

**WATERBURY DEVELOPMENT REVIEW BOARD**  
**General Minutes—March 17, 2021**

**Attending:** Board members: David Frothingham (Chair), David Rogers, Bud Wilson, Harry Shepard, and George Lester. Staff: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Martin (Secretary).

David Frothingham, 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, five members are present; an approval requires at least four votes in the affirmative.

- 1) **#007-21: Cap-Fourth Ltd. Partnership** (owner), **Bailey Sign Inc.** (applicant)  
Site Plan review for additional directional/informational signage for Shaw's supermarket at 820 Waterbury-Stowe Road. (VCOM zoning district)

Attending and sworn in:

Doug Boyce, Bailey Sign, Inc., Applicant

The public hearing was closed at 6:50 p.m. The Board approved the project with conditions and will issue a written decision within 45 days.

- 2) **#005-21: Christopher Lackey and Kasey Haskins** (owner/applicant)  
Setback waiver request to replace the existing dwelling with a new dwelling at 17 Hunger Mountain Road. (TMR zoning district)

Attending and sworn in:

Christopher Lackey and Kasey Haskins, Owner/Applicant

Lizzie Filosa, MSK Attorneys, representing Applicant

Holly and Denis Boucher, adjoining landowner and co-applicant for BLA related to project

The public hearing was closed at 7:15 p.m. The Board approved the project with conditions and will issue a written decision within 45 days.

- 3) **#130-20: Christopher Lackey and Kasey Haskins** (owner/appellant)  
Continuation of Appeal of ZA denial of zoning permit #086-20 to replace the existing dwelling with a new dwelling in the setback on a lot less-than one-eighth acre at 17 Hunger Mountain Road. (TMR zoning district) —*Continued from 12/16/20; from 1/20/21 (no review).*

The Board continued the review to April 21, 2021 at 6:30 p.m.

- 4) **#006-21: Patricia S. Reiss** (owner/applicant)  
Setback waiver request, after-the-fact, for an attached woodshed and a freestanding canvas shed at 1433 Ripley Road. (LDR/RHS zoning/overlay districts)

Attending and sworn in:

Martin Laporte, representing Applicant

The public hearing was closed at 7:35 p.m. The Board approved the project with conditions and will issue a written decision within 45 days.

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

- Review prior meeting minutes and decisions:

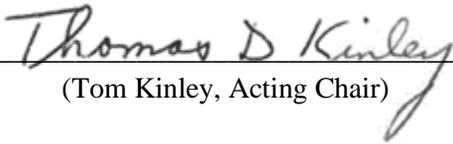
Motion: Harry Shepard moved and George Lester seconded the motion to approve the DRB general meeting minutes for 3/3/21, as amended.

**Vote:** The motion was approved, 5-0.

- Public comment / Other business:

There was none.

**Adjournment:** There being no other business, the meeting was adjourned at 7:53 p.m.

  
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(Tom Kinley, Acting Chair)

Approved: April 7, 2021

**Notice of upcoming meetings:**

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

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

Wednesday, May 5, 2021, 6:30 p.m.

**Town of Waterbury  
Development Review Board  
Decision #007-21 ▪ March 17, 2021**

**Attending:** Board members: David Frothingham (Chair), David Rogers (Vice Chair), Bud Wilson, Harry Shepard, and George Lester (Alternate). Staff: Steve Lotspeich (Community Planner), Dina Bookmyer-Baker (ZA), and Patti Martin (Secretary)..

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Applicant/Owner/:	Bailey Sign, Inc. (applicant) / Cap-Fourth Ltd. Partnership (owner)	
Address/Location:	820 Waterbury-Stowe Rd., Waterbury, VT	
Zone:	Village Commercial (VCOM)	
Application #	007-21	Tax Map # 13-078.000

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**Applicant Request**

The applicant seeks approval of additional informational and directional signage for Shaw’s Supermarket for Drive Up & Go signage for pick-up service at 820 Waterbury-Stowe Road.

**Present and sworn in:**

Doug Boyce, Bailey Sign, Inc.; representing the applicant

**Exhibits:**

- A. Application #007-21 (2 pp: Sign), submitted 2/22/21.
- B. Project cover letter, prepared by Bailey Sign, Inc., dated 2/19/21.
- C. Existing signage with proposed additional wall sign on front elevation, Drawing SO B-2040 B R4, prepared by Bailey Sign, dated 8/3/05, revised 3/16/21.
- D. “Eagle” view photos, submitted 2/22/21:
  - (D1) six parking stall signs, and two directional signs [L=left] and [S=straight];
  - (D2) the proposed wall sign as viewed from the Route 100 side, submitted 2/22/21.
- E. Sign specification sheets (4 pp) submitted 2/22/21:
  - (E1) Drawing #08579 A R3, highlights in yellow the size of the proposed DUG wall sign: 36” vertically stacked.
  - (E2) Parking stall signs;
  - (E3) Directional signs [L] & [S];
  - (E4) Cart corral signs.
- F. Parcel orthophoto. (Staff)
- G. Letter to adjoining landowners, mailed certified on 3/1/21 (*Site Plan review requires 10-days’ notice*).

**Findings of Fact:**

- 1. Existing conditions: Cap-Fourth Ltd. Partnership owns a 14.27± acre parcel located at 820 Waterbury-Stowe Road. The property is developed with a 51,480 SF one-story building and parking areas. The parcel is in the Village Commercial (VCOM) zoning district.

2. Background: The existing commercial building was constructed in 2005 and is entirely a retail grocery store.
3. Proposal: The project makes no change to the exterior dimensions of the approved building or its location but proposes to add exterior directional and informational signage. This signage includes the following as detailed in Exhibit E: One Drive Up and Go (DUG) interior lit wall sign on the south façade of the building, six Drive Up and Go ground-mounted signs in parking stalls, Directional signs [L] and [S], Cart corral signs. All of these signs are being reviewed as directional and informational signage under the following bylaw: Section 802.2 (g), as detailed below. There are no changes proposed to the existing business signage for the Shaw's Supermarket that are on the site and the building.
4. Table of Uses, Section 503. The retail store/service use for the site will remain unchanged.
5. Site Plan Review and Approval, Section 301: The current project involves only the directional and informational signage. There are no changes proposed to the existing building, the pedestrian access to the building, the vehicular access to the site and on-site vehicular circulation, and the parking areas. The proposed signs will have no impacts to the site plan criteria.
6. Signs in the Village Commercial (VCOM) District, Section 802.2(g) states, "Additional sign square footage and/or an additional ground sign(s), beyond that permitted above, may be permitted for nonresidential properties of more than five (5) acres by the Development Review Board as a part of site plan approval. The purpose of this additional sign square footage must be primarily directional or informational, and it shall be located on interior portions of the property and not be primarily visible from public roads."

The property is nonresidential and is greater than five acres. The proposal includes placing signs as detailed in Exhibits D and E at interior locations on the parcel that will not be primarily visible from Route 100. The proposed signs meet all the requirements in Section 802.2(g).

**Conclusion:**

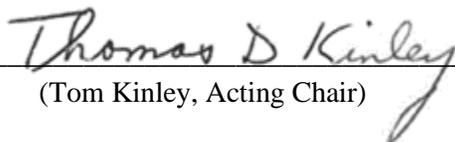
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Bailey Sign, Inc. and Cap-Fourth Ltd. Partnership to place additional directional and informational signage on the building and within the existing parking area for the Shaw's Supermarket located at 820 Waterbury-Stowe Road as presented in application #007-21 and supporting materials, meets the Site Plan and Signage requirement for the Village Commercial zoning district as set forth in Sections 301 and 802.2(g).

**Decision Motion:**

On behalf of the Waterbury Development Review Board, Harry Shepard moved and George Lester seconded the motion to approve application #007-21 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) Previously installed temporary exterior signage related to the “Drive Up & Go” program shall be removed.

**Vote:** The motion was approved 5–0.

  
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(Tom Kinley, Acting Chair)

Approved: April 7, 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](mailto: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.*

**Town of Waterbury**  
**Development Review Board**  
**Decision #006-21 ▪ March 17, 2021**

**Attending:** Board members: David Frothingham (Chair), David Rogers (Vice Chair), Bud Wilson, Harry Shepard, and George Lester (Alternate). Staff: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Martin (Secretary).

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Owner/ Applicant:	Patricia Reiss	
Address/Location:	1433 Ripley Road, Waterbury Center, VT	
Zoning District(s):	Low-Density Residential (LDR), Ridgelines/Hillsides/Steep Slopes (RHS) overlay	
Application #	006-21	Tax Map # 10-127.000

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**Applicant Request:**

The applicant seeks approval to construct a 14' x 14' woodshed attached to the existing dwelling and a 16' x 12' storage shed within the setback at 1433 Ripley Road.

**Present and sworn in:**

Martin Laporte, representing the applicant

**Exhibits:**

- A: Application #006-21 (4 pages: zoning permit, conditional use, setback chart), 2/16/21.
- B: Site Plan, prepared by applicant submitted 2/16/21.
- C: Photos of woodshed and canvas storage shed submitted 3/16/21
- D: Orthophotos of parcel & nearby parcels with the 75' (LDR) building envelope and with the zoning districts. (staff)
- E: Letter to adjoining landowners, mailed certified on: 3/1/21.

**Findings of Fact:**

1. Existing conditions: Patricia Reiss owns a 2.5± acre parcel at 1433 Ripley Road in the Low-Density Residential (LDR) and the Ridgelines/Hillsides/Steep Slopes (RHS) zoning/overlay districts (Exhibits B & D). The parcel is currently developed with a single-family dwelling and an existing shed. The house was built in 1972 (Zoning Regulations were adopted in 1980). The parcel includes > 200 feet of frontage on and has direct access to Ripley Road. The property is served by private on-site well and septic.
2. Project: The proposal is for after-the-fact approval for the construction of a 14' x 14' x 10' high woodshed attached to the existing dwelling and a 16' x 12' x 12' high storage shed (Exhibit C). The proposed woodshed is located 43' from the side property line to the south and the storage shed is located 20' from the same side property line to the south.
3. LDR Dimensional Requirements, Table 5.2: *Minimum lot area: is 5 acres; minimum frontage: 300'; minimum setbacks: 70' front; 75' sides/rear.* At 2.5± acres, the lot a pre-existing small lot and is undersized by 2.5 acres for the minimum lot area in the LDR zoning district.

4. Waiver Request: The setback waiver request is to encroach into the side yard setback by 32' (75' minus 43') for the woodshed and to encroach into the side yard setback by 55' (75' minus 20') for the storage shed.
  
5. Conditional Use/Waiver criteria: As set forth in Section 309, the DRB may grant a waiver of building setbacks as a conditional use reviewed in accordance with Section 303; provided that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties from which the setback waiver is sought. The Board considered the following general and specific standards:
  - a. Section 303(e)(1) Community facilities: No change in the residential use of the property is proposed. The property is served by private well and septic. The addition of two sheds will not unduly increase the traffic, does 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 as-built 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. No exterior lighting is proposed. The rustic style of the woodshed blends in with the existing dwelling and the dark grey color of the canvas shed helps it blend in with the surrounding wooded area to the south of the dwelling (see Exhibit C). Both structures are screened from view from Ripley Road by the existing wooded area and are appropriate in scale and design in relation to existing uses and structures in the district. The Board concludes that the proposed use will not have an undue adverse impact on the character of the area affected.
  
  - c. Section 303(e)(3) Municipal bylaws in effect: The addition is for residential use. The 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: The proposed residential use will not typically create the above-named nuisances and therefore no devices or special methods are proposed to control these impacts. The Board concludes that no devices or methods are necessary to prevent or control these impacts.
  
  - e. Section 303(h) Removal of earth or mineral products conditions: The project does not involve earth-removal activities. This provision does not apply.
  
6. Section 1001 RHS Applicability: Note that although the property is in the RHS overlay district, it is not subject to RHS review because the proposed residential sheds total  $\leq 800$  square-feet, as per Section 1001(d)(1).

**Conclusion:**

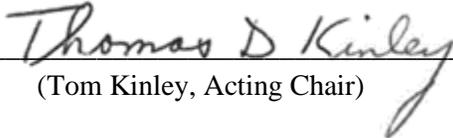
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Patricia Reiss to construct a 14' x 14' woodshed attached to the existing dwelling and a 16' x 12' storage shed, 32' and 55' respectively within the side yard setback at 1433 Ripley Road, as presented in application #006-21 and supporting materials, meets the Waivers and Conditional Use criteria set forth in Sections 309 and 303.

**Decision Motion:**

On behalf of the Waterbury Development Review Board, Dave Rogers moved and Bud Wilson seconded the motion to approve application #006-21 with the following condition:

- (1) The Applicant shall complete the project in accordance with the Board's findings and conclusions and the approved plans and exhibits.

**Vote:** The motion was approved 5-0.

  
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(Tom Kinley, Acting Chair)

Approved: April 7, 2021

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](mailto:pete.kopsco@vermont.gov), and the appropriate state agencies to determine what permits must be obtained.

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