, where applicable:

- (1) Historic Structures (applying to all structures listed on the National Register of Historic Places):

- (A) Original materials or materials typical of the architectural style of the structures shall be preserved or replaced with like materials to the extent feasible and appropriate. The building addition will utilize a combination of materials that will be compatible with the existing main building as shown on Exhibit C2 and C3. The roof trim fascia will be natural wood. The gable end wall sections will be painted steel roofing oriented vertically. An approximately four-foot tall band of Corten steel or similar material w/variable "patina" will be along the ground level of the sides of the addition. The remaining "mid-section" of wall from eave height down to be horizontal wood lap siding. The new roof will be standing seam metal. All colors are to be determined, but will be favoring earth tones and "natural" appearance.
 - (B) Historic building features shall be preserved or replicated to the extent feasible and appropriate.
- (2) Historic/Commercial Sub-District:
- (A) New building designs shall reinforce historic streetscape patterns, including orientation and setbacks. Building sites, including road and pedestrian networks, shall be designed in a manner that is integrated and compatible with adjoining parcels and areas.
 - (B) New buildings shall maintain overall height, size, massing, scale, and proportions compatible with those of buildings in the vicinity. New buildings shall incorporate building forms, lines, roof shapes, features, and materials compatible with those of buildings in the vicinity, but are not required to conform to a particular architectural style.
 - (C) New additions should be designed to complement and be compatible with, rather than detract from or obscure, the original structure.
 - (D) Project design shall reinforce a pedestrian streetscape through the provision, where appropriate, of such features as connecting walkways, landscaping and street trees, the incorporation of architectural features such as porches, store fronts and windows, and pedestrian-scaled street furniture and lighting.
 - (E) On-site utilities shall be buried and utility boxes shall be screened from public view if the utilities along the street serving that structure are also buried. The on-site utilities to the rear of the building are buried underground.
 - (F) Buildings, or portions thereof, having eaves heights of twenty (20) feet or less above ground level shall incorporate moderately to steeply pitched roofs, unless the Board determines that another roof type is appropriate. The roof pitch on the addition matches the moderately steep pitch of the main front portion of the existing building.

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Joel Baker to demolish the existing garage/carriage barn and construct an addition with eight multi-family units at 100 S. Main Street, with a setback waiver of 14 feet on the northwest side,

meets the Site Plan, Conditional Use, Waiver, and Downtown Design Review criteria as set forth in Sections 301, 303, 309 and 1108.

Motion:

On behalf of the Waterbury Development Review Board, Dave Rogers moved and seconded the motion to approve application #024-20 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 outdoor lighting shall be downcast and shielded.
- (3) The Applicant shall submit, prior to demolition of the carriage barn, detailed documentation of the structure’s historic and architectural features which meet the requirements of the Vermont Division for Historic Preservation for documenting historic buildings, as set forth in Section 1107(b).
- (4) The Applicant shall submit, prior to the issuance of the permit, a revised site plan adjusting the parking in the rear to provide additional maneuvering area for the corner spaces.

Vote: The motion was approved 6–0.


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

Approved: May 12, 2020

This decision was approved on May 6, 2020.

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.*

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes
#025-20 - April 15, 2020**

Board Members Present: Dave Frothingham, Chair; Tom Kinley; Bud Wilson, Andrew Strniste, David Rogers; Alex Tolstoi

Staff Present: Steve Lotspeich, Acting Zoning Administrator; Patti Martin, Secretary

Applicant/Owner/Brian Leven / Furst Management Ventures LLC

Address/Location: 14 South Main Street, Waterbury, VT

Zones: Downtown Commercial (DC), Downtown Design Review (DDR)/Historic Commercial (HC), Special Flood Hazard Area (portions)

Application #025-20

Tax Map # 19-350.000

Applicant Request

The Applicant seeks approval to change the use of the main and lower levels of the existing structure from business professional office to restaurant/bar use, as well as add a deck to the rear of the building for part of the restaurant use, at the former TD Bank Building at 14 S. Main St..

Present and sworn in:

Brian Leven, Applicant

Exhibits:

- A: Application #025-20 (4 pp: Zoning, Site Plan, Conditional Use), dated 3/18/20.
- B: Cover letter from Brian Leven, dated 3/18/20
- C: Site Plans for Furst, Inc., prepared by Grenier Engineering, dated 3/16/20.
- D: Proposed Building Elevations by RMC Design, dated 3/18/20.
- E: Orthophoto of parcel showing the Special Flood Hazard Area (staff).
- F: Letter to adjoining landowners, mailed certified on: 3/30/20.

Findings of Fact:

1. Existing conditions: Furst Management Ventures LLC owns a 0.81± acre lot located at 14 South Main Street. The property is developed with a 10,024 SF two-story building and a parking area. The property is served by municipal water and sewer, includes frontage on, and access drives to, South Main Street and Bidwell Lane (Exhibit C). The parcel is in the Downtown Commercial (DC) zoning district, Downtown Design Review (DDR)/Historic Commercial (HC) overlay and sub-district; and portions of the parking area lie in the Special Flood Hazard Area (SFHA) overlay, but not the structures, as shown on Exhibit E.

Background: The existing commercial building was most-recently home to TD Bank.

2. Proposal: The proposed project involves the change of use regarding the main and lower levels from business professional office to restaurant/bar use, as well as to add a deck to the rear of the building for part of the restaurant use. The parking lot will be constructed as shown on Exhibits C1 and C2 with 53 parking spaces including three handicap spaces. The restaurant on the main and lower levels will have 100 seats and a maximum of 10 employees. The proposed deck on the rear of the building will be used for seasonal restaurant seating which is included in the calculation of a maximum of 100 seats. The second floor will have 2,812 sq. ft. of business professional offices as previously permitted.

The west elevation and lower level of the south elevation will be reconstructed with revised large display windows as shown on Exhibit D, the Proposed Building Elevations. The dumpsters will be re-located to a screened area at the rear of the parking lot and will be placed on a concrete slab, as shown on Exhibit B, Site Plans.

3. Historic Register Designation: The building is listed as contributing structure #75 to the Waterbury Village Historic District as shown on Exhibit G. The portions of the west and south facades that are proposed to be reconstructed are part of a non-historic addition to the building that was constructed in 1958 for use as a bank with the drive-through. The proposed re-constructed façades with large display style windows will be similar to the historic display windows in the existing buildings located at 23 South Main St. and 3 Elm St. shown in Exhibit D. The historic portions of all the building facades will be retained in their existing design as shown on Exhibit D.

4. Site Plan Review and Approval, Section 301:

(f)(1) Adequacy of traffic access.

There will be no changes to how traffic will access the site other than closing off a portion of the curb cut on S. Main St. that has accessed the drive-through.

(f)(2) Adequacy of circulation and parking.

Exhibit C depicts 53 parking spaces including three handicap spaces. The parking requirement for the proposed uses in the building is as follows: the restaurant use requires 34 spaces for the 100-seats plus 10 spaces for the 10 employees at the maximum shift for a total of 44 spaces; the 2,812 sq. ft. of office space requires an additional 10 spaces for a total of 54 for the entire building. The owner requests a one parking space reduction, as the peak use of the restaurant and office uses are anticipated to occur at different times of the day, and therefore, the total of 53 parking should be adequate. This is in conformance with the following bylaw:

Section 414(e)(2) Parking spaces may be used for more than one use, upon approval of the Development Review Board, provided that the applicant demonstrates that the spaces will be used at different times by each use.

The parking requirement outlined above does not account for commercial paid parking use of the parking lot for the vehicles of patrons of other off-site businesses.

The pedestrian access to the building will be improved with the addition of a 5' wide sidewalk on the south side of the building. This sidewalk will serve the new entrance on the south façade, from the existing sidewalk on S. Main St., and will access the entrance on the rear (east side) of the building. The main entrance to the building on S. Main St. will be the sidewalk in the original design is not financially feasible at this time. The rear entrance to the one-story portion of the building will also be modified with a ramp for handicap access. The sidewalk in the original design that connected to Bidwell Ln. is not financially feasible at this time due to the cost of removing contaminated soil in the area where the proposed sidewalk was to be located. In the future, if the existing contaminated soils are mitigated, the Applicant should complete the sidewalk, as the Board agrees that it is an integral part of the project.

(f)(3) Adequacy of landscaping and screening:

All existing landscape plantings will be retained as shown on Exhibit C, the Site Plan

5 Conditional Use criteria, Section 303: The proposed restaurant and business professional uses are permitted uses in the Downtown Commercial zoning district and do not require conditional use review. If the commercial parking use is continued, then the use is a conditional use in the Downtown Commercial zoning district. The Board must find that the proposal conforms to the following general and specific standards:

- 1 Section 303(e)(1) Community facilities: The operation of the parking lot will continue as is.
- 2 Section 303(e)(2)(A–E) Character of the area: The paid parking machine has been added to the bottom of the ground sign structure at the S. Main Street vehicle entrance.
- 3 Section 303(e)(3) Municipal bylaws in effect: The proposed use is before the Board for approval and will not violate any municipal bylaws and ordinances in effect.
- 4 Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The service does not produce any of the above impacts beyond what the parking area has been.
- 5 Section 303(h) Removal of earth or mineral products conditions: The project does not include earth removal activities. This provision does not apply.

Article XI Downtown Design Review Overlay District

Section 1108 Design Review Standards

(a) Prior to granting design approval, the Development Review Board considered and finds that the proposed development meets the following standards, where applicable:

(1) Historic Structures (applying to all structures listed on the National Register of Historic Places):

- (A) Original materials, or materials typical of the architectural style of the structures, shall be preserved or replaced with like materials to the extent feasible and appropriate.
- (B) Historic building features shall be preserved or replicated to the extent feasible and appropriate.

(2) Historic/Commercial Sub-District:

- (A) New building designs shall reinforce historic streetscape patterns, including orientation and setbacks. Building sites, including road and pedestrian networks, shall be designed in a manner that is integrated and compatible with adjoining parcels and areas.
- (B) New buildings shall maintain overall height, size, massing, scale, and proportions compatible with those of buildings in the vicinity. New buildings shall incorporate building forms, lines, roof shapes, features, and materials compatible with those of buildings in the vicinity but are not required to conform to a particular architectural style.
- (C) New additions should be designed to complement and be compatible with, rather than detract from or obscure, the original structure.
- (D) Project design shall reinforce a pedestrian streetscape through the provision, where appropriate, of such features as connecting walkways, landscaping and street trees, the incorporation of architectural features such as porches, store fronts and windows, and pedestrian-scaled street furniture and lighting.

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Brian Leven and Furst Management Ventures LLC to change the use of the main and lower levels from business professional office to restaurant/bar use, as well as to add a deck to the rear of the building for part of the restaurant use, at 14 S. Main St. as presented in application #025-20 and supporting materials, meets the Site Plan and Downtown Design Review in the Downtown Commercial district criteria as set forth in Sections 301 and Article XI. Furthermore, based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Brian Leven and Furst Management Ventures LLC to continue the commercial paid parking use meets the Site Plan and Conditional Use Review criteria in the Downtown Commercial district as set forth in Sections 301, 303, and Article XI.

Motion:

On behalf of the Waterbury Development Review Board, Alex Tolstoi moved and Dave Rogers

seconded the motion to approve application #025-20 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. Any outdoor lighting shall be downcast and shielded.
3. Screening detail for the dumpster shall be provided and its concrete pad added to the site plan prior to issuance of the zoning permit.
4. The Applicant shall address the location of the handicap parking space to the rear of the building and submit a revised site plan prior to issuance of the zoning permit.
5. The Applicant shall submit documentation of the contaminated soils referenced during testimony and the associated costs of remediation which prevented the construction of the connector sidewalk between Main Street and Bidwell Lane.
6. Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in zoning permit approval(s) previously issued for this property.

Vote: The motion Passed 6 - 0



(Chair) (Vice Chair) (Acting Chair)

Approved: May 12, 2020
(date)

This decision was approved on:

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.*

Town of Waterbury
Development Review Board
Approved Hearing Decision
Application #076-19 - Date: April 15, 2020

In Attendance:

Board Members Present: Dave Frothingham, Chair; Tom Kinley; Bud Wilson, Andrew Strniste, David Rogers; Alex Tolstoi

Staff Present: Steve Lotspeich, Acting Zoning Administrator; Patti Martin, Secretary

Owner/Applicant: Laurie Brady (owner), Crescent Ridge Development, LLC (applicant)

Address/Location: Lot 1 Ring Road, Waterbury Center, VT

Zones: Conservation (CNS), & Ridgelines/Hillsides/Steep Slopes (RHS) overlay

Application #076-19

Tax Map #: 14-053.000

Applicant Request:

The Applicant seeks an after-the-fact approval to build a 2,100 sq. ft. single-family dwelling within the Ridgeline, Hillside Steep Slope Overlay District. The existing dwelling was previously permitted under Permit #'s 66-14-T, 01-08-T & 38-10-T.

Present and sworn in:

Laurie Brady, Owner

Dan Brady, Owner

George McCain, Consultant

Exhibits:

- Exhibit A: Application # 076-19 (7 pages including Conditional Use & Response to Standards of Review, Section 1004(b) & (c): RHS District, submitted 7/8/19)
- Exhibit B: Cover letter from McCain Consulting, dated 7/8/19
- Exhibit C: Site Plan, dated 6/26/19 & Preliminary Boundary Line Adjustment Plat, revised 2020
- Exhibit D: Preliminary Elevation Drawings, dated August 2014
- Exhibit E: Floor Plans, dated August 2014
- Exhibit F: Photographs of Existing House and View from House, submitted 8/6/19
- Exhibit G: Aerial Photo of Parcel, Existing House and Vicinity, submitted 8/6/19
- Exhibit H: Aerial Map of Parcel showing RHS Overlay, dated 7/18/19
- Exhibit I: Letter from David Grenier, Adjacent Landowner re. Waiver Request, dated 7/7/19
- Exhibit J: Photographic Views of House and Site from Shaw Mansion Rd.
- Exhibit K: Notice of Public Hearing, mailed by certified mail on 7/19/19

Findings of Fact:

1. The 9.24+/- acre property is located within the Conservation Zoning District, which has a minimum lot size requirement of 10 acres. The lot is considered a legally established, small lot.
2. The property also lies within the Ridgeline, Hillside, Steep Slope Overlay District and is considered a 'major review' as the location of the new dwelling is above 1,500 feet in elevation.
3. The Conservation Zoning District requires a minimum setback of 100' from all property lines. The house and deck were initially constructed 26.1' within the front setback. (former Exhibit C).
4. This application was previously permitted in Permit # 66-14-T and the Development Review Board granted approval on January 7, 2015 with a plan that showed all setbacks being met. The house was subsequently constructed within the front setback as described above.
5. The owners and the adjacent landowner, David Grenier, have applied for a boundary line adjustment that will result in the house and deck meeting the 100' minimum front setback. All other setbacks are currently met.
6. The adjacent landowners and the Applicant have signed an Easement Relocation Document that was recorded in the Waterbury Land Records on October 3, 2008.
7. The pre-existing camp on the property has been removed and the access serving the new dwelling remains unchanged.
8. There is a Wastewater Permit to build the four-bedroom house.
9. No clearing is proposed for this project beyond that shown in Exhibit C1.
10. There will be no earth disturbance beyond the building envelope and septic system.
11. Building materials for the house are natural, and earth tone color have been used for minimal visual impact.
12. The cover letter from McCain Consulting states: "The structure as constructed is significantly smaller in scale than the building that was previously approved, reduced from approximately 3,500 square feet to just over 2,000 square feet. The house is at roughly the same elevation as the previously approved structure, with an as-built elevation of 1,549' +/-...."
13. There will be no spot or flood lighting.

14. The proposal is subject to the 'major' RHS Standards as per section 1004 of the Waterbury Zoning Regulations.

15. Development projects in the RHS District are subject to review under the conditional use criteria.

16. The previous zoning permit applications that were all approved by the Development Review Board, and previously by the Town Zoning Board of Adjustment, address and meet these RHS Overlay District and Conditional Use Criteria.

Conclusion:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that App. #076-19-T, for the construction of a single-family dwelling on Lot 1, Ring Road, located within the Conservation Zoning District and Ridgeline, Hillside, Steep Slope Overlay District meets the standards of Article X, Section 1004 and Section 303, Conditional Uses of the Waterbury Zoning By-laws.

Motion:

On behalf of the Waterbury Development Review Board, Dave Rogers moved and Andrew Strinste seconded the motion to approve Application #076-19, with the following conditions:

1. The Applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits.
2. Zoning Permit Application No. 033-20 for the boundary line adjustment shall be issued prior to the issuance of the Zoning Permit for this Application No. 076-19.
3. All exterior lights shall be downcast and shielded.
4. Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in zoning permit approval(s) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in zoning permit approval(s) for all prior permits on this property.

Vote: The motion passed 6 - 0

Decision Approved:


_____, Chair

Date: May 15, 2020

This decision was approved on May 6, 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 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.*