

WATERBURY DEVELOPMENT REVIEW BOARD
Approved General Minutes—June 2, 2021

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

David Frothingham, Chair, opened the public meeting at 6:33 p.m. and made the following introductory remarks: He let the participants know that the remote meeting will be recorded. 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, seven members are present; an approval requires at least four votes in the affirmative.

- 1) **#025-21: Apothecary Building LLC** (owner), **Val Vincent** (applicant)
Downtown Design Review to renovate front entry stairs at 2 North Main Street, Waterbury, VT.
(DC/DDR zoning/overlay districts)

The application was withdrawn because this is a part of the Main St. Reconstruction project that is a VTrans, State of Vermont project that does not require a zoning permit and DRB.

- 2) **#024-21: Hands Off My Cheese LLC** (owner), **Mark Frier** (applicant)
Downtown Design Review to rebuild front entry stairs at 1 South Main Street, Waterbury, VT.
(DC/DDR zoning/overlay districts)

The application was withdrawn because this is a part of the Main St. Reconstruction project that is a VTrans, State of Vermont project that does not require a zoning permit and DRB.

- 3) **#035-21: Matt Andrews** (owner/applicant)
Setback waiver request to construct a detached garage at 1474 Shaw Mansion Rd. (MDR/LDR zoning districts)

Present and sworn in:
Matt Andrews, applicant

Notification and mailing certificates sent 5/17/21, and received.

Testimony:

1. Lay of the land doesn't allow for a different placement of the detached garage.
2. There is a stream and on-site utilities that were considered and are constraints on where the garage can be located.
3. It was stated that the neighbors had no issues. Dina confirmed she heard back from one neighbor stating "they had no issues".
4. The structure can't be shifted to the east because that is where the driveway is. If the garage was shifted towards the house there is a conflict with a drop off in the grade, a catch basin and culvert, and an existing retaining wall.
5. The primary use is for storage of recreation vehicles and household items, such as kids toys.
6. There will be no exterior lighting for the new structure.

7. The footprint is 22' deep x 26' wide (if standing in the driveway looking at it). There will be one door. The height is 15'. Plan A is the footprint.
8. There will be eaves on the left and right side of the building.
9. The setback is to the corner of the building. The building will be located at an angle to the nearest property line. The nearest point to the property line as measured from the eave of the roof will be 12 feet. As you go north it the distance to the line becomes greater.
10. The setback is 60' from the side so a 12-foot waiver from the front line is being requested:

The public hearing was closed at 6:505pm. The Board approved the project with conditions and will issue a written decision within 45 days

- 4) **#036-21: 2nd Gen Builders LLC** (applicant), **Jeff Soltesz and Liesel Pollvogt** (owner)
Ridgelines/Hillsides/Steep Slopes review to construct a new single-family dwelling with an attached garage at 340 Sweet Road. (MDR/RHS zoning/overlay districts)

Present and sworn in:

Jeff Soltesz & Liesel Pollvogt, Owner
 Rob Peeters, 2nd Gen Builders LLC, Applicant/Project contractor
 Christian Brown and Lauren Davis, Brown and Davis, Project architects

The public hearing was closed at 7:30 pm. The Board approved the project with conditions and will issue a written decision within 45 days

- 5) **#039-21: Perry Hill Partners, c/o Aaron Flint and Jason Wulff** (owner/applicant)
Site Plan, Conditional Use, and Downtown Design Review for a change of use to a restaurant/bar with retail and indoor live music as an accessory use, and with food or beverage manufacturing on the first and basement floors of the Bell's Block building at 28 Stowe Street. (DWN/DDR zoning/overlay districts)

Present and sworn in:

Jason Wulff, owner/applicant
 George McCain, project consultant
 Ryan Miller & Lillian MacNamara, Owners/brewers for Freak Folk Bier (proposed tenant)

The following items were identified for submittal prior to the continued public hearing:

1. Where will the tank be placed?
2. What are the details on the overhead door?
3. Spent grains are intended to be collected on the day of brewing by a farm. How will they be handled and where will they be stored for pick-up?
4. Consider relocating the handicap space and making that a loading/unloading space.
5. There will be no outdoor music.
6. How many people are anticipated for participation in events?
7. Signage for the sidewalk and driveway will be needed stating "no parking here"
8. Add the location of the doors to the interior floor plan.
9. Provide a design for the outdoor seating including the number of seats and how they will be moved from the inside to the outside to maintain the maximum of 21 seats total.

The hearing for #039-21 was continued to July 7, 2021 at 6:30 p.m.

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

- Public comment / Other business: There was no public comment or other business conducted.
- Review prior meeting minutes and decisions (5/19/21):

Motion: Tom Kinley moved and George Lester seconded the motion to approve the DRB general meeting minutes for May 19, 2021 and the decision for application #029-21.

Vote: The motion was approved 5 - 0, with 2 abstentions.

Adjournment: There being no other business, the meeting was adjourned at 9:30 pm.

Approved:  _____ Date: June 16, 2021
David Frothingham, Chair

Next meetings:

Wednesday, June 16, 2021, 6:30 p.m. Final order TBD.

- #046-21 Anderson-Merchant, DDR as-built 2nd-floor entry & stair, 25 N. Main St. (VMR/DDR)
- #041-21: Gristmill, SP-CU mix-use bldg for equipm/tool stg, 2-dwl, 5430 Wby-Stw Rd. (RT100)
- #023-21: Thrailkill, RHS/Var'c revs. BZ, clearing, dwl max-ht, Lot A Wood Farm. (CNS/RHS) — *review continued from 5/19/21.*
- #003-21: Arnot, Setback waiver for new dwelling on undevel. Lot 17B, W. Pinnacle Ridge. (CNS) — *review continued from 4/7 & 5/19/21.*

Wednesday, July 7, 2021, 6:30 p.m. (*Applications due: Mon. 6/7/21*)

- #049-21 Brown, RHS-minor for new dwl-gar on undeveloped lot off Perry Hill Rd. (CNS/RHS)

Wednesday, July 21, 2021, 6:30 p.m. (*Applications due: Mon. 6/21/21*)

**Town of Waterbury
Development Review Board
Approved Decision #035-21 ▪ June 2, 2021**

Present: Board members: David Frothingham (Chair), Tom Kinley, Bud Wilson, Patrick Farrell, Harry Shepard, Joe Wurtzbacher, Alex Tolstoi, Staff: Dina Bookmyer-Baker (Zoning Administrator- ZA), Steve Lotspeich (Community Planner), Patti Martin, Secretary

Owner/Applicant:	Matt & Madeline Andrews	
Address/Location:	1474 Shaw Mansion Road, Waterbury Center, VT	
Zoning District(s):	Medium-Density Residential (MDR) & Low-Density Residential (LDR)	
Application #	035-21	Tax Map #10-099.200

Applicant Request

The Applicant seeks a setback waiver to construct a detached 24' x 26' garage at 1474 Shaw Mansion Road, in the Medium-Density Residential (MDR) & Low-Density Residential (LDR) zoning districts.

Present and sworn in:

Matt Andrews

Exhibits:

- A: Application #035-21 (4 pages: zoning, conditional use, and variance information), submitted 4/30/21.
- B: Site plan prepared by Applicant, (2 pages) dated and submitted 4/30/21.
- C: Elevations of detached garage (2 pages) prepared by Applicant, dated/submitted 5/6//21.
- D: Parcel maps/orthophotos including zoning (3 pages). (Staff)
- E: Letter to adjoining landowners, mailed certified on 5/17/21.

Findings of Fact:

1. Existing conditions: Matt & Madeline Andrews own a 5.08± acre parcel at 1474 Shaw Mansion Road in the Medium-Density Residential (MDR) & Low-Density Residential (LDR) zoning districts. The property is developed with an existing single-family dwelling with an attached garage and carport. The lot has access to Shaw Mansion Road via a 50' wide right-of-way. The lot is served by an on-site private wastewater system and well.
2. Project: To construct a detached 24' x 26' garage within 12' of the front property line. The detached garage will be located in the Medium-Density Residential (MDR) zoning district. The garage will be 80' from the side property line to the northeast and will also meet the setbacks to southwesterly side and rear (Exhibit B). The placement of the detached garage is constrained by a stream and on-site utilities including the well. The applicant testified that the structure can't be shifted to the east because that is where the driveway is. If the garage was shifted towards the house there would be a conflict with a drop off in the grade, a catch basin and culvert, and an existing retaining wall. No exterior lighting is proposed on the detached garage.

3. LDR/MDR Dimensional Requirements, Table 5.2: Minimum lot size for LDR: 5 acres. Minimum setbacks for MDR: 60' front, 50' sides/rear. The lot meets the minimum lot size for the LDR zoning district. The existing dwelling and attached garage, including the carport on the northeast side, meet the front, side, and rear-yard setbacks for the MDR zoning district where the dwelling is located. The proposed detached garage will not meet the minimum front setback requirement for the MDR zoning district where it will be located.
4. Waiver Request, Section 309: The proposed detached garage will be 12' from the front property line (Exhibit B). The setback waiver request is to encroach on the front yard setback by 48-feet (60' minus 12').
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 must find that the proposal conforms to the following general and specific standards:
 - (a) Section 303(e)(1) Community facilities: The project will not change the residential use as a single-family dwelling. The project will not increase the occupancy, unduly increase traffic, burden the school capacity, or increase the demand for fire protection.
 - (b) Section 303(e)(2)(A–E) Character of the area: The use of the property will remain residential. The style and dimensions of the detached garage will be compatible with existing homes in the area. 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.
 - (c) Section 303(e)(3) Municipal bylaws in effect: The use of the property will remain residential. This project application presents compliance with the conditional use criteria.
 - (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 project will not create the above-named nuisances.
 - (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 Matt & Madeline Andrews for a detached garage that will not come closer than 12' to the front property line at 1474 Shaw Mansion Road, as presented in application #035-21 and supporting materials, meets the Waivers and Conditional Use criteria set forth in Sections 309 and 303.

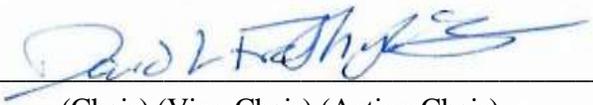
Decision Motion:

On behalf of the Waterbury Development Review Board, Tom Kinley moved and Alex Tolstoi seconded the motion to approve application #035-21 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) All exterior lighting shall be downcast and shielded.

Vote: The motion was approved 7-0.


_____, Approved: June 16, 2021
(Chair) (Vice-Chair) (Acting Chair) (date)

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 Decision #036-21 ▪ June 2, 2021**

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

Owner/Applicant:	2nd Gen Builders LLC (applicant), Jeff Soltesz and Liesel Pollvogt (owner)	
Address/Location:	340 Sweet Road, Waterbury Center, VT	
Zones:	Medium-Density Residential (MDR), Ridgeline/Hillside/Steep Slope (RHS) overlay	
Application #	036-21	Tax Map #10-023.050

Applicant Request:

The applicant seeks approval to construct a new single-family dwelling with an attached garage at 340 Sweet Road in the Medium-Density Residential (MDR) zoning district and Ridgelines, Hillside, Steep Slopes (RHS) overlay district.

Present and sworn in:

Jeff Soltesz & Liesel Pollvogt, Owner
Rob Peeters, 2nd Gen Builders LLC, Applicant/Project contractor
Christian Brown and Lauren Davis, Brown and Davis, Project architects
George McCain, Jr., McCain Consulting

Exhibits:

- A: Application #036-21 (6 pp: Zoning, Conditional Use, Overlay District), submitted 4/30/21.
- B: Site Plan for Jeff Soltesz, Amendment to WW-5-5124 Series, prepared by McCain Consulting, Inc., dated 4/23/21.
- C: Floor Plans prepared by Brown and Davis Design, dated 4/21/21:
Foundation (A1), Basement (A2), First Floor (A3), Second Floor (A4).
- D: Elevations prepared by Brown and Davis Design, dated 4/21/21:
West (A5), East (A6), North and South (A7)
- E: Orthophoto parcel map, 4/23/21. (Staff).
- F: Letter to adjoining landowners, mailed certified on 5/14/21.

Findings of Fact:

1. Existing conditions: Jeff Soltesz and Liesel Pollvogt own a 2.1± acre parcel at 340 Sweet Road. The parcel is undeveloped, has an access drive to Sweet Road, and will be served by on-site water and wastewater (WW-5-5124-series). The lot is in the Medium-Density Residential (MDR), zoning district and the Ridgelines/Hillside/Steep Slopes (RHS) overlay district.

2. Proposal: To construct a new 2-story single-family dwelling with an attached garage. The parcel in the RHS overlay district, below 1500 FIE.
3. MDR Dimensional Requirements, Table 5.2: Minimum lot area; 2 acres, minimum frontage: 200', minimum setbacks: 60' front, 50' sides/rear. The lot and proposed building envelope 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.
 - b. Section 303(e)(2)(A–E) Character of the area: The seeks approved for a residential use in a residential neighborhood.. The size and style are characteristic of the area.
 - c. Section 303(e)(3) Municipal bylaws in effect: A single-family dwelling is a permitted use in the district.
 - d. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The proposed residential use will not create undue impacts.
 - 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: The property 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 Jeff Soltesz, Liesel Pollvogt, and 2nd Gen Builders LLC to construct a single-family dwelling with an attached garage at 340 Sweet Road, as presented in application #036-21 and supporting materials, meets the Conditional Use and Ridgeline/Hillside/Steep Slope and criteria as set forth in Sections 303 and 1004.

Decision:

On behalf of the Waterbury Development Review Board, Tom Kinley moved and Alex Tolstoi seconded the motion to approve application #036-21 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 ensure that at least 50% of the existing trees along Sweet Rd. are either left in place or are replaced with new trees;
- (3) All exterior lighting shall be downcast and shielded.

Vote: The motion was approved 7-0.



(Chair)

Approved: June 16, 2021
(date)

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.

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