

**WATERBURY DEVELOPMENT REVIEW BOARD**  
**General Minutes—June 16, 2021**

**Attending:** Board members: David Frothingham (Chair), Tom Kinley, Bud Wilson, Patrick Farrell, Harry Shepard  
Staff: Dina Bookmyer-Baker (Zoning Administrator- ZA), Steve Lotspeich (Community Planner)  
Public: Joan Liggett

David Frothingham, Chair, opened the public meeting at 6:32 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, six members are present; an approval requires at least four votes in the affirmative.

1) **#046-21: Amy Anderson and Mike Merchant** (owner/applicant)

This project is Downtown Design review, after-the-fact, for a new second-floor entrance and exterior stair at 25 N. Main Street (VMR/DDR zoning/overlay districts).

Present and sworn in:

Amy Anderson and Mike Merchant

The following testimony was provided and discussed:

The owners have added a wooden exterior stairway and a second story roof to access the second floor at the front left (northwest) side of the existing building. The house is a contributing structure to the Waterbury Village Historic District that is listed on the State and National Registers of Historic Places. Concern was raised that the stairway may be an intrusion on the historic aesthetic of the building. The issue regarding whether the stair is compatible with the historic structure was discussed. The owners stated that they used the same materials for the stair and roof as the materials used on the right or southeast side of the house, including the decking, and edge and center bead ceiling for the new roof. The pictures of the existing stair and roof were reviewed and discussed. The issue regarding whether the new materials reflect the historic materials used on the exterior of the house meet the requirement of Section 1108 in the Downtown Design Review Overlay District bylaws, was discussed further.

It was questioned why the stair and upstairs door were added. The owners stated that the exterior stair is needed to safely access the second floor of the front portion of the building, provide fire safety access, and be able to move furniture in and out of the second floor at the front of the building. This area of the second floor cannot be safely accessed by the curved stairway inside the building and cannot be accessed from the second floor at the rear of the building because that is a separate apartment with no connection to the front of the building.

The porch on the right front side of the building was re-built ten years ago. The owner stated that the new stair and upstairs landing matches the materials that were used on the other porches on the southeast side of the building. After the new pressure treated wood dries out in one year, the new stair, railing and landing will be painted a cream color and stained to match the other existing porches.

The DRB decided to continue the review in order to gain input from DRB member, Alex Tolstoi, who is an historic preservation consultant and was not able to attend this meeting.

The hearing was continued to July 21, 2021, at 6:30 p.m.

2) **#041-21: Gristmill Properties** (owner), **Brendan O'Reilly** (applicant)

This project is Site Plan/Conditional Use review to construct a mixed-use building for equipment/tool storage and parking on the ground- & first-floors, accessory to the business offices in the existing building, and two dwelling units on the 2nd floor, in the existing PUD at 5430 Waterbury-Stowe Rd. (RT100 zoning district). The review must be continued, without review, due to insufficient warning.

The hearing was continued to July 21, 2021, at 6:30 p.m.

3) **#023-21: John Thraikill** (owner/applicant)

This is a continuation of the Ridgeline/Hillside/Steep Slope review to modify the previously-approved building zone and construct a new single-family dwelling on Lot A, Wood Farm Road, Waterbury Center, VT. (CNS/RHS zoning/overlay districts)

Present and sworn in:

John Thraikill, Owner/applicant

John Grenier, Consultant

Joan Liggett, Nearby property owner

The hearing was continued from May 19, 2021, when the applicant requested a continuation to make revisions to the application, site grading plan, and building elevations. Harry Shepard stated that he reviewed the recording of the review for this project that was held on May 19, 2021.

The following testimony was provided:

John Thraikill and his consultant, John Grenier, presented revised plans for the project for a single-family dwelling on the previously approved Duffy Lot A on Wood Farm Rd. He is proposing to shift the previously approved building zone by 50' into the existing wooded area on the east side of the site. The request for a variance to exceed the height limit of 35' was withdrawn and revised elevations of the house were presented that comply with the height limit. A revised grading plan that shows the clearing limits to the east side of the house was presented. The revised site plan shows additional tree planting areas to compensate for the shift of the building zone and expansion of the clearing limit to the east. The applicant testified that there will also be additional planting done on the uphill or east side of the proposed house.

The public hearing was closed at 7:40pm. The Board approved the project with conditions and will issue a written decision within 45 days.

4) **#003-21: Arnot Development Group, Inc., c/o Paul Arnot** (owner/applicant)

This is a continuation of the setback waiver request to construct a new single-family dwelling that was previously approved on undeveloped Lot 17B on W. Pinnacle Ridge Rd. and Pinnacle Point. (CNS zoning district). The public hearing on the setback waiver review was continued

from May 19, 2021. Harry Shepard stated that he reviewed the recording of the review for this project that was held on May 19, 2021.

Present and sworn in:

Paul Arnot, Arnot Development Group Inc.

Adjoining Landowners: Jenny & Todd Davidson, Gregg Stuessi, John Fagan, Carrie Phillips, Barbara Cipolla.

The review of the waiver request was continued at 7:40 p.m. Paul Arnot presented the grading plan that shows the proposed grade but does not show the existing grade in the vicinity of the house. The elevations of the house and the story pole that shows the building height was presented along with the “story pole” that shows the height of each story of the house. The story pole shows the downslope elevation of the house including the lower level. The DRB members raised concerns that the grading plan as presented does not conclusively demonstrate that the height of the building is 35’ or less.

The existing screening for the house was presented and discussed. It is primarily made up of existing deciduous trees and shrubs that will provide screening except in the winter.

The neighbor, John Fagan discussed the existing drainage issues on both Pinnacle Point and West Pinnacle Ridge Rd. that he feels have not been addressed. He stated that the plot plans do not show the entire lot since Lot 17B also includes a significant amount of right-of-way for West Pinnacle Ridge Rd. The DRB members pointed out that they think that the drainage issues associated with both Pinnacle Point and West Pinnacle Ridge Rd. are the responsibilities of the Pinnacle Ridge Homeowners Association.

The neighbor, Greg Stuessi stated that a screening buffer is very subjective and he thinks that the buffer of vegetation that has been left on Lot 17B is inadequate.

Barbara Cipolla stated that she supports her neighbor’s comments. Carrie Phillips stated that the clearing took place on Lot 17B in December, 2020. She testified that the photos presented by the applicant do not accurately represent the current condition. She requested the DRB assess the proposed grading plan for adequacy. She stated that drainage is a huge issue, especially on West Pinnacle Ridge Rd.

Paul Arnot stated that he met with the neighbors prior to the first hearing on this project and committed to planting evergreen trees on the Davidson property to provide them with additional screening. Mr. Arnot gave a re-cap of his testimony including the fact that the single-family dwelling is a permitted use. The waiver is reviewed under the conditional use standards. It was pointed out that the waiver(s) cannot have an undue adverse impact on the neighboring properties.

The public hearing was closed at 7:40pm. The Board deliberated on the project and approved the project with conditions and will issue a written decision within 45 days

5) **#057-21: Bank Hill LLC/Pall Spera Company LLC**

This was a consultation with the Zoning Administrator regarding the change of use from retail to business professional office, 9 S. Main St., DWN/DDR. Owner/Applicant requests Site Plan and Design Review exemption per Sections 301(a)(3) and 1104(a)(3), for a project that is minor in nature and would not cause a substantial increase in traffic or otherwise adversely affect the purposes of the site plan review criteria, and that does not substantially alter the building

façade. The Development Review Board determined that the change of use is minor in nature and is exempt from site plan review and downtown design review per Sections 301(a)(3) and 1104(a)(3), and the Zoning Administrator can issue the permit administratively without Development Review Board review.

6) **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 (6/2/21):

Motion: Tom Kinley moved and Bud Wilson seconded the motion to approve the DRB general meeting minutes for June 2, 2021 and the decisions for applications #036-21, as corrected.

Vote: The motion was approved 5 - 0.

**Adjournment:** There being no other business, the meeting was adjourned at 9:16 pm.

Approved: Thomas D Kinley Date: July 7, 2021  
Tom Kinley, Co-vice Chair

**Next Meetings:**

Wednesday, July 7, 2021, 6:30 p.m. Final order TBD.

- #048-21: Cali, Setback waiver for rear deck addition, 229 Howard Ave. (TNC)
- #109-19: Tebeau, Setbk-wvr/Variance/SP 8' fence & as-built shed > lot-cvg, 5 Moody Crt. (VR)
- #049-21: Brown, RHS-minor for new dwl-gar on undeveloped lot off Perry Hill Rd. (CNS/RHS)
- #055-21: Bent/Campbell, RHS-maj modify bldg-zone tiny house, Lot 2 off Ring Rd. (CNS/RHS)
- #039-21: Perry Hill Partners, SP/CU restaurant/bar, 28 Stowe St. (DC/DDR) —*review cont'd fr 6/2/21.*

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

- #062-21, Mason/Juenker, SP/DD chg. of use 3d floor, One Stowe St. (DWN/DDR)
- #046-21: Anderson/Merchant, DD, exterior stair at 25 N. Main Street (VMR/DDR) —*review cont'd fr 6/19/21.*
- #041-21: Gristmill Properties/Brendan O'Reilly, SP/CU mixed use bldg., 5430 Waterbury-Stowe Rd. (RT100) —*review cont'd fr 6/19/21.*

**Town & Village of Waterbury  
Development Review Board  
Approved Decision, #023-21 ▪ May 19, 2020 / June 16, 2021**

**Attending:** (5/19/21) Board members: David Frothingham (Chair), Tom Kinley, Bud Wilson, Patrick Farrell, George Lester, and Joe Wurtzbacher. Staff: Dina Bookmyer-Baker (ZA) and Steve Lotspeich (Community Planner/Acting Secretary).

(6/16/21) Board members: David Frothingham (Chair), Tom Kinley, Bud Wilson, Patrick Farrell, Harry Shepard. Staff: Dina Bookmyer-Baker (Zoning Administrator- ZA), Steve Lotspeich (Community Planner/Acting Secretary)

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Owner/Applicant:	John Thraikill	
Address/Location:	Lot A, Wood Farm Road, Waterbury Center, VT	
Zones:	Low-Density Residential (LDR), Conservation (CNS) & Ridgeline/Hillside/Steep Slope (RHS) overlay	
Application #	023-21	Tax Map # 14-084.000

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**Applicant Request:**

The applicant seeks to construct a single-family dwelling on the existing Lot A on Wood Farm Road in the RHS overlay district, and expand/shift the previously approved building envelop.

**Present and sworn in:** (5/19/21)

John Thraikill, owner/applicant  
Chris Austin, Grenier Engineering, Project Consultant  
Joan Liggett, Nearby property owner

**Present and sworn in:** (6/16/21)

John Thraikill, owner/applicant  
John Grenier, Grenier Engineering, Project Consultant  
Joan Liggett, Nearby property owner

**Exhibits:**

- A: Application #023-21 (6 pp: Zoning, Conditional Use, Overlay District, Variance), submitted 4/5/21.
- B: Project submittal letter from Grenier Engineering, dated 5/21/20.
- C: Site Plan – Lot A, prepared by Grenier Engineering, dated 6/8/21.
- D: Building elevations 4/5/21 & 6/8/21 & 6/16/21 (3 pp.).
- E: Orthophotos of parcel with zoning districts, current and past clearing (4 pp. - staff).
- F: Photos of site with current clearing shown (2 pp.).
- G: Lighting cut sheet submitted 4/5/21.
- H: Prior DRB decision for Permit #050-20 dated 7/1/20.
- I: Excerpts of prior approved site plans from Permit #050-20 (2 pp.).
- J: Letter to adjoining landowners, mailed certified: May 3, 2021.

**Findings of Fact:**

1. Existing conditions: John Thrailkill owns a 10.9± acre lot (Lot A) that is part of the Joseph and Judy Duffy two-lot subdivision located on Wood Farm Road, off of Ripley Road. The most recent subdivision that created this lot is under Permit #050-20. The parcel includes frontage on Wood Farm Road (a private road) that provides access to Ripley Rd. via an approved 50' right-of-way. The parcel is located in both the Low-Density Residential (LDR) and Conservation (CNS) zoning districts, and is almost entirely within the Ridgelines/Hillsides/Steep Slopes (RHS) overlay district (Exhibit E1).
  
2. Zoning permit history: (applicable recent permits)
  - September 2014, DRB Subdivision, Conditional use, and Ridgelines/Hillsides/Steep Slopes review and approval for zoning permit #42-14-T, for a 3-lot subdivision (create Lots A, D, and E) and pre-development site preparation for residential development on Lot D.
  - April 2015, ZA approval of zoning permit #05-15-T for a boundary-line adjustment involving Lot A (remove), Lots E and D, and Area A from Ripley Springs, resulting in reconfigured Lots E and D (and Ripley Springs remaining lands).
  - January 2016, ZA approval of zoning permit #01-16-T for a boundary-line adjustment to merge Lot E with Lot D, resulting in Lot D of 39.5 acres.
  - October 2017, DRB Subdivision, Conditional use, and Ridgelines/Hillsides/Steep Slopes review and approval for zoning permit #91-17, for a 3-lot subdivision (create Lots A, D, and E) and pre-development site preparation for residential development on Lots A and D. Lot E was subsequently sold and approved with a DRB decision for the construction of a single-family dwelling for Palmer, Permit #070-19
  - March, 2018, ZA approval of zoning permit #027-18 for a boundary-line adjustment to transfer 6.0 acres from Lot D to Ripley Springs LLC.
  - August, 2020, DRB Subdivision, Conditional use, and Ridgelines/Hillsides/Steep Slopes review and approval for zoning permit #050-20, for a 2-lot subdivision (create Lots A and D), and pre-development site preparation for residential development on both lots including Lot A. Additional tree planting was required in the DRB decision (Exhibit H) to mitigate unapproved clearing that had taken place prior to this application being submitted.
  
3. Current proposal: To develop the existing 10.9± acre parcel (Lot A) with a single-family dwelling that includes an attached garage, as follows:
  - Lot A is 10.9± acres, lies in the LDR and CNS zoning district, has ±115' of frontage on Wood Farm Road (the road centerline) and a 50' wide right-of-way connecting to Ripley Road, and will be served by private well and septic for a three-bedroom single-family dwelling. The lot width at the building front line is greater than 300'.
  - The lot will be served by private well and septic as per State water and wastewater permit ww-5-3162-4, issued October 11, 2017. The proposed lot is almost entirely within the Ridgelines/Hillsides/Steep Slopes (RHS) overlay district and the proposed building zones is between 1200 and 1500 feet in elevation (FIE). No portion of the property is above 1320 FIE (Exhibit C).

- The proposal is to revise the building envelope and modify the previously-approved thinning envelope in Permit #050-20. The revised building zone and thinning plan is below 1500 FIE and would be as shown on Exhibit C. The revised building zone would be shifted approximately 50' to the east, further into the existing wooded area. The thinned areas on the site, with the exception of the modified building zone, will remain as approved in Permit #050-20. The clearing limits for the dwelling will be expanded to the east and south as shown on Exhibit C. An expanded re-planting area will be as shown on Exhibit C to compensate for the enlarged building zone.
  - The dwelling will be a maximum height of 34' 6" as shown on Exhibit D1.
  - Exterior lighting will include downcast and shielded fixtures as shown in Exhibit G, over the garage doors. Other lighting will be recessed under porch roofs and therefore be downcast and shielded.
4. Section 504 General Dimension Requirements: The single-family dwelling must conform to the relevant criteria in Section 504. The dwelling is proposed to be located in the CNS zoning district therefore, the table below is for compliance with the CNS zoning district.

	Zoning District Minimum Lot Size	Proposed Lot Size	LDR/CNS Minimum Frontage	Proposed Frontage
Lot A	CNS: 10 acres	10.9± acres	300'	> 300'± Wood Farm Rd

The proposed dwelling meets the maximum 35' height limit for the CNS zoning district.

(definition) LOT FRONTAGE: Distance measured across the width of the lot at the building front line, or proposed building front line.

(definition) BUILDING FRONT LINE: Line parallel to the front lot line transecting the point in the building face that is closest to the front lot line...

(definition) BUILDING HEIGHT: Vertical distance measured from the average elevation of the existing grade or finished grade, whichever is lower, at the center of the building to the highest point of the roof.

In the CNS zoning district, the minimum setbacks are: 100' for the front, sides, and rear. The proposed location of the dwelling on the lot meets the setback requirements. The lot as proposed meets the minimum lot size requirement and will have direct access to Wood Farm Road, a private road. (Exhibit C).

5. Section 1004 RHS Standards of Review: All of 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.

Section 303 Conditional Use criteria: Development of lands within the RHS overlay district shall comply with the following conditional use review standards:

- (a) Section 303(e)(1) Community facilities: The Board must find that the proposal will not have an undue adverse impact on the following: The capacity of community facilities: The dwelling will not

be connected to municipal water or sewer systems. The proposal to construct a dwelling on the residential lot will not exceed the school system capacity, or cause an undue adverse impact to traffic volumes, or create an unmanageable burden on fire protection services.

- (b) Section 303(e)(2)(A–E) Character of the area: The existing uses in the immediate area are residential. Light and noise impacts will be typical of standard residential use, which will not cause danger of fire, explosion, or electrical hazard, or in any other way jeopardize the health and safety of the area. The application materials do not specify any historic sites, or rare or irreplaceable natural areas on the parcel. The State of Vermont does not identify any rare, threatened, or endangered species, or deer wintering areas on the parcel. The application states: “The slight modification to the building zone only results in an 8’ elevation gain and therefore the site will still achieve Waterbury’s definition of minimally visible as required. The site is very well screened from any neighboring nearby properties in the area.” An expanded re-planting area will be as shown on Exhibit C, and will compensate for the building zone that will be expanded into the existing wooded area on the site, requiring additional clearing of trees from the site plan previously approved in Zoning Permit #050-20.
- (c) Section 303(e)(3) Municipal bylaws in effect: Residential dwellings are a permitted use within the LDR and CNS zoning districts and are a conditional use when they are located within the RHS overlay district. The application represents compliance with the conditional use bylaws.
- (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 required to 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:**

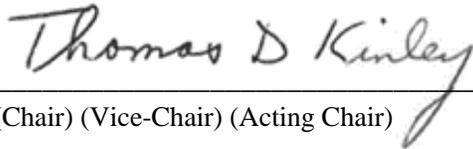
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by John Thrailkill to construct a single-family dwelling, shift the previously approved building zone approximately 50’ to the east, and expand the tree re-planting area on Wood Farm Road in the RHS overlay district, as presented in application #023-21 and supporting materials, meets the Conditional Use, and Ridgelines/Hillsides/Steep Slopes criteria as set forth in Sections 303 and 1004.

**Decision Motion:**

On behalf of the Waterbury Development Review Board, Harry Shepard moved and Tom Kinley seconded the motion to approve application #023-21 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 coniferous and deciduous tree plantings shown on Exhibit C shall be completed by within two years of the completion of the house.
- (3) The applicant shall comply with erosion protection and sediment control measures when development commences on the lots. [Section 1202(a)3]
- (4) All exterior lighting shall be downcast and shielded.
- (5) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in zoning permit approvals #42-14-T, #05-15-T, #01-16-T, #091-17, and #050-20.

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

Approved: July 7, 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](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 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 & Village of Waterbury  
Development Review Board  
Approved Decision #003-21 ■ April 7 / May 19 / June 16, 2021**

**Attending:** (4/7/21) Board members: Tom Kinley (Acting Chair), Bud Wilson, Alex Tolstoi, Patrick Farrell, Harry Shepard, and George Lester. Staff: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Martin (Secretary).

(5/19/21) Board members: David Frothingham (Chair), Tom Kinley, Bud Wilson, Patrick Farrell, George Lester, and Joe Wurtzbacher. Staff: Dina Bookmyer-Baker (ZA) and Steve Lotspeich (Community Planner/Acting Secretary).

(6/16/21) Board members: David Frothingham (Chair), Tom Kinley, Bud Wilson, Patrick Farrell, Harry Shepard. Staff: Dina Bookmyer-Baker (Zoning Administrator- ZA), Steve Lotspeich (Community Planner/Acting Secretary)

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Owner/Applicant:	Arnot Development Group, Inc. (applicant/owner)	
Address/Location:	Lot #17B Pinnacle Ridge, Waterbury, VT	
Zone:	Conservation (CNS)	
Application #	003-21	Tax Map # 12-082.010

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**Applicant Request:**

The applicant seeks approval to construct a single-family dwelling, garage on the lower level, wrap-around deck, and porch within the front and side setbacks on Lot #17B on West Pinnacle Ridge Rd. and Pinnacle Point, Waterbury, VT.

**Present and sworn in April 7, 2021:**

Paul Arnot (Owner/Applicant)

(Adjoining Landowners): Jenny & Todd Davidson, Bob Dillon, Gregg Stuessi, John Fagan, and Carrie Phillips.

**Present and sworn in May 19, 2021:**

Paul Arnot (Owner/Applicant)

(Adjoining Landowners): Jenny & Todd Davidson, John Fagan, Bob Dillon, Gregg Stuessi, Maryann Naber, Carrie Phillips, David Paul, Barbara Cipolla.

**Present and sworn in June 16, 2021:**

Paul Arnot (Owner/Applicant),.

(Adjoining Landowners): Jenny & Todd Davidson, Gregg Stuessi, John Fagan, Carrie Phillips, Barbara Cipolla.

**Exhibits:**

A: Application #003-21 (3 pages: zoning, conditional use), submitted 1/21/21.

- B: Letters from Paul Arnot, Arnot Development Group, Inc., dated 1/7/21 and 1/20/21.
- C: Site Plan, and copies of survey of Jeavons Property including Lot 17B by Glenn Towne dated December, 1999.
- D: Floor plans, elevations, and materials list for dwelling by ADG Design/Build dated 10/30/20.
- E: Letter from Barbara Cipolla, PRHA ARSC and President, to Paul Arnot dated 1/20/21.
- F: Letter to adjoining landowners, mailed certified on 2/17/21.
- G: Parcel maps with orthophoto base layer (staff).
- H: Letter from Laura Fagan with Pinnacle Ridge Assoc. to Paul Arnot dated 5/23/07
- I: Drainage concerns submitted by John Fagan, adjoining landowner, 5/14/21.
- J: Account Quick Report, representing all of the dues paid by Arnot Development Group to the Pinnacle Ridge Homeowners Association since the property was purchased in 2008, submitted by Applicant 5/17/21
- K: Letter and attachments from Paul Arnot re. Character of Neighborhood dated 5/13/21.
- L: Letter and attachments form Paul Arnot re. plot plan, building height, and drainage & buffers dated 6/9/21.
- M: Realtor's property information sheet for Lot 17B submitted by neighbor, John Fagan on 6/15/21.
- N: Comparison of Neighboring Properties submitted by Paul Arnot on 6/15/21.
- O: E-mail from neighbor, Jenny Davidson dated 6/16/21

**Findings of Fact:**

1. Existing conditions: The 1.2± acre parcel is located on West Pinnacle Ridge Rd. and Pinnacle Point (parcel #255-0125) in the Conservation (CNS) zoning district. The lot is undeveloped and is currently partially cleared. The lot is triangular and includes 340± feet of frontage on both West Pinnacle Ridge Rd. and Pinnacle Point. (Exhibit G).
2. Project: The proposal is to construct a single-family dwelling with a garage on the lower level, a wrap-around deck, and porch as shown on Exhibit D. The two-story house plus lower-level garage will be approximately 24' by 32' with a height of 30'. The wrap-around deck will extend out approximately 6' from the house footprint and the porch will be approximately 6' x 8'. The house will have approximately 2,300 sq. ft. of floor space. The lot is proposed to be served by private well and on-site septic system.
3. CNS Dimensional Requirements, Table 5.2: Minimum lot area: 10 acres; frontage: 300'; minimum setbacks: 100' front, 100' sides/rear. The lot has adequate frontage, does not meet the minimum lot size, and the dwelling as proposed will not meet the front and side setbacks. Exhibit L4 that is an attachment to the letter and attachments from Paul Arnot re. plot plan, building height, and drainage & buffers, shows that the height of the dwelling from the top of the garage slab to the highest ridge on the roof is 35.5'. This exceeds the maximum height limit for the CNS zoning district that is 35'.
4. Existing Small Lot: The subject lot meets all the requirements in Section 402(a) to qualify it as an existing small lot. The lot was created prior to the enacting of zoning in the town in March, 1980.

5. Waiver Request: The setback waiver request is to encroach into the front-yard setback on West Pinnacle Ridge Rd. to the north by 75' (100' minus 25'), into the front-yard setback on Pinnacle Point to the south by 60' (100' minus 40'), and into the side-yard setback to the west by 60' (100' minus 40'). See Exhibit C1.
  
6. 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:
  - (a) Section 303(e)(1) Community facilities: The project proposes a single-family dwelling which is a permitted use. The application states that the "Home to be buil(t) on a pre-existing small lot in the Pinnacle Ridge Subdivision. Home to be served by existing private road, existing share(d) septic system and individual drilled well." The project will not unduly increase the traffic, does not require additional municipal water or sewer allocation, will not burden the school capacity, and will not unduly increase the demand for fire protection. Exhibit L, Letter and attachments from Paul Arnot re. plot plan, building height, and drainage & buffers, demonstrates how the drainage will be handled on the site. The Board concludes that the proposal *will / 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 application states that the: "Proposed use is consistent with the residential character of the neighborhood in which it will be located as well as the Municipal (P)lan and zoning for the area." Exterior lighting may be added to the design. The style of the structure will be as shown on Exhibit D. Exhibit K: Letter and attachments from Paul Arnot re. Character of Neighborhood, outlines how the proposed dwelling will be in keeping with the existing character of the area. The Board concludes that the proposal *will / will not* be consistent with the character of the area.
  
  - (c) Section 303(e)(3) Municipal bylaws in effect: The proposal is for residential use. This project application presents compliance with the conditional use criteria. The Board concludes that the proposal *will / will not* violate any municipal bylaws and ordinances.
  
  - (d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: A typical residential use will not emit any of the above. No controls are proposed. The Board concludes that no devices or special methods are 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 proposal by Arnot Development Group, Inc. to construct a single-family dwelling with a garage on the lower level, wrap-around deck, and porch, 75' within the front-yard setback on West Pinnacle Ridge Rd. to the north, 60' within the front-yard setback on Pinnacle Point to the south, and 60' within the side-yard setback

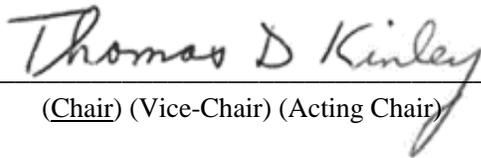
to the west, on Parcel #255-0125 in the Pinnacle Ridge development, as presented in application #003-21 and supporting materials, *meets / does not meet* the Waivers, Conditional Use, and Existing Small Lots criteria set forth in Sections 309, 303, and 402.

**Motion:**

On behalf of the Waterbury Development Review Board, Harry Shepard move and Tom Kinley seconded the motion to approve application #003-21 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.
- (3) Prior to the issuance of the zoning permit the applicant shall submit to the Zoning Administrator a grading plan showing the existing and proposed grades and a statement that the building height, as defined in the Waterbury Zoning Regulations, is less than or equal to 35’, all prepared and certified by a registered professional engineer, surveyor, or landscape architect.

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

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

Approved: July 7, 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](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 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.*