

**WATERBURY DEVELOPMENT REVIEW BOARD  
APPROVED GENERAL MINUTES  
Thursday, June 6, 2013**

Board Members Present: Jeff Larkin, Chair; Jeff Whalen, Nat Fish, Dave Rogers, Mike Bard, Tom Kinley, Jeff Grace

Staff Present: Steve Lotspeich, Clare Rock

The meeting was opened by the chair at 6:30 p.m.

**6:30p.m.**     **Application #20-13-T, Daniel and Kim Fodor**, Ridgeline, Hillside, Steep Slope Review (Major classification) for site development at 1130 Ring Road, Waterbury, VT (Tax Map # 14-053.100).

See separate minutes, findings, and decision.

**ELECTION OF CHAIR AND VICE-CHAIR**

The Board discussed who would serve as the Chair and Vice-Chair for a period of one year.

**MOTION:**

Tom Kinley moved and Jeff Whalen seconded the motion to elect Jeff Larkin as the Chair and David Rogers as the Vice-Chair of the Development Review Board.

**VOTE:**

The motion was approved unanimously.

**DISCUSSION OF THE ROLES AND RESPONSIBILITIES OF THE DEVELOPMENT REVIEW BOARD**

Clare Rock presented the topic of Rules and Responsibilities for the Development Review Board which must be established in writing as required in state statute. The DRB members were asked to review the sample Rules and Procedures that Clare e-mailed, for discussion at a DRB meeting in the near future. In the meantime, the DRB members were encouraged to give Clare any feedback on the sample draft prior to the next DRB meeting.

**APPROVAL OF MINUTES AND DECISIONS**

The minutes and for the DRB meeting held on May 30, 2013 were discussed.

**MOTION:**

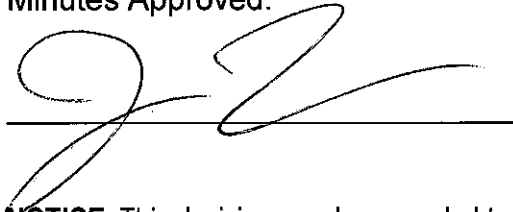
Dave Rogers moved and Tom Kinley seconded the motion to approve the general minutes and the minutes, findings and decision for Application #07-13-V, State of Vermont, Dept. of Buildings and General Services.

VOTE: The motion was approved with all members present voting in the affirmative except Mike Bard who abstained since he was not present at the meeting on May 30<sup>th</sup>.

**ADJOURNMENT**

The meeting was adjourned by the Chair at 8:05 p.m.

Minutes Approved:

  
\_\_\_\_\_, Chair

Date: 6-27-13

**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.

THESE MINUTES WERE APPROVED ON \*June 27, 2013.\*

**TOWN OF WATERBURY  
DEVELOPMENT REVIEW BOARD  
APPROVED FINDINGS AND DECISION  
Date: June 6, 2013**

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Board Members Present: Jeff Larkin, Chair; Jeff Whalen, Nat Fish, Dave Rogers,  
Mike Bard, Tom Kinley, Jeff Grace

Staff Present: Steve Lotspeich, Clare Rock

Application for site development in the Conservation Zoning District and Ridgeline/Hillside/Steep Slope Overlay District.

Permit Application #:	20-13-T
Applicant:	Dan & Kim Fodor
Landowner:	SAME
Location of Project:	1130 Ring Road, Waterbury Center, VT

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Jeff Larkin opened the public hearing at 6:34pm. Mr. Larkin swore in Kim Fodor, landowner, and Gunner McCain, consultant.

**TESTIMONY:**

The following testimony was given:

1. Gunner McCain testified that the lot was previously subdivided in Application #66-12-T.
2. Mr. McCain stated that they have submitted photographs of the site from two vantage points on Ring Rd. and Ripley Rd. taken in the summer and winter, that are included in Exhibit F. The existing house is visible in the photos.
3. The proposed driveway will have a slope of approximately 13%.
4. The distance between the existing house and the proposed house is approximately 400'.
5. The issue of wildlife habitat fragmentation was discussed. It was stated that the habitat in the vicinity of the proposed house site is already fragmented by existing houses and driveways.
6. The proposed septic system will be a mound system that will be shared with the lot on the downhill side of the Fodor lot. This septic system has already been permitted by the State of Vermont.
7. Blasting for construction of the driveway may be required. If blasting is necessary it is likely that the stone material that is blasted will be crushed and used on-site for construction.
8. There is an existing culvert located at the low end of the driveway. One additional culvert may be needed.
9. The trees on the site are in the range of 60' to 70' height. As a result the house site will be partially screened by these remaining trees.

10. There will be a total of more than one acre of disturbance for this lot and the work on the adjacent lot. The limits of clearing will be no more than the limits of disturbance shown on the Site Plan.

**EXHIBIT LIST:**

Exhibit A	Zoning Permit Application #20-13-T
Exhibit B	Letter from McCain Consulting, dated 4/24/2013
Exhibit C	Response to Conditional Use Criteria
Exhibit D	Response to RHS Criteria
Exhibit E	ANR Environmental Interest Locator Map
Exhibit F	Vantage Point Map and Photos
Exhibit G	Site Plan, dated 4/4/2013
Exhibit H	Subdivision Findings & Decision for Application #66-12-T, dated 12/20/2012
Exhibit I	Notice sent to Adjacent Landowners dated May 14, 2013
Exhibit J	State Wastewater System and Potable Water Supply Permit

**Description of Project:**

This project proposes to undertake site development work in preparation for the construction of single-family dwelling. The dwelling is not proposed under this application. The property is located at 1130 Ring Road.

1. The property is located within the Conservation Zoning District where the minimum lot size requirement is 10 acres.
2. The lot size is 10.4 acres.
3. The lot was created in 2012 under application #66-12-T (2-lot subdivision).
4. The property is also located with the Ridgeline/Hillside/Steep Slope (RHS) Overlay District which regulates development at and above 1,200 FIE.
5. Based upon the RHS Regulations "development and pre-development site preparation at or above 1,500 FIE, ... shall be considered "major" development."
6. The proposed site development is proposed between 1,570 FIE and 1,660 FIE and is therefore classified as "major" development.
7. Pre-development site preparation is defined as "activities including, but not limited to, road and driveway construction, clearing and/or grading for house sites and septic systems, and related work."
8. Pre-development site work proposed under this application includes the following:
  - a. Constructing a driveway – the proposed driveway enters the property from the west by crossing the neighboring property. It will involve clearing an area approximately 60'x230' on the neighboring property. The maximum grade of the driveway will be 13.1%
  - b. Clearing the house site – the proposed house site is located between 1,640 FIE and 1,650 FIE and will involve clearing an area approximately 130'x210'. Final grading will be dependent on the future house plans.
  - c. Installing septic system – a 20' x 110' area will be cleared for the sewer line which will connect to an already permitted shared leach field. The leach field is located to the north of the property on an adjacent lot.

9. There are no identified critical wildlife corridors or wildlife habitats on the property. Nor are there any Rare, Threatened or Endangered Species on the property, as illustrated by the VT Environmental Atlas Map.
10. The limits of disturbance will be flagged to ensure no trees outside that area will be impacted. Clearing of trees will conform to the *1987 Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont*.
11. Erosion and storm water control measures consistent with State standards will be implemented during construction.
12. The limits of clearing will be no greater than the limits of disturbance shown on Exhibit G, the Site Plan.
13. This is phased project therefore the time limit on this approval and the associated permit will be extended to four years
14. The RHS Standards and the Conditional Use Standards that apply to the project are listed below:

Section 1004 Standards of Review (RHS)

*(b) Minor Development: Minor development projects shall be subject to conditional use review, as set forth in Section 303, and all other applicable regulations.*

*(c) Major Development: In addition to the review applicable to minor development projects, the Development Review Board shall find that the application for a major development project complies with all of the following standards:*

*(1) Screening: Forest cover shall be maintained to the greatest extent possible. If there is to be tree-clearing for views from the site, it shall be done so as to create view corridors. The Development Review Board may limit the amount of tree-clearing and require the planting of additional trees or other vegetation in order to assure adequate screening, and the Board may require the applicant to submit a plan for maintaining and replacing designated trees during or after site development and construction.*

*(2) Access: Access roads and utility corridors, including the conversion of logging roads to private roads or driveways, shall use or share existing accesses and rights-of-way where feasible, and shall follow existing contours and linear features (e.g., tree lines, stone walls) where possible. In addition, they shall be located to:*

*(A) Minimize stream and wetland crossings;*

*(B) Minimize impacts on steep slopes; and*

*(C) Minimize the need for road or driveway corridors of widths greater than 50 feet, with the exception of limited lengths of the road or driveway where wider side slopes are needed to prevent erosion.*

*(3) Placement of Structures: Consideration shall be given to the location of proposed or potential structures relative to site conditions, existing vegetation, and the location of fragile features (including but not limited to steep slopes, streams, and identified habitat and natural areas). The clustering of houses and other structures is encouraged to retain larger blocks of forest and fields and to help retain the aesthetic character and wildlife value of the RHS Overlay District. The location of proposed or potential structures may be restricted to ensure that development:*

*(A) Is minimally visible, as defined in this bylaw;*

*(B) Is designed so that the height of any structure does not exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure;*

*(C) Is located so that buildings are not placed on existing steep slopes equal to or greater than 25 percent;*

*(D) Is located down-grade of ridgelines and is designed so that the proposed structures shall not break the skyline; and*

(E) Is located at or near the edge of existing and new clearings and fields or in the interior of existing wooded areas.

(4) *Exterior Lighting:* The off-site visual impacts of proposed exterior lighting shall be minimized. All exterior lights shall be shielded and downcast. The use of reflective surfaces and outdoor lighting fixtures more than 15 feet above the ground shall be minimized. Bollard, low-post lighting and low-level, indirect lighting is recommended. Spot or flood lights are prohibited.

(5) *Clearcutting and Pre-Development Site Preparation:* The proposed clearcutting and all harvesting activities associated with it shall comply with "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont," as published by the Vermont Department of Forests, Parks and Recreation, effective August 15, 1987, (as may be amended from time to time) and all other applicable regulations.

(6) *Natural Resources:* The proposed development will be designed and maintained so that there is no undue adverse impact on, or undue fragmentation of, critical wildlife habitat and wildlife travel corridors, unique or fragile resources, or natural and scenic resources.

(7) *Building Design:* The massing of a single building or group of buildings shall be designed to minimize visual impacts and contribute to, and harmonize with, the scenic quality of the surrounding landscape. Building materials, including windows and roofs should minimize year-round visibility, reflectivity, and night-time light impacts as viewed from off site.

### Section 303                      Conditional Uses

(e) Prior to granting any approval for conditional use, the Board must find that the proposed use conforms to the following general and specific standards:

(1) The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities to accommodate it. The proposed use:

(A) Will not cause the level of service on roads and highways to fall below a reasonable standard;

(B) Will not cause an unmanageable burden on municipal water or sewer systems;

(C) Will not lead to such additional school enrollments that existing and planned school system capacity is exceeded; and

(D) Will not cause an unmanageable burden on fire protection services.

(E) The Board may seek or require advisory input from the Municipal Manager, Fire Department, Police Department, School Board, or other municipal officials regarding relevant facilities. The Board will also take into account sections of the Municipal Plan and of any duly adopted capital plan which specify anticipated demand growth, service standards, and facility construction plans.

(2) The proposed use will not have an undue adverse impact on the character of the area affected as defined by the Municipal Plan and the zoning district in which the proposed project is located. Specifically, the proposed use:

(A) Will not result in undue water pollution, undue adverse impacts to downstream properties, and will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result; in making this determination, the Board shall at least consider the elevation, the slope of the land, and the nature of soils and subsoils and their ability to adequately support waste disposal;

(B) Will not result in undue noise, light, or air pollution, including offensive odors, dust, smoke, or noxious gasses;

(C) Will not have an undue adverse effect on the scenic or natural beauty of the area, historic sites, or rare and irreplaceable natural areas;

(D) Will not be otherwise inconsistent with existing uses in the immediate area; in determining the appropriateness of the use or structure in an area, the Board shall consider the scale and design of

*the proposed use or structure in relation to the scale and design of existing uses and structures in the same district; and*

*(E) Will not cause danger of fire, explosion, or electrical hazard, or in any other way jeopardize the health and safety of the area.*

*(3) The proposed use will not violate any municipal bylaws and ordinances in effect.*

*(4) The proposed use will comply with the specific lot area, setbacks, and lot coverage requirements set forth in this bylaw. The Board may require the proposed use to conform to more stringent lot area, setback, and lot coverage requirements as it may deem necessary to implement the purposes of the district in which the use is located and other provisions in this bylaw.*

Jeff Larkin, the Chair, closed the public portion of the hearing.

**CONCLUSION:**

The Development Review Board concludes that the project to undertake the site development work in preparation for construction of a single family dwelling meets all the criteria in the Section 303 and Section 1004 of the Zoning Regulations.

**MOTION:**

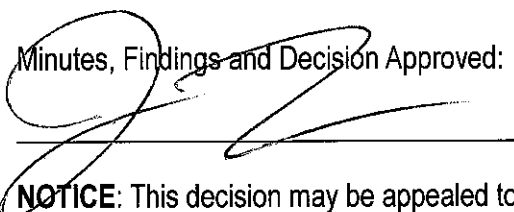
Jeff Grace moved and Jeff Whalen seconded the motion to approve application #20-13-T, Daniel and Kim Fodor, Ridgeline, Hillside, Steep Slope review for site development at 1130 Ring Rd., Waterbury, Vt, Tax map #14-053.100, with the following conditions:

1. This permit is granted on the condition that the applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits.
2. Blasting shall take place between the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday. The blasting contractor shall be licensed and insured.
3. Tree clearing limits will be not be greater than the limits of disturbance as shown on Exhibit G, the Site Plan.

**VOTE:**

The motion was approved unanimously.

Minutes, Findings and Decision Approved:

 \_\_\_\_\_, Chair

Date: 6-27-13

**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.

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