

WATERBURY DEVELOPMENT REVIEW BOARD
General Minutes—April 21, 2021

Attending: Board members: Tom Kinley (Acting Chair), Bud Wilson, Alex Tolstoi, Patrick Farrell, Harry Shepard, George Lester, and Joe Wurtzbacher. Staff: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Martin (Secretary).

Tom Kinley, Acting Chair, opened the public meeting at 6:30 p.m. and made the following introductory remarks: Applicants and their consultants will 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 and seven members are present; an approval requires at least four votes in the affirmative.

The agenda was revised to take the Fishman item first, due to a scheduling conflict for the Applicant.

- 1) **#011-21: Ari Fishman** (applicant), **Stephen Fishman** (owner)
Special Flood Hazard Area review to construct a new dwelling and garage on undeveloped Lot 2 Guptil Road. (MDR/SFHA zoning/overlay districts)

Present and sworn in:

Stephen Fishman, Owner

George McCain, McCain Consulting Inc, Project Consultant

Testimony:

- Was any fill added to the site since 2011? Stephen Fishman testified that the building area has not been touched or filled since 2011.
- The elevation of the house needs to be no greater than 35 feet from the lowest adjacent grade.
- The garage accessory structure was discussed regarding whether it's in the floodplain.
- The floor elevation of the garage needs to be confirmed/provided.

The applicant needs to work with the ZA and provide additional information, including the following:

- a) Driveway access to the garage needs to be shown on the site plan and any fill associated with the construction of the portion of the driveway that is in the 100-yr. floodplain.
- b) Elevation of the finished-floor of the garage needs to be shown on the site plan.
- c) Elevation of the finished lowest floor of the house needs to be shown on the site plan, including where the height is measured from.
- d) Details from the prior approved site plan for the building site need to be included on the site plan for this project. The DRB needs to see the details from the prior cut-&-fill project (in 2011), specifically that the Lot 2 leach-field (mound) system, located in the SFHA, was accommodated by prior compensatory cut (the septic system for Lot 3, located on Lot 2 has been constructed).
- e) What fill materials and of what volume will be brought in for construction of the house, garage, and/or driveway, and where will it be placed?

The hearing was continued to May 5, 2021 at 6:30 p.m.

- 2) **#019-21: LJBC Associates LLC** (owner/applicant)
Site Plan review to expand the existing parking lot for Woodstock Farmers Market at 2802 Waterbury-Stowe Road. (RT100 zoning district)

Present and sworn in:

Patrick Crowl, Applicant

George McCain, McCain Consulting Inc, Project Consultant

Testimony:

- a) This parcel is located in the Route 100 zoning district.
- b) The proposal is to expand the parking area to the south of the existing parking area into the area that is currently maintained as lawn.
- c) The expanded parking area will go into the existing wetland and wetland buffer therefore a state wetland permit is required.
- d) The parking area surface will be gravel.
- e) Additional screening trees are noted on the site plan but the specific species that will be used is not shown.
- f) This project is subject to the requirements for Site Plan Review in Sections 301(e), 301(f) and 301(j).

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

- 3) **#017-21: David Eastridge & Jane Hundley** (owner/applicant)
Ridgeline and Conditional Use review to construct a new single-family dwelling with garage, and revise the previously-approved clearing/thinning limits on the undeveloped lot at 779 Bear Creek Lane. (CNS/RHS zoning and overlay districts)

Present and sworn in:

David Eastridge & Jane Hundley, owner/applicant

John Grenier, Grenier Engineering, project consultant

George Piece, adjoining landowner

Joan Liggett, adjoining landowner

Testimony:

John Grenier presented the project on behalf of the applicants.

- a) John noted that this lot was approved for a single-family dwelling in 2015 for the previous owner, Gene D'Avolio.
- b) The current proposal is for significantly less clearing than was approved for the D'Avolio proposal.
- c) The proposed dwelling meets the height limit of 35'.
- d) The existing wildlife corridor that has been identified on the north side of the of the parcel was discussed. This wildlife corridor will not be impacted by the development to any greater extent that was previously approved.

The public hearing was closed at 8:05 pm. The Board approved the project with conditions and will issue a written decision within 45 days.

- 4) **#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)

This item was withdrawn. There is no further review.

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

- Consultation with ZA re: #025-21: Apothecary Building LLC (owner), Val Vincent, (applicant), renovations to front entry stairs at 2 North Main St., in the DC/DDR zoning/overlay districts. Owner requests an exemption from Downtown Design Review (DDR) review in accordance with Section 1104(a)(3), for a project that does not substantially or significantly alter the building façade that the Board deems to be minor in character.

The board determined that the project is not be exempt and should be referred for DDR review.

- Consultation with ZA re: #024-21: Hands Off My Cheese LLC (owner), Mark Frier, (applicant), rebuilding front entry stairs at 1 South Main St., in the DC/DDR zoning/overlay districts. Owner requests an exemption from Downtown Design Review (DDR) review in accordance with Section 1104(a)(3), for a project that does not substantially or significantly alter the building façade that the Board deems to be minor in character.

The board determined that the project is not be exempt and should be referred for DDR review.

- Public comment / Other business:
Dina Bookmyer-Baker, is retiring. Her last day will be Friday, July 9, 2021.
- Review prior meeting minutes and decisions:
Motion: George Lester moved and Bud Wilson seconded the motion to approve the DRB general meeting minutes for April 7, 2021, and the decision for application #012-21 (Austin), as corrected.
Vote: The motion was approved 7-0.

Adjournment: There being no other business, the meeting was adjourned at 8:30 p.m.



(David Frothingham, Chair)

Approved: May 5, 2021

Notice of upcoming meetings:

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

Wednesday, May 19, 2021, 6:30 p.m. Wednesday, June 2, 2021, 6:30 p.m.

**Town Of Waterbury
Development Review Board
Decision #019-21 – April 21, 2021**

In Attendance: Board members present: Tom Kinley (Acting Chair), Bud Wilson, Alex Tolstoi, Patrick Farrell, Harry Shepard, George Lester (Alternate), and Joe Wurtzbacher (Alternate). Staff present: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Martin (Secretary).

Owner/Applicant:	LJBC Associates, LLC, dba Woodstock Farmers Market	
Address/Location:	2802 Waterbury Stowe Rd., Waterbury Center, VT	
Zoning District:	Route 100	
Application #	019-21	Tax Map # 13-143.000

Applicant Request:

The applicant seeks site plan review approval for expanding the parking lot for the Woodstock Farmers Market located at 2802 Waterbury-Stowe Road, Waterbury Center, VT.

Present and sworn in:

Patrick Crowl, Representing Owner/Applicant; George McCain, McCain Consulting Inc, Project Consultant.

Exhibits:

- A: Zoning Permit Application #019-21 (4 pages incl. Site Plan Review), submitted 3/23/21.
- B: Project narrative, by McCain Consulting Inc., dated 3/22/21.
- C: Site Plan for Woodstock Farmers Market Proposed Parking Expansion, prepared by McCain Consulting Inc., Sheet C-1, dated 3/18/21
- D: Parcel map orthophoto, prepared by Staff, dated 3/22/21.
- E: Notice sent to adjoining landowners, dated 4/5/21.

Findings of Fact: This project proposes to amend the previously approved site plan for 2802 Waterbury-Stowe Road to expand the existing gravel surface parking area for the Woodstock Farmers Market and provide additional tree planting.

1. The property is located within the RT100 zoning district and is currently occupied by a commercial building with a retail use.
2. The use of the existing 2,768 SF building and 560 SF barn will not change. The exterior façade and footprint of the building will remain unchanged as shown on Exhibit C.
3. The existing approximately 16-space gravel parking lot will be enlarged by approximately 5,000 SF to create a total of 32 parking spaces, including one handicap parking space in front of the main entrance to the building. The expanded parking area will also have a gravel surface and will be in an area that is currently mowed lawn. The minimum parking requirement for the main building is 10 spaces (2,768 SF / 300 SF per space).

4. There is a Class II wetland in the southern portion of the site that will require a state wetland permit for the impact of the proposed gravel surface parking lot expansion.
5. Three shade trees are proposed to provide screening and shade for the parking lot expansion.
6. The most recent zoning approval for the property, other than sign permits, is zoning permit #60-04-T in which the property owner proposed renovations and additions for the Vermont Clay Studio under a previous owner. There has been no change of use to the retail use of the building since that time.
7. The existing trees, landscaping and wooded areas shown on Exhibit C will remain undisturbed.
8. The Site Plan Review criteria, including additional criteria for the RT 100 Zoning District and Special Considerations for RT 100 Zoning District apply to the entire site. The previously undeveloped areas of land that are shown on Exhibit C remain as undeveloped. These undeveloped areas are a minimum of 50% of the entire parcel.

Conclusion:


Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by LBJC Associates LLC to construct additional parking at 2802 Waterbury Stowe Road, as presented in application #019-21, and supporting materials, meets the Site Plan Review criteria set forth in Sections 301(e), 301(f), and 301(j).

Decision:

On behalf of the Waterbury Development Review Board, George Lester moved and Harry Shepard seconded the motion to approve application #019-21 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) The Applicant shall obtain a State wetland permit and submit it to the ZA, prior to the permit being issued.
- (3) Screening shall include a minimum of three shade trees with a minimum caliper of 2".

Vote: The motion was approved 7-0.



(David Frothingham, Chair)

Approved: May 19, 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, 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 #017-21 - April 21, 2021**

In Attendance: Board members present: Tom Kinley (Acting Chair), Bud Wilson, Alex Tolstoi, Patrick Farrell, Harry Shepard, George Lester (Alternate), and Joe Wurtzbacher (Alternate). Staff present: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Martin (Secretary).

Staff: Dina Bookmyer-Baker (Zoning Administrator), Steve Lotspeich (Community Planner) Patti Martin (Secretary).

Owner/Applicant:	David Eastridge & Jane Hundley	
Address/Location:	779 Bear Creek Ln. (Lot #6), Waterbury Center, VT	
Zoning District(s):	Conservation (CNS), Ridgelines/Hillsides/Steep Slopes (RHS) overlay	
Application #	017-21	Tax Map # 14-057.060

Applicant Request:

The applicant seeks to build a single-family dwelling within the RHS overlay district. The lot was approved under subdivision/PUD application #78-09-T.

Present and sworn in:

David Eastridge & Jane Hundley, owner/applicant
John Grenier, Grenier Engineering, project consultant
George Piece, adjoining landowner
Joan Liggett, adjoining landowner

Exhibits:

- A: Application #017-21 (5 pages incl. Cond. Use & RHS Overlay), submitted 3/22/21.
- B: Cover letter from Grenier Engineering, dated 3/22/21.
- C: Site Plans, prepared by Grenier Engineering:
 - (C1) Site Grading Plan, Bear Creek Lot 6, David Eastridge, Bear Creek Lane, with *Setbacks to structures shown in Red*, dated 3/19/21, submitted 3/22/21;
 - (C2) Site Grading Plan, Bear Creek Lot 6, David Eastridge, Bear Creek Lane, sheet 1 of 2, dated 3/19/21, revised 4/19/21: *Additional tree removal*, submitted 4/20/21 (email);
 - (C3) Lot #6 Septic System Site Plan & Details, Louise Reed Living Trust, Bear Creek Lane, dated 2/13/15, stamped: *Reference Map from previous approval on Lot 6—Permit #33-15-T*, showing an area for 100% clearing to property line previously approved.
- D: View Sections, Bear Creek Lot 6, David Eastridge, by Grenier Engineering, sheet 2 of 2, dated 3/19/21
- E: Elevations, Eastridge Residence, by Timberworks Design, sheet 3.0, dated 1/18/21.
- F: Elevation, garage, Left Side (Westerly), Sheet A1.1, dated 3/22/21.
- G: Lighting Cut Sheet, submitted 3/22/21.
- H: Aerial images of lot from on-line parcel mapping system, prepared by staff, dated 3/29/21.
- I: Notice to Adjacent Landowners, sent by certified mail on 4/1/21.
- J: Prior Planning Commission & Town ZBA decisions for permit #78-09-T.

- K: Natural Resource Assessment & Evaluation for Bear Creek Lane Lots 4–7, and Amendment #1 for Lots 6, 7, & 8, by Hunger Mountain Forestry, Inc., dated 2009 for permit #78-09-T.
- L: Natural Resource Assessment & Evaluation for Bear Creek Lane Lots 6 & 7, Amendment #3, by Hunger Mountain Forestry, Inc., dated 2015 for permit #33-15-T.

Findings of Fact:

1. The 6.37-acre lot is located within the Conservation Zoning District and the lot was approved as part of a planned unit development (PUD) under application #78-09-T. Under a PUD lots maybe smaller than the District's minimum lot size.
2. The lot also falls within the RHS Overlay District and is considered a 'Major Development' as its elevation is above 1,500 feet.
3. The single-family dwelling is proposed to be built within the previously approved building zone from application #78-09-T. The house will have a first-floor elevation of 1,624'.
4. Clearing for the project has already been completed by the developer, including the septic area, view corridor, driveway, and thinning of the building zone. The applicant states that additional tree removal will occur as shown on Exhibit C2 to allow the construction of the proposed driveway, garage, house and on-site septic system, as well as limited clearing for additional views from the house and site.
5. The height of the house will be 33' 6", and the existing trees range in height from 40' to 60'.
6. Exhibit D, View Sections show the house, existing and proposed grade of the lot, representations of the trees that will remain on the site, and the wooded area above and below the house. Two sections are shown with the view toward Waterbury Center / Mt. Mansfield and Blush Hill / Camel's Hump.
7. A previous Visual Study, prepared by Houston Environmental Services, was part of the approvals for Permit #33-15-T for the D'Avolio house. That study provided information relating to the proposed project, the cutting that has occurred, and off-site views of the property. The study also contains photographs and cross sections of the property. The study documented that the clearing for the site will make the proposed dwelling minimally visible from vantage points on town roads.
8. The Natural Resource Assessment (Exhibit K) and Amendment #3 to the Assessment (Exhibit L) indicates that the nearest wildlife travel path is located to the north and west of the building zone on Lot #6. No clearing is proposed within the Stream & Wildlife Protection Zone identified on the map on page 5 of Amendment #3 to the Assessment (Exhibit L).
9. Regarding the proposed clearing for the lot, Exhibit B states: "The original approval for the creation of Lot #6 included a significant amount of tree clearing and thinning across much of the lot. These previously approved clearing/thinning limits are shown on the site plan for reference, but are not part of the current clearing plan involved with this application. Lot #6 has also had a previous approval for a residence and amended clearing limits done by the previous owner (permit #33-15-T). ... The previous approval allowed for significantly more clearing than the current proposal, including a view corridor of 100% clearing all the way to the western property line. No construction occurred as a result of the previous approval and the lot remains undeveloped."
10. The exterior lighting will be downcast and shielded and will utilize the fixture shown in Exhibit G that is "dark sky compliant".
11. The proposal is subject to the 'Major Development' RHS Standards as per section 1004 of the Waterbury Zoning Regulations.
12. Regarding conformance with the review criteria Exhibit B states: "Given that the subject property is a previously approved lot with a previously approved access, and a majority of the proposed tree clearing

is within the previously approved building zone and along focused view corridors, no undue adverse impact to wildlife habitat, character of the area, or Waterbury's viewshed are anticipated as (a) result of the project." The Development Review Board (DRB) finds that based on the application materials and in conformance with the PUD approval in Permit #78-09-T, the house will be minimally visible from vantage points on town roads as required in Section 1004. The DRB also finds that the application as presented will help retain the aesthetic character and wildlife value of the RHS Overlay District as required in Section 1004.

Conclusion:

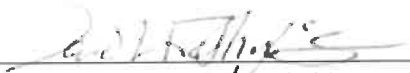
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by David Eastridge & Jane Hundley to construct a single-family dwelling with a detached garage in the Ridgelines, Hillside, Steep Slopes (RHS) overlay district at 779 Bear Creek Ln. (former Lot 6), Waterbury Center, as presented in application #017-21 and supporting materials, meets the Conditional Use and RHS criteria set forth in Sections 303 and 1004.

Decision:

On behalf of the Waterbury Development Review Board, Alex Tolstoi moved and Bud Wilson seconded the motion to approve application #017-21 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) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in permits #78-09-T Reed three-lot PUD, and #33-15-T.
- (3) All exterior lighting shall be downcast and shielded.
- (4) The applicant shall comply with erosion protection and sediment control measures when development commences and during construction. [Section 303(e)(2)(A)]

Vote: The motion was approved 7-0.



(David Frothingham, Chair)

Approved: May 5, 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, 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.*