

**Town & Village of Waterbury
Development Review Board
Unapproved General Meeting Minutes
Date: September 2, 2015**

IN ATTENDANCE:

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

Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

The meeting convened at 6:30 pm.

6:30 p.m. Continued Hearing of Application #20-15-V, Ted Brunell, for a Special Flood Hazard Area Overlay District Permit to import fill into the 100-year floodplain for a future home site at 12 Lincoln Street, Waterbury, VT 05676 (Tax Map #19-068.000).

Minutes and approval on application hearing minutes.

6:30 p.m. Application #50-15-T, Duane and Laura Peterson, for a Zoning Permit and Ridgeline, Hillside, Steep Slope (RHS) Overlay District Permit to construct a new single family residence on Lot 4 of the Bear Creek Lane Subdivision, Waterbury Center, VT 05677 (Tax Map #14-057.040).

Minutes and approval on application hearing minutes.

APPROVAL OF MINUTES:

MOTION:

Michael Bard moved and Dave Rogers seconded the motion to approve the DRB general minutes of August 19, 2015, and the August 5, 2015 hearing minutes of application #45-15-T.

Vote: Approved with Martha Staskus abstaining.

OTHER BUSINESS

Tom Kinley moved and David Frothingham seconded the motion to approve Final Subdivision Approval for Application #32-15-T, 2069 Blush Hill Road Trust, and Application # 04-15-T, Albert Fougel Revocable Trust.

The meeting was adjourned at 08:00 p.m.

_____, Chair

Date: _____

THESE MINUTES WERE APPROVED ON _____

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 Hearing Minutes, #20-15-V
Date: September 2, 2015

IN ATTENDANCE:

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

Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

Application for a Zoning Permit and Special Flood Hazard Area Overlay District Permit to import fill into the 100-year floodplain for a future home site located within Village Residential (VR) Zoning District.

Permit Application #: 20-15-V

Applicant: Ted Brunell

Property Owner: SAME

Tax Map #: 19-068.000

Location of Project: 12 Lincoln Street, Waterbury, VT

INTRODUCTION

The applicant seeks to import fill into the 100-year floodplain for a future home site on a property that lies within the VR Zoning District, SFHA Overlay District and 100-year floodplain.

EXHIBITS

Exhibit A: Application # 20-15-V

Exhibit B: Site Plan

Exhibit C: Letter from Kristen Rose Howell, dated July 17, 2012

Exhibit D: 100-yr Floodplain & Floodway Map, prepared by Clare Rock on August 20, 2012

Exhibit E: NFIP FIRMette of property

Exhibit F: Approved Permit #51-12-V, dated October 22, 2012

Exhibit G: Application #51-12-V, submitted July 19, 2012

Exhibit H: DRB Findings & Decision for Permit #51-12-V, dated September 20, 2012

Exhibit I: Letter to Rebecca Pfeiffer, dated July 6, 2015

Exhibit J: ANR Atlas maps of property

Exhibit K: Notice of Public Hearing, dated July 16, 2015

Exhibit L: Letter to Adjoining landowners, dated August 6, 2015

Present and Sworn in:
Ted Brunell, Applicant
Richard Germana, Neighbor

TESTIMONY

1. This permit was previously approved in 2012 but the permit has expired.
2. There are not changes to the permit.
3. The neighbor asked the applicant to clean up the brush and that was approved.

PROJECT DESCRIPTION

1. *In 2012, the applicant subdivided his 1.25 acre property, addressed as 12 Lincoln Street, into two new lots. Lot 1 (0.75 acres) contains a 2-apartment building. Lot 2 (0.5 acres) remains vacant, and is the subject property of this permit.*
2. *Lot 2 is located on the north side of Lincoln Street, within the VR Zoning District. Thatcher Brook borders the property to the north.*
3. *The VR Zoning District requires a minimum lot size of 10,000 sf for a single family use. The property is approximately 21,780 sf in size.*
4. *The VR Zoning District also has a height maximum of 35', a lot coverage maximum of 25%, and minimum setbacks of 30' front, 10' side, and 30' rear.*
5. *The applicant received Development Review Board approval to import fill within the 100-year floodplain for a future residence on September 20, 2012 (Exhibit H). Shortly thereafter, Zoning Permit 52-12-V was issued on October 22, 2012 (Exhibit F). The applicant never completed the importation of fill, and the permit expired on October 22, 2014.*
6. *The applicant proposes to re-permit the project as originally permitted under Permit 52-12-V. No changes to the plans under Permit 52-12-V are proposed.*
7. *The majority of the subject property lies within the Special Flood Hazard Area (100-year floodplain) (Exhibit J). According to the NFIP FIRM map – panel 226 (Exhibit E), the property has a floodplain designation of Zone AE, with a base flood elevation of 503' above sea level.*
8. *The Development Review Board is tasked with reviewing applications for the importation of fill within the SFHA.*
9. *The applicant's engineer states that the cut volume will exceed the fill volume, so there will be no increase in the base flood elevation.*
10. *The site plan (Exhibit B) states that a total of 3.7 cubic yards of fill will be placed in the floodplain, and 5.1 cubic yards will be removed/cut to compensate for the fill.*
11. *The site plan shows the proposed home footprint and cut/fill locations. The proposed home, which is not a component of this application and will have to be permitted separately, meets the building setback requirements.*

12. *As required by Section 607(b), on July 6, 2015, notification was sent to Rebecca Pfeiffer, State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources.*
13. *Ms. Pfeiffer has not yet submitted comments at the time this report was written. Any comments received prior to the hearing will be submitted to the DRB.*

Conclusion

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application **0-15-V, Ted Brunell**, for a Special Flood Hazard Area Overlay District Permit to import fill into the 100-year floodplain for a future home site at 12 Lincoln Street, Waterbury, VT 05676 (Tax Map #19-068.000) meets the standards of Article VI, section 605.

Motion

On behalf of the Waterbury Development Review Board, Dave Rogers moved and David Frothingham seconded to approve application 20-15-V with the following conditions:

1. *The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;*

VOTE: Approved unanimously.

_____, Chair Date: _____

THESE MINUTES WERE APPROVED ON _____

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 Hearing Minutes, #50-15-T
Date: September 2, 2015**

IN ATTENDANCE:

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

Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

Application for a 'major' Ridgeline, Hillside, Steep Slope (RHS) Review for the construction of a single-family dwelling located within the Conservation Zoning District and RHS Overlay District.

Permit Application #: 50-15-T

Applicant: Duane and Laura Peterson

Property Owner: SAME

Tax Map #: 14-057.040

Location of Project: 678 Bear Creek Lane, Waterbury Center, VT

Present and Sworn in:

Laura Peterson, Applicant

Ned Houston, Representative for the Applicant

Milford Cushman, Consultant

INTRODUCTION

The applicant seeks to build a single-family dwelling within the RHS Overlay District. The lot was approved under subdivision application #49-07-T.

EXHIBITS

- Exhibit A: Application # 50-15-T
- Exhibit B: Supplemental Information Narrative, dated August 6, 2015
- Exhibit C: Site Plans, dated August 6, 2015
- Exhibit D: Front Elevation Drawing, dated June 23, 2015
- Exhibit E: East Elevation/Floor Plan, dated March 5, 2015
- Exhibit F: Visual Study for Lot #4, dated July, 2015
- Exhibit G: Natural Resource Assessment, dated August, 2007
- Exhibit H: ANR Atlas Map of Property
- Exhibit I: Notice of Public Hearing, dated August 13, 2015
- Exhibit J: Notice to Adjacent Landowners, dated August

TESTIMONY:

1. Total height of the structure is corrected to 20 feet.
2. There is screening from Lot 6, the building lot is more setback then other approved sites.
3. The clearing is gladed so they could not identify a specific square footage for the home site.
4. From the lowest grade, the walk out basement, it is 29' to the peak.
5. The lights are on the view side, completely shielded and night sky compliant. On the non-view side there is a lantern that was planned to not be downcast and that will be changed to comply.

FINDINGS OF FACT

1. *The 10.35 acre property is located within the Conservation Zoning District and the lot was approved as part of a planned unit development under application #49-07-T. Under a PUD lots maybe smaller than the District's minimum lot size.*
2. *The Property also falls within the RHS Overlay District and is considered a 'major' as its elevation is above 1,500 feet.*
3. *The single-family dwelling is proposed to be built within the already approved building zone from application #49-07-T.*
4. *The property has been cleared by the developer several years ago as part of the original PUD application. This clearing included areas for the septic area, view corridor, driveway, and thinning within the building zone. The applicant states that some additional clearing will occur within the specific building envelope and view corridors.*
5. *The applicant states that the house site was designed as part of the PUD design to avoid sensitive areas.*
6. *The applicant states that the tallest point of the house roof is approximately 20', and the existing trees range in height from 50' to 60'.*
7. *A Visual Study, prepared by Houston Environmental Services, is included as Exhibit F. This study provides information relating to the proposed project, to the cutting that has occurred, and off-site views of the property. The study also contains photographs and cross sections of the property.*
8. *Lot 4's existing clearing and proposed residence faces more to the southwest, rather than to the west, as is the case for Lots 5 & 6, which received approval for new home sites within the last 1.5 years. The applicant suggests that this will limit its visibility from the "Center".*
9. *The Natural Resource Assessment from August, 2007 (Exhibit G) indicates that the nearest wildlife travel path is approximately 900 feet north of the proposed home.*
10. *The applicant states that exterior lighting will be downcast and shielded. Some of the fixtures may have motion sensors as needed for security.*

11. *The proposal is subject to the 'major' RHS Standards as per section 1004 of the Waterbury Zoning Regulations.*
12. *RHS and Conditional Use Permit review criteria, contained within Article X and Article III, respectively, are below.*

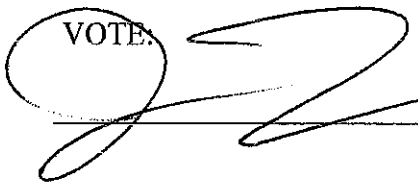
Conclusion

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 50-15-T for a Zoning Permit and Ridgeline, Hillside, Steep Slope (RHS) Overlay District Permit to construct a new single family residence on Lot 4 of the Bear Creek Lane Subdivision, Waterbury Center, VT 05677 (Tax Map #14-057.040) meets the standards in Article X, section 1004 and Article III, section 303.

Motion

On behalf of the Waterbury Development Review Board, David Frothingham moved and Tom Kinley seconded to approve application 50-15-T 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;*
3. *The applicant will provide a copy of the notice letter to adjacent landowners.*
4. *The applicant will provide a stormwater certification letter that the stormwater system is installed per the approved plan.*

VOTE:  , Chair

Date: 9-2-15

THESE MINUTES WERE APPROVED ON 7-2-15

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.*