

## **WATERBURY DEVELOPMENT REVIEW BOARD**

### **General Minutes—September 23, 2020**

**Attending:** Board members present: David Frothingham (Chair), Tom Kinley (co-Vice Chair), David Rogers (co-Vice Chair), Bud Wilson, Alex Tolstoi, Patrick Farrell, and Andrew Strniste. Harry Shepard (Alternate) was also present. Staff present: Dina Bookmyer-Baker (ZA) and Patti Martin (Secretary).

At 6 p.m., the Development Review Board entered deliberative session to privately discuss the merits of an application presented at a prior meeting. Members present for deliberative session: Frothingham, Kinley, Rogers, Wilson, Tolstoi, Farrell, and Shepard. At 6:30 p.m., the Board exited deliberative session.

David Frothingham, Chair, opened the public meeting at 6:30 p.m. Staff member Dina Bookmyer-Baker was present in the Municipal Center, 28 North Main Street, Waterbury, VT, while all other parties participated in the meeting via ZOOM. The meeting was video recorded. The agenda was approved and followed as presented.

The following introduction was offered by the David Frothingham: Applicants and consultants will be given the option to be contacted once their hearing is ready to commence. The applicants should try to have one spokesperson. Staff will give an overview of the application. The Applicant or spokesperson will present any new information to the Board. The DRB members will ask questions, followed by staff questions and comments. The hearing will then be opened to the public for comments and questions. Attendees were advised that the DRB is a 7-member Board and that any approval will require 4 votes in the affirmative.

- 1) **#097-20: Allan Thompson** (owner/applicant)  
Setback waiver request to construct an attached wood shed in the setback at 224 Michigan Avenue, in the Medium-Density Residential (MDR) zoning district.

Present and Sworn in:

Allan Thompson (Applicant)

Testimony:

- The front door of the house faces Michigan Avenue.
- The shed is to make access easier (to the fire-wood); building costs are less; the character on the southern side has nice historic maple trees and are the south view-shed of the house.
- There is a leach-field on the south side of the house, which limits extending the structure on the side.
- There are no other exterior doors.
- Wood can't be delivered to the north or east side of the property.
- The ground on the east of the house has a downward slope, making it less feasible for the placement of the addition in that area.
- The west side is away from the efficiencies hoping to be gained—downslope and farther away.

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 prior meeting minutes and decisions:

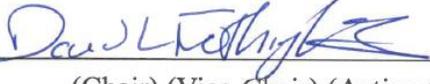
Tom Kinley moved, and Bud Wilson seconded the motion, to approve the general minutes for September 2, 2020, and the decision for application #082-20, as amended.

**Vote:** Motion approved: 7-0.

- Notice of upcoming meetings:

October 7, October 21, and November 4, 2020.

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

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

Approved: \_\_\_\_\_  
October 7, 2020

**Town of Waterbury**  
**Development Review Board**  
**Decision #097-20 ■ September 23, 2020**

**Attending:** Board members: David Frothingham (Chair), Tom Kinley (co-Vice Chair), Dave Rogers (co-Vice Chair), Bud Wilson, Andrew Strniste, Alex Tolstoi, and Patrick Farrell. Staff: Dina Bookmyer-Baker (ZA) and Patti Martin (Secretary).

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Owner/Applicant:	Allan Thompson	
Address/Location:	224 Michigan Avenue, Waterbury, VT	
Zones:	Medium-Density Residential (MDR)	
Application #	097-20	Tax Map # 09-340.000

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**Applicant Request:**

The Applicant seeks approval to construct an attached wood shed in the property's front and side setbacks at 224 Michigan Avenue.

**Present and sworn in:**

Allan Thompson (Owner/Applicant)

**Exhibits:**

- A: Application #097-20 (4 pages: zoning, conditional use), submitted 8/26/20.
- B: Site plan, prepared by Applicant, submitted 8/26/20.
- C: Letter to adjoining landowners, mailed certified on 9/8/20.

**Findings of Fact:**

1. Existing conditions: Allan Thompson owns a 30.5± acre parcel on Michigan Avenue in the Medium-Density Residential (MDR) zoning district. The property is developed with a single-family dwelling and a small detached tool shed. The dwelling already encroaches on the side and front yard setbacks, being 31' from the side and 57' from the road centerline (Exhibit A2).
2. Project: The Applicant proposes to construct an attached wood shed, measuring 12' by 14' by 10' high, on the front of the dwelling near the front entrance. The woodshed will be 45' from the nearest side property line and 45' from the road centerline (Exhibit A2).
3. Dimensional Requirements, Table 5.2: In the MDR zoning district, the minimum setbacks are 60' (front) and 50' (sides & rear). The road right-of-way is assumed to be 50-feet. The front yard setback is measured from the centerline of the road and 25 feet is added to the front yard setback requirement. Therefore, in MDR a structure located closer than 85' to the road centerline is in the front setback. The proposed addition will encroach upon the side and front yard setbacks.

4. Waiver Request: The setback waiver request is to encroach on the side yard setback (to the North) by 5' (50' side yard setback minus 45') and the front yard setback by 40' (85' to the road centerline minus 45').
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 and forestry. The southern side of the dwelling has nice historic maple trees that will not be disturbed or obscured by the project. 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 addition is for storing wood and will not create the above-named nuisances. The Board concludes that no devices or special methods would be 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 Allan Thompson to construct an attached wood shed that will not come closer than 45' from the side property line and 45' from the road centerline at 224 Michigan Avenue, as presented in application #097-20 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, Tom Kinley moved and Alex Tolstoi seconded the motion to approve application #097-20 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, 7–0.

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

Approved: October 7, 2020

***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.*