

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: October 1, 2014**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Nat Fish; Tom Kinley, David Frothingham, Martha Staskus

Staff Present: Ryan Morrison, Zoning Administrator; Steve Lotspeich, Community Planner

6:30 p.m. Meeting convened on the second floor of the Main Street Fire located at 43 S. Main St.

6:30 p.m. **Continuation of Application #21-14-T, Paul Reed**, Subdivision Review for a five lot subdivision (3 residential lots plus 2 remaining land lots) at Guptil Road, Waterbury Center, VT 05677 (Tax Map #09-206.000)

Approved and recorded under separate meeting minutes and decision.

7:30 p.m. **Application #43-14-T, Peter Milne & Victoria Comer** for a Zoning Permit, Conditional Use Permit, and a Ridgeline, Hillside, Steep Slope Overlay District Permit to construct a second single family dwelling on a 25+/- acre property at 700 Ring Road, Waterbury Center, VT 05677 (Tax Map #14-051.000)

Approved and recorded under separate meeting minutes and decision.

8:15 p.m. **Continuation of Application #39-14-T, Ripley Springs LLC**, for a Zoning Permit and Ridgeline, Hillside, Steep Slope Overlay District Permit for pre-development site preparation for two future single family residences on a 113-acre property off Wood Farm Road and Stagecoach Lane, Waterbury Center, VT 05677 (Tax Map #14-084.080)

Approved and recorded under separate meeting minutes and decision.

8:45 p.m. **Application #04-14-T, Felix & Geraldine Callan**,

The Development Review Board reviewed the Final Plat Approval for the 4-lot Subdivision and boundary line adjustment located off Sweet Road, Waterbury Center, VT 05677 (Tax Map # 10-023.000)

MOTION:

On behalf of the Waterbury Development Review Board, Tom Kinley moved and David Frothingham seconded the motion to approve **Application #04-14-T, Felix & Geraldine Callan**, for a Final Plat Approval for the 4-lot Subdivision and boundary line adjustment located off Sweet Road, Waterbury Center, VT 05677 (Tax Map # 10-023.000) with the following condition:

1. The applicant brings a copy of the Final Plat to Zoning Administrator within 150 days so that the Development Review Board can review, approve, and sign off on the Final Plat and meet the 180 day timeline for recording the plat that is required by 24 V.S.A., Section 4463.

VOTE: The motion passed unanimously.

MEETING MINUTES:

MOTION:


Tom Kinley moved and Nat Fish seconded the motion to approve the meeting minutes of September 17, 2014, including the decisions from that date, as amended.

VOTE: The motion passed unanimously.

ADJOURNMENT

The meeting was adjourned at 9:30 pm.

Minutes approved.


_____, Chair

Date: 10.15.14

THIS DECISION WAS APPROVED ON October 15, 2014.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Minutes & Decision, #21-14-T
October 1, 2014**

Board Members Present: Jeff Larkin, Chair; Nat Fish; Tom Kinley, David Frothingham, Martha Staskus

Staff Members Present: Ryan Morrison, Zoning Administrator, Steve Lotspeich, Community Planner

Application for Subdivision in the Town Mixed Residential and Medium Density Residential Zoning Districts.

Permit Application #: 21-14-T
Applicant: Paul Reed
Landowner: Winter Woods LLC
Location of Project: off Guptil Road, Waterbury Center, VT

HEARING MINUTES:

Present and sworn in:

Paul Reed, Applicant

Aaron Flint, Applicant

Gunner McCain, Consultant

George McCain, Consultant

Nadine Berrini & Chris Moore, Prospective lot purchasers

TESTIMONY:

Gunner McCain stated that the two main remaining issues are the stormwater management plan and the use of the open space with the associated covenants. George McCain explained the details of the stormwater management plan including the specific ponds and grass swales that have been designed.

Approval is being sought for five lots including Lots 2, 3, 10, and the two remaining parcels. The pond for Lot 3 will be a wet pond that will be an amenity for the lot. The design of this pond may change for aesthetic purposes. This will be the only wet pond for the development at this time.

The total impervious area for the site will be about 1.8 acres. The drainage system in the main field at the front of the site will be designed to intercept water that would otherwise flow toward the neighboring property owners and direct it away from their properties.

The subject of the management of the open meadow areas was discussed. Paul Reed explained that the central open area is called the "main meadow". The proposed restrictions on the use of the open space would allow structures up to approximately 150 sq. ft. in footprint for use to store garden tools or chickens. These would be shed style structures. Lot 1 would only

have landscape features and no sheds. Jane Rondeau who sold the property to Paul Reed needs to approve the uses of the main meadow and the language in the covenants. Currently the language in the deed states that no structures are allowed in the open field. Any changes to this restriction will have to be in an amendment to the deed. Ultimately the final plat that is recorded will need to show the areas of the meadow that will have the deed restrictions.

The Preliminary Covenants and Restrictions were discussed. Limits of mowing before a certain date was discussed. Plants that would obstruct a neighbor's view were discussed. This would take the ultimate size of the plants into consideration. The planting of larger plants such as fruit trees would be closer to the edge of the meadow area, closer to the houses, in order to maintain the views from the houses. The desire is to make sure people can have gardens with an associated shed.

There will be a homeowner's association that will be in place once the first lot is sold. The association will be responsible for maintaining the stormwater facilities and other common infrastructure, such as the roads serving the development.

EXHIBIT LIST:

- Exhibit A Zoning Permit Application # 21-14-T
- Exhibit B Applicant Response to Subdivision Regulations
- Exhibit C Site Plan, dated 5/20/14
- Exhibit D ANR Atlas Map of property
- Exhibit E Notice of Public Notice dated May 22, 2014
- Exhibit F Curb Cut Permit # 04-13-C
- Exhibit G Notice to Adjacent Landowners, dated June 4, 2014
- Exhibit H Letter from Kristen Howell, McCain Consulting, Inc. dated December 5, 2013
- Exhibit I Email exchange between Kristen Howell and Shannon Morrison, VT ENCON
- Exhibit J Email from David Rugh dated July 11, 2014
- Exhibit K Property deed excerpt
- Exhibit L Notice to Adjacent Landowners & Interested Parties, dated July 23, 2014
- Exhibit M Notice of Public Notice dated July 15, 2014
- Exhibit N Stormwater Overview dated July 31, 2014

Description of Project:

The applicant is seeking approval for a 5-lot subdivision (3 residential lots and 2 remaining land lots) located off Guptil Road, Waterbury Center, VT (Tax map #09-206.000)

1. The applicant proposes to subdivide the 42 +/- parcel into 5 lots. Three of these lots will be developed first (Lots 2, 3 and 10), while the other two lots (labeled as "Remaining Lands") will be subdivided/developed in the future.
2. The existing 42 +/- parcel is located off Guptil Road and falls within the Town Mixed Residential (TMR) and Medium Density Residential (MDR) Zoning Districts.
3. The following table demonstrates the proposed lots exceed the respective minimum lot requirements:

	Zoning District	Minimum Lot Size	Proposed Lot Size
Lot 10	MDR/TMR	2 acres/1 acre	2.6 acres
Lot 2	TMR	1 acre	3.8 acres
Lot 3	MDR/TMR	2 acres/1 acre	3.3 acres
Remaining Land	TMR	1 acre	11.6 acres
Remaining Land	MDR/TMR	2 acres/1 acre	18.4 acres

4. Access to the lots off Guptil Road was approved under Curb Cut Permit #04-13-C. The 20' wide gravel road has already been constructed to northeastern edge of Lot 2 and will also provide access to Lot 3. The applicant intends to utilize this road as an access to any future lots created within the "Remaining Lands".
5. Lot 10 will have its own access onto Guptil Road at a location further south of the main access road. A curb cut permit will be required prior to development of this lot, as shown on Exhibit C – Site Plan.
6. The site plan also shows two other driveways that the applicant intends to construct for future lots – one off of Guptil Road, just below the Stirewalt property, and the other off the new 50' right-of-way. Both of these driveways lie within Prime Agricultural land. These driveways should not be considered as part of this subdivision application. The applicant has stated that these driveways were included on the site plan in an effort to achieve full disclosure.
7. Building zones have been delineated on the site plan and illustrate general building zones with conforming setbacks.
8. The applicant has stated that the lots will have homes built in the wooded areas at the edge of the meadow, and that no structures will be allowed to be constructed in the meadows.
9. A sugarhouse exists within the "Remaining Lands" lot, which will be relocated to the adjacent Moulton Farmstead lot to the west.
10. A Class III wetland runs in a north/south direction between the building zones of Lots 2 and 3. Disturbance of Class III wetlands does not require a State wetlands permit. However, it would fall under the jurisdiction of the US Army Corps of Engineers (see Exhibits H & I).
11. Thatcher Brook, with associated Class II wetlands, exists in the eastern area of the property. A Special Flood Hazard Area overlays this area as well. The applicant states that no development will occur within 300 feet of this area (refer to Exhibit D).
12. The applicant has identified Prime Agricultural Lands (soils), as well as Statewide AG and B soils, on the subdivision plan. The delineation of these soils appear to match what the Vermont Dept. of Natural Resources shows on their Natural Resources Atlas (refer to Exhibit D).
13. The applicant describes in the narrative (Exhibit B) that the Prime Agricultural soils begin at the neighboring Moulton Farmstead and continues to the south across three existing residential lots. The subject property has only 2 areas that abut Guptil Road, and the applicant states that the road (which is approximately 0.20 acres in size in this area) is at the point of least impact to the Prime Agricultural soils. The applicant further states that

in an effort to mitigate this, all of the remaining field area (approx. 12 acres) will remain open.

14. Attorney David Rugh has provided guidance on how to address no-build areas in the development of this subdivision (Exhibit J). In short, Mr. Rugh suggests that the applicant can adopt the "no build" restrictions that he is proposing in the deeds and covenants, but the Town would not be in a position to enforce them. If the Town wants to enforce such restrictions, Mr. Rugh has outlined the process in which to do so. It is also suggested that in order to identify the "no build areas", the applicant can identify them on the subdivision, but they would not have to be surveyed – the applicant could show distance measurements from boundary lines, dimensional notes and other features so that the future lot owners know where they can build and where they can't.
15. The applicant has provided an excerpt from his property deed which prohibits the construction of permanent residences or structures on the so-called Main Meadow portion of the property.
16. The applicant has stated that the property has been a historic nesting area for Bobolinks. Staff researched the Vermont Department of Fish and Wildlife website and found that the Bobolink is neither endangered nor threatened.
17. The project was referred to the Development Review Board under Section 1201 of Article XII.
18. Subdivision Review Criteria are contained within Section 1202, Article XII.

Conclusion:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Application #21-14-T, Paul Reed, Subdivision in the Zoning Districts Review for a five lot subdivision (3 residential lots plus 2 remaining land lots) at Guptil Road, Waterbury Center, VT 05677 (Tax Map #09-206.000) meets the standards in Section 504, and Sections 1201, and 1202.

MOTION:

On behalf of the Waterbury Development Review Board, David Frothingham moved and Tom Kinley seconded the motion to approve Application #21-14-T, Paul Reed, Subdivision in the Zoning Districts Review for a five lot subdivision (3 residential lots plus 2 remaining land lots) at Guptil Road, Waterbury Center, VT 05677 (Tax Map #09-206.000) with the following conditions:

- 1. The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;
- 2. The applicant brings a copy of the Final Plat to Zoning Administrator within 150 days so that the Development Review Board can review, approve, and sign off on the Final Plat and meet the 180 day timeline for recording the plat that is required by 24 V.S.A., Section 4463. Ultimately the final plat that is recorded will need to show the areas of the meadow that will have the deed restrictions.

VOTE:

The motion was approved unanimously.

Decision Approved,


_____, Chair

Date: _____

10.15.14

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.

THIS DECISION WAS APPROVED ON October 15, 2014

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Minutes & Decision, #43-14-T
October 1, 2014**

Board Members Present: Jeff Larkin, Chair; Nat Fish; Tom Kinley, David Frothingham, Martha Staskus

Staff Members Present: Ryan Morrison, Zoning Administrator, Steve Lotspeich, Community Planner

Application to construct a second single family dwelling on a 25+/- acre property within the Low Density Residential and Conservation Zoning Districts, and within the Ridgeline, Hillside, Steep Slope Overlay District.

Permit Application #:	43-14-T
Applicant:	Peter Milne & Victoria Comer
Landowner:	SAME
Location of Project:	700 Ring Road, Waterbury Center, VT

HEARING MINUTES & DECISION:

Present and sworn in:
Peter Milne, Landowner
Chris Austin, Consultant

Martha Staskus stated that she is an abutting landowner but does not feel that she has a conflict of interest. The Board agreed that she can participate in the review and decision on the application.

Ryan Morrison gave an overview of the project. Ryan stated that our Zoning Regulations do allow for a second home to be built on a parcel as long as the second home could be on its own lot and meet the setbacks if that lot was created in the future.

TESTIMONY:

Chris Austin presented the proposed house. The house will have a mound on-site septic system. There is an existing clearing that still has some trees located in the clearing. Photos were reviewed that show the view from the existing clearing. The area of Kneeland Flats will be kept out of the cleared view. Trees that provide screening for the neighbor's houses will also be retained. The cleared view will be primarily toward Camel's Hump. The house will have a walk-out basement and will be built into the hillside to reduce its overall height and potential visual impact.

The house sites are both in the Low Density Residential (LDR) Zoning District. The dimensional requirements for the LDR were reviewed and the potential lots would meet all those requirements.

The exterior lighting would be downcast and shielded. The roof will be asphalt shingles.

EXHIBIT LIST:

- Exhibit A Permit Application #43-14-T
- Exhibit B Letter from Chris Austin, dated 8/28/14
- Exhibit C Site Plan, dated 8/27/14
- Exhibit D ANR Atlas maps of property
- Exhibit E Notice of Public Hearing, dated September 4, 2014
- Exhibit F Notice to Adjacent Landowners, dated September 9, 2014

Description of Project:

The applicant is seeking approval to construct a second single family dwelling, including a clearing and the constructing a driveway on a 25+/- acre property located 700 Ring Road, Waterbury Center, VT (Tax map # 14-051.000).

1. The existing 25+/- parcel is located at 700 Ring Road and falls within the Low Density Residential (LDR) and Conservation (C) Zoning Districts, and is also within the Ridgeline, Hillside, Steep Slope Overlay Zoning District.
2. The property currently contains a 936 sq ft single family dwelling.
3. Section 403 of the Waterbury Zoning Regulations allows more than one building on a lot in cases where it can be demonstrated that each home would be constructed as if they were on their own individual lot (i.e. meeting minimum lot size requirements, setback requirements, dimensional requirements, etc., of the underlying zoning district).
4. The northern portion of the lot lies in the Low Density Residential Zoning District (Exhibit C). The LDR Zoning District requires a minimum lot size of 5 acres. Both homes will be situated within the LDR zoned portion of the property.
5. The remaining portion of the property lies within the Conservation zone, where the minimum lot size is 10 acres.
6. In his letter dated August 28, 2014 (Exhibit B), Chris Austin states that the existing home will be on a conceptual lot approximately 7.5 acres in size, and the conceptual lot for the new home will be approximately 17.5 acres in size.
7. Mr. Austin also states in his letter that the conceptual lots exceed the minimum lot width of 200', and that setback requirements will be met.
8. The property also lies within the Ridgeline, Hillside, Steep Slope Overlay District, with a maximum elevation of approximately 1,460 feet in elevation (FIE). The elevation at the future house site is approximately 1,300 FIE. Section 1001(b) states that development at or above 1,200 FIE but below 1,500 FIE shall be considered "minor" development.
9. The site plan shows proposed clearing limits.
10. Section 1003(a) states that a site development plan for a minor development shall include information as required pursuant to Section 301(b) with the exception of a grading plan unless otherwise determined by the Development Review Board.

11. Development projects in the RHS District are also subject to review under the conditional use criteria.
12. Below are excerpts of the Site Plan Review process, RHS Review Criteria for 'minor' projects and Conditional Use criteria:

CONCLUSION:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Application #43-14-T, Peter Milne & Victoria Comer for a Zoning Permit, Conditional Use Permit, Site Plan Review and a Ridgeline, Hillside, Steep Slope Overlay District Permit to construction of a second single family dwelling on a 25+/- acre property at 700 Ring Road, Waterbury Center within the LDR Zoning District an in the meets the standards in Section 301a, Section 303, Section 403, and Sections 1001, 1003, and 1004.

MOTION:

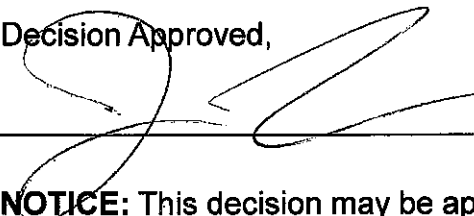
On behalf of the Waterbury Development Review Board, David Frothingham moved and Nat Fish seconded the motion to approve Application #43-14-T, Peter Milne & Victoria Comer for a Zoning Permit, Conditional Use Permit, Site Plan Review and a Ridgeline, Hillside, Steep Slope Overlay District Permit to construct a second single family dwelling on a 25+/- acre property at 700 Ring Road, Waterbury Center, VT 05677 (Tax Map #14-051.000)

1. The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;
2. All exterior lighting will be downcast and shielded;

VOTE:

The motion was approved unanimously.

Decision Approved,


_____, Chair

Date: 10.15.14

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.

THIS DECISION WAS APPROVED ON October 15, 2014.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Minutes & Decision, #39-14-T
October 1, 2014**

Board Members Present: Jeff Larkin, Chair; Nat Fish; Tom Kinley, David Frothingham, Martha Staskus

Staff Members Present: Ryan Morrison, Zoning Administrator, Steve Lotspeich, Community Planner

Application for Pre-Development Site Preparation in the Conservation Zoning District and Ridgeline, Hillside, Steep Slope Overlay District.

Permit Application #: 39-14-T
Applicant: Ripley Springs LLC
Landowner: SAME
Location of Project: Off of Wood Farm Road and Stagecoach Lane, Waterbury Center, VT

HEARING MINUTES & DECISION:

The following people were sworn in:

David Lachtrupp, Consultant

Joe Duffy, consultant

TESTIMONY:

David Lachtrupp described the clearing that will take place on Lot #3. The amount clearing will be reduced in the direction of the ravine. The view toward Camel's Hump has been cleared. There will be selective clearing in order to decide which of the additional view corridors will be cleared for the second view. This view will be either in the direction of the reservoir of the mountains to the north.

The clearing for lot #4 was discussed. The view corridor toward Camel's Hump will be cleared. The wooded area uphill of the house will have a reduced amount of clearing.

EXHIBIT LIST:

Exhibit A Permit Application #39-14-T
Exhibit B Site Plan/Erosion Plan/View Studies, dated 8/7/14
Exhibit C ANR Atlas maps of property
Exhibit D Tax Map of property
Exhibit E Notice of Public Hearing, dated August 6, 2014
Exhibit F Notice to Adjacent Landowners, dated _____
Exhibit G Revised Site Plan for Lot #3

Exhibit H Revised Site Plan for Lot #4
Exhibit I Clearing/View Goals for Lots #3 and #4

Description of Project:

The applicant is seeking approval for pre-development site preparation for two future single family dwelling sites, including clearing and constructing driveways on a 113 acre property located off of Wood Farm Road and Stagecoach Lane, Waterbury Center, VT (Tax map # 14-084.080)

1. The existing 113 parcel is located off Wood Farm Road and Stagecoach Lane and falls within the Conservation Zoning District, and is also within the Ridgeline, Hillside, Steep Slope Overlay Zoning District.
2. The applicant proposes pre-development site preparation for two future single family residences, including clearing and constructing driveways. House Site #4 will be accessed off of Wood Farm Road, and House Site #3 will be accessed off of Stagecoach Lane. Both roads are private.
3. The Conservation Zoning District requires a minimum lot size of 10 acres. The zone also requires building setbacks of 100 feet to all property lines. The site plan shows that House Site #3 will meet the setback requirement. However, while House Site #4 encroaches into the setback, future construction of any structure greater than 80 sq ft in size will be required to comply with the 100-foot setback to property lines.
4. Section 403 of the Waterbury Zoning Regulations allows more than one building on a lot in cases where it can be demonstrated that each home would be constructed as if they were on their own individual lot (i.e. meeting minimum lot size requirements, setback requirements, dimensional requirements, etc., of the underlying zoning district).
5. Section 1001(b) states "...Development and pre-development site preparation at or above 1,500 feet in elevation... shall be considered "major" development.
6. House Site #4 is located at an elevation between 1670 feet and 1700 feet (approx.), and House Site #3 is located at an elevation between 1500 feet and 1530 feet (approx.), thus putting them both into the "major" development category.
7. The applicant has submitted a site plan (Exhibit B) that shows where the cleared home sites will be, as well as where additional view corridor cutting will occur.
8. The applicant has also submitted an erosion plan and a visibility study for both home sites.
9. Major Development Projects in the Ridgeline, Hillside, Steep Slope Overlay Zoning District are subject to review by the Development Review Board.
10. Development projects in the RHS District are subject to review under the conditional use criteria.
11. Below are excerpts of the RHS Review Criteria for 'major' projects and Conditional Use criteria:

CONCLUSION:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Application #39-14-T, Ripley Springs LLC, for a Zoning Permit and Ridgeline, Hillside, Steep Slope Overlay District Permit for pre-development site preparation for two future single family residences on a 113-acre property off Wood Farm Road and Stagecoach Lane, Waterbury Center, VT 05677 (Tax Map #14-084.080) meets the standards in Section 301a, Section 303, and Sections 1004.

MOTION:

On behalf of the Waterbury Development Review Board, Tom Kinley moved and Nat Fish seconded the motion to approve Application #39-14-T, Ripley Springs LLC, for a Zoning Permit and Ridgeline, Hillside, Steep Slope Overlay District Permit for pre-development site preparation for two future single family residences on a 113-acre property off Wood Farm Road and Stagecoach Lane, Waterbury Center, VT 05677 (Tax Map #14-084.080) with the following conditions:

1. The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;
2. All exterior lighting will be downcast and shielded;

VOTE:

The motion was approved unanimously.

Decision Approved,

 , Chair

Date:

10-15-14

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.

THIS DECISION WAS APPROVED ON October 15, 2014