

WATERBURY DEVELOPMENT REVIEW BOARD
Approved General Minutes—September 15, 2021

Attending: Board members: David Frothingham (Chair), Harry Shepard, Joe Wurtzbacher, Alex Tolstoi, George Lester, Patrick Farrell.

Staff: Stephen Lotspeich (Planning & Zoning Director and Acting Zoning Director, Patti Martin, Secretary.

Public attending:

Joan Liggett

Gayle Oberg

Peter Liska

Andrea Barber

David Frothingham, Chair, opened the public meeting at 6:33 p.m. and made the following introductory remarks: 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) **078-21: Serefino Bueti** (owner/applicant)
Setback waiver request to construct a shed at 226 Blush Hill Estates (MDR zoning district)

Present and sworn in:

Serefino Bueti, applicant

The chair opened the public hearing at 6:36 pm.

Testimony:

Serefino Bueti provided testimony about the constraints on the site including the steep slopes near the driveway turnaround near the garage that limit where the shed can feasibly go. A letter from the neighbors, Richard and Robert Cooper, to the DRB was presented that states that they have no concerns or objections to the placement of the shed in the proposed location.

The public hearing was closed at 6:48p.m. The Board approved the project with conditions and will issue a written decision within 45 days.

- 2) **#080-21: David & Nora Grenier** (owner/applicant)
Ridgelines/Hillsides/Steep Slopes review for a two-lot subdivision, including pre-development site clearing and preparation, on a previously undeveloped lot (Parcel 535-0775) off of Bear Creek Lane. (CNS/RHS zoning/overlay districts)

Present and sworn in:

Chris Austin, Consultant for applicant

John Grenier, Consultant for applicant

Tracy Sweeny, Resident

Henrietta Moore-Roland & Dennis Roland

Jillian & Daniel Sackett

The chair opened the public hearing at 6:50 pm.

Testimony:

The DRB asked that the specific building zones be identified on the site plan.

Wildlife habitat concerns were raised including the fact that the property is mapped bear habitat.

There was discussion of whether a wildlife study is needed, especially for the lower portion of the property where development is proposed, to address habitat and the wildlife corridors on the site.

Jill Sackett, a concerned resident who lives immediately downhill from the one of the building sites, asked if the DRB would consider requiring a wildlife impact study. She is also concerned about stormwater runoff and erosion that might impact their property and house site.

Tracy Sweeney expressed concern that this is a “major development” and that all applicable standards be reviewed.

Regarding logging, Steve Lotspeich said that the State of Vermont regulates logging activity and the state’s best management practice must be followed for all logging operations that might occur on the property in the future.

An e-mail from nearby property owner, Billy Vigdor, was presented and discussed. The e-mail addresses his concerns about the need for a wildlife study and the fact that this property is in a Highest Priority Forest Block and is Bear Habitat.

The possibility of conserving the undeveloped portions of each of the two lots was discussed including limiting the construction of any additional houses on the lots in the future.

At 7:55 pm the public hearing was continued to October 6, 2021 at 6:30 pm.

3) #081-21: Crush Partners LLP (owner/applicant)

Site Plan and Conditional Use review to replace the existing retail building with the construction of a new 1,200 sq. ft. retail building and to reduce the front setbacks to 25’ or review a waiver from those setbacks, on the parcel located at 3627 Waterbury Stowe Road. (TCOM zoning district)

The Co-vice Chair opened the public hearing at 8:00 p.m.

Present and sworn in:

Robert Owen, applicant

Lynette Vallecillo, applicant

Joe Greene, architect for applicant

John Grenier, engineer for applicant

Karen Petrovic, nearby property owner

Kathy.Cyr, nearby property owner

Bindy Kirk, nearby property owner

Andrea Barber, nearby property owner

Tim Cannon, adjoining property owner

Testimony:

Concern was raised the proposed ground sign should be kept outside of the line of site of vehicles exiting Sunset Drive.

An adjacent landowner expressed concern about snow removal. Joe Greene testified that snow will be plowed to the rear of the site away from Route 100 and will be removed from the site periodically as necessary.

An adjacent landowner requested screening from the trash area, such as a privacy fence. The applicant agreed to a three-sided privacy fence.

Concern was raised on how surface drainage will be handled on the site. Joe Greene testified that the new parking area will be graded so water will run to the existing catch basin at the southeast corner of the lot near Route 100. A grading plan will be provided to show how the stormwater will flow on the site.

A resident of Sunset Drive is concerned with the access in to the property by the larger service vehicles that enter from Sunset Dr., especially to access the dumpster. She asked that this be addressed/considered.

A resident of Sunset Drive is concerned about any added traffic at the junction of Sunset Drive and Route 100. On a daily basis it is a challenge to turn into Sunset Drive with a large vehicle (truck or truck pulling trailer). Joe Greene pointed out that the proposed driveway access off Sunset Drive will be enter only into the site. This means that all traffic exiting the proposed development will come out the two-way driveway entrance on Route 100.

The layout of the one-way driveway and the employee parking on the side of the building away from Route 100 was discussed. David Frothingham commented that the aisle needs to be a minimum of 20' wide. Steve Lotspeich commented that angled parking would allow for a narrower aisle. Joe Greene testified that the site plan will be revised to reflect these comments.

A resident of Sunset Drive asked for a study or business plan on anticipated sales volume at the location that would be an indicator of customer volume and traffic generation from the site.

At 9:18pm the hearing was continued to Oct. 20, 2021 at 6:30 pm.

4) Agenda items to be scheduled by the Chair:

- Public comment / Other business: There was none.
- Review prior meeting minutes and decisions (9/01/21):

Motion: Harry Shepard moved and Patrick Farrell seconded the motion to approve the general minutes for the meeting held on September 1, 2021 and the decisions for #041-21 and #79-21.

Vote: The motion was approved 6-0.

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

Approved: David Frothingham III Date: 10/6/2021
David Frothingham III, Chair

**Town of Waterbury
Development Review Board
Approved Decision #078-21 ▪ September 15, 2021**

Present: Board members: David Frothingham (Chair), Patrick Farrell, Harry Shepard, Joe Wurtzbacher, Alex Tolstoi, George Lester

Staff: Steve Lotspeich (Acting Zoning Administrator), Patti Martin (Secretary)

Owner/Applicant:	Serafino Bueti	
Address/Location:	226 Blush Hill Estates, Waterbury, VT	
Zoning District(s):	Medium Density Residential (MDR)	
Application #	078-21	Tax Map #13-002.006

Applicant Request

The Applicant seeks a setback waiver to construct a 10' x 14' prefabricated shed at 226 Blush Hill Estates, in the Medium-Density Residential (MDR) zoning district.

Present and sworn in:

Serafino Bueti

Exhibits:

- A: Application #078-21 (3 pages: zoning, conditional use), submitted 8/4/21.
- B: Site plan prepared by Applicant, submitted on 8/4/21.
- C: Parcel map/orthophoto. (Staff)
- D: Letter to adjoining landowners, mailed certified on 8/28/21.
- E: Letter from Richard and Robert Cooper, adjoining landowners, dated 9/3/21

Findings of Fact:

1. Existing conditions: Serafino Bueti owns a 1.6± acre parcel at 226 Blush Hill Estates in the Medium-Density Residential (LDR) zoning district. The property is developed with an existing single-family dwelling. The parcel lot fronts on Blush Hill Estates. The lot is served by an on-site private wastewater system and well.
2. Project: To construct a 10' x 14' prefabricated shed within 37' of the side property line. The shed will be located in the Medium Residential (MDR) zoning district. The shed will meet the front and rear setbacks (Exhibit B). The placement of the shed is constrained by the location of the driveway, the parking and turn-around area in front of the existing garage, and the steep bank that rises behind the parking and turn-around area, all as shown on Exhibit B. The shed will not include any exterior lighting.
3. MDR Dimensional Requirements, Table 5.2: Minimum lot size for MDR: 2 acres. Minimum setbacks for MDR: 60' front, 50' sides/rear. The lot does not meet the minimum lot size for the MDR zoning district therefore it is a pre-existing small lot. The existing dwelling meets the front, side, and rear-yard

setbacks for the MDR zoning district. The proposed shed will not meet the minimum side yard setback requirement for the MDR zoning district.

4. Waiver Request, Section 309: The proposed shed will be 37' from the side property line (Exhibit B). The setback waiver request is to encroach on the side yard setback by 13-feet (50' minus 37').
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 prefabricated shed will be compatible with existing homes and accessory structures in the area as shown on Exhibit C. 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 Serafino Buetti for a 10 x 14' pre-fabricated shed that will not come closer than 37' to the side property line at 226 Blush Hill Estates, as presented in application #078-21 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, Patrick Farrell moved and Joe Wurtzbacher seconded to approve application #078-21 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: Approved 6 - 0

 _____, Approved: 10/6/21
David Frothingham III (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.