

WATERBURY DEVELOPMENT REVIEW BOARD
General Minutes—March 3, 2021

Attending: Board members: David Rogers (Acting Chair), Tom Kinley, Bud Wilson, Alex Tolstoi, Patrick Farrell, and Harry Shepard. Staff: Dina Bookmyer-Baker (ZA) and Patti Martin (Secretary).

Dave Rogers, Acting Chair, opened the public meeting at 6:30 p.m. and made the following introductory remarks: Applicants and consultants will be given the option to be contacted when their hearing is ready to commence. Applicants should have one spokesperson. Staff will give an overview of the project. The Applicant/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. Note that the DRB is a seven-member Board, six members are present; an approval requires at least four votes in the affirmative.

Change to the agenda: Taking #003-21 first, which is requesting to be continued.

- 1) **#003-21: Arnot Development Group, Inc., c/o Paul Arnot** (owner/applicant)
Setback waiver request to construct a new single-family dwelling previously approved on undeveloped Lot 17B on W. Pinnacle Ridge and Pinnacle Point. (CNS zoning district)

Tom Kinley moved and Harry Shepard seconded the motion to continue the hearing to April 7, 2021, at 6:30 p.m.

Vote: Approved 6–0.

- 2) **#001-21: Justin & Nusi Brown** (owner/applicant)
Continued Ridgelines/Hillsides/Steep Slopes review to revise the building zone and renew the previously-approved thinning envelope at 561 Bear Creek Lane, Waterbury Center, VT.
(CNS/RHS zoning/overlay districts)

Present and sworn in:

George McCain, McCain Consulting

Testimony:

Regarding the thinning envelope—the client agreed to move the envelope along with the 50-foot change in the building envelope.

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

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

- Consultation with ZA re: #008-21: VT State Employees Credit Union (VSECU), c/o Steve Avery, (owner/applicant), renovations to 3 windows at 27 South Main St., in the DC/DDR zoning/overlay districts. Owner requests an exemption from DDR review in accordance with Section 1104(a)(3).

Comment: The board determined that the project is minor in character and does not substantially or alter the building façade.

- Public comment / Other business: None.

- Review prior meeting minutes and decisions:

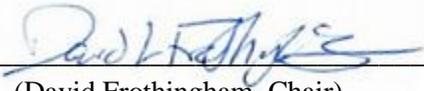
Motion: Tom Kinley moved and Patrick seconded the motion to approve the DRB general meeting minutes for February 17, 2021, as amended

Vote: The motion was approved 6-0.

Motion: Tom Kinley moved and Alex Tolstoi seconded the motion to approve the decisions for applications #141-20 (Callan) and #001-21 (Brown), as submitted, with corrections.

Vote: The motion was approved 6-0.

Adjournment: There being no other business, the meeting was adjourned at 7:50 p.m.



(David Frothingham, Chair)

Approved: March 17, 2021

Notice of upcoming meetings:

Wednesday, March 17, 2021, 6:30 p.m.

Wednesday, April 7, 2021, 6:30 p.m.

Wednesday, April 21, 2021, 6:30 p.m.

Town of Waterbury
Development Review Board
Decision #001-21 ▪ February 17/March 3, 2021

Attending:

(2/17/21) Board members: Tom Kinley (Acting Chair), David Rogers (Vice Chair), Bud Wilson, Patrick Farrell, Harry Shepard, and George Lester. Staff: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Martin (Secretary).

(3/3/21) Board members: David Rogers (Acting Chair), Tom Kinley, Bud Wilson, Alex Tolstoi, Patrick Farrell, and Harry Shepard. Staff: Dina Bookmyer-Baker (ZA) and Patti Martin (Secretary).

Owner/Applicant:	Justin & Nusi Brown	
Address/Location:	561 Bear Creek Lane, Waterbury Center, VT	
Zones:	Conservation (CNS) and Ridgelines/Hillsides/Steep Slopes (RHS) overlay	
Application #	001-21	Tax Map # 14-065.120

Applicant Request

The applicant seeks approval to revise the building zone and renew the previously-approved thinning envelope at 561 Bear Creek Lane in the Conservation (CNS) zoning district and Ridgelines, Hillsides, Steep Slopes (RHS) overlay district.

Present and sworn in:

(2/17/21)

George McCain, McCain Consulting Inc., project consultant

(3/3/21)

George McCain, McCain Consulting Inc., project consultant

Exhibits

- A: Application #001-21 (6 pp: Zoning, Conditional Use, Overlay District), submitted 1/18/21.
- B: Project overview, prepared by McCain Consulting, Inc., dated 1/18/21.
- C: Site Plan for Justin & Nusi Brown, Building Envelope Revisions—RHS Minor, prepared by McCain Consulting, Inc., Sheet C-1, dated 1/15/21; revised 2/23/21: *Thinning envelope revision per DRB comments.*
- D: Letter to adjoining landowners, mailed certified on 1/29/2021.
- E: (E1) Orthophoto with approximate parcel boundary; (E2) with zoning districts & contours. (Staff).
- F: Prior DRB decision #125-18 for a 4-lot subdivision creating Lots 12, 13, 14, & 15, associated Plan Sheets C-1, C-2, & C-4 (DRB 1/16/19); and final plat dated 4/26/19. (Staff)
- G: Prior DRB decision #67-16T for pre-development activity on Lots 12 & 13 (DRB 11/16/16), with associated Plan and View Sections. (Staff)

Findings of Fact

1. Existing conditions: Justin & Nusi Brown own a 10.2± acre parcel at 561 Bear Creek Lane. The parcel is developed with a small seasonal yurt (zp #027-20) and has an access drive to Bear Creek Lane via a right-of-way across Lot 13. The property will be served by on-site water and wastewater (WW-5-4833-7). The lot is in the Conservation (CNS) zoning district and the Ridgelines/Hillsides/Steep Slopes (RHS) overlay district.
2. Proposal: To revise the building envelope and renew the previously-approved thinning envelope in applications #67-16T and #125-18. The revised building zone is below 1500 FIE. This application is not for the dwelling or other structures, at this time.
3. CNS Dimensional Requirements, Table 5.2: Minimum lot area; 10 acres, minimum frontage: 300', minimum setbacks: 100' front-sides-rear. The lot and proposed building zone meet the dimensional requirements.
4. Conditional Use criteria, Section 303: A dwelling is a Conditional Use in the RHS overlay district. Prior to granting approval for a conditional use, the Board must find that the proposed use conforms to the following general and specific standards:
 - a. Section 303(e)(1) (A–E) Community facilities: The property will be served by on-site well and septic systems. The project does not include any new structures. 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 lot has been approved for residential use. No new structures are proposed at this time. The Board concludes that the project is appropriate for the district and will not have an undue adverse impact on the character of the area.
 - c. Section 303(e)(3) Municipal bylaws in effect: The application states that the building and thinning envelopes were previously approved by the DRB and that the proposal is for minor revisions to the building envelope and renewal/revision of the thinning envelopes for site work. 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: The parcel has been approved for residential use. No structures are proposed. This provision does not apply.
 - e. 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 grading and site preparation. This provision does not apply.
5. Section 1004 RHS Standards of Review: All the proposed development is located below 1,499 FIE. As per Section 1001, the project is classified as “minor” development. Minor development projects on lands within the RHS overlay district shall be subject to conditional use review (see compliance with the conditional use standards in paragraph 4, above).

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Justin & Nusi Brown to revise the building zone and renew the previously-approved thinning envelope at 561 Bear Creek Lane, as presented in application #001-21 and supporting materials, meets the Conditional Use and Ridgeline/Hillside/Steep Slope and criteria as set forth in Sections 303 and 1004.

Motion:

On behalf of the Waterbury Development Review Board, Tom Kinley moved and Harry Shepard seconded the motion to approve application #001-21 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) Future development is subject to review by the Board for compliance with the RHS criteria.
- (3) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in zoning permits #67-16T, #125-18, and #027-20.

Vote: The motion was approved 6–0.



(David Rogers, Acting Chair)

Approved: March 3, 2021

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 Environmental Division of the Vermont Superior 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.*