

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: September 16, 2015**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Mike Bard, Nat Fish, David Frothingham

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

The meeting convened at 7:15 pm.

7:15 p.m. Meeting convenes on the second floor of the Steele Block located at 46 S. Main St. (enter at side of building)

7:15 p.m. Application #53-15-T, Christopher & LeeAnne Viens, for a Subdivision Permit for a four lot subdivision of a 34.7 acre property – Lot 9 of Evergreen Woods, Waterbury Center, VT 05677 (Tax Map #14-005.000).

Minutes and approval on application hearing minutes.

APPROVAL OF MINUTES:

MOTION:

David Frothingham moved and Nat Fish seconded the motion to approve the DRB general minutes of September 2, 2015 and the hearing minutes of Application #20-15-V.

Vote: Approved unanimously.

Michael Bard moved and David Frothingham seconded the motion to approve the hearing minutes of application #53-15-T from September 16, 2015.

The meeting was adjourned at 08:15 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 OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Hearing Minutes #53-15-T
September 16, 2015**

Attending

Board members: Jeff Larkin, Chair; Mike Bard, Nat Fish, David Frothingham

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

Application for Subdivision in the Low & Medium Density Residential Zoning Districts.

Permit Application #:	53-15-T
Applicant:	Christopher & LeeAnne Viens
Landowner:	SAME
Location of Project:	Lot 9 of Evergreen Woods, Waterbury Center, VT

Present and Sworn in:

Chris Viens, Applicant

George McCain, Consultant for Applicant

Ted Schultheis, Adjoining Landowner

John Carter, Adjoining Landowner

EXHIBIT LIST:

Exhibit A	Permit Application # 53-15-T
Exhibit B	Letter from George N. McCain Jr., P.E., dated August 20, 2015
Exhibit C	Site Plan, dated August 13, 2015
Exhibit D	Curb Cut Permit #03-15-C
Exhibit E	ANR Atlas Maps of property
Exhibit F	Zoning Map
Exhibit G	Notice of Public Notice, dated August 27, 2015
Exhibit H	Notice to Adjacent Landowners, dated August 26, 2015
Exhibit I	Email from Dave and Juliet Barash, Adjacent Landowners, dated September 16, 2015

Testimony:

1. The lots do not all meet setback requirements.
2. The adjoining landowners, Ted and John, expressed concern for the location of the house on Lot 10, with privacy concerns. The location of the building zone was discussed.
3. The adjoining landowners, Ted and John, requested some additional screening. Chris Viens feels the growth since the clearing will regenerate to that screening but is willing to take a look at additional screening.

Findings of Fact:

The applicant is seeking approval for a 4-lot subdivision of Lot 9 – Evergreen Woods, Waterbury Center, VT (Tax map #14-005.000)

1. The applicant proposes to subdivide the 34.7 acre parcel into 4 lots. Three of these lots (Lots 10, 11 and 12) will be designated for single family homes, and Lot 9 will continue as remaining land.
2. Permitting history for Evergreen Woods is as follows:
 - Permit #15-05-T – subdivided the original 79+/- acre property into 5 lots. Lots 1-4 were created for new homes, and Lot 5 (59+/- acres) was the remaining land.
 - Permit #14-10-T – subdivided the remaining land into Lots 5-9. Lots 5-8 were created for new homes, and Lot 9 (34.7+/- acres) was the remaining land.
 - Permit #04-13-T – relocated Lot 8 through the boundary line adjustment process.
3. The applicants now propose a 4-lot subdivision of Lot 9. Lot 9 will be kept as remaining land, and Lots 10-12 will be created for single-family uses.
4. The subject parcel (Lot 9) is split-zoned between the Low and Medium Density Residential Zoning Districts (Exhibits C & F).
5. The Low Density Residential Zoning District requires a minimum lot size of 5 acres, minimum frontage of 300 feet, and minimum building setbacks of: front 70', side 75' and rear 75'.
6. The Medium Density Residential Zoning District requires a minimum lot size of 2 acres, minimum frontage of 200 feet, and minimum building setbacks of: front 60', side 50' and rear 50'.
7. The following table demonstrates that the proposed lots exceed minimum lot size requirements:

	Zoning District	Minimum Lot Size	Proposed Lot Size
Lot 9	LDR/MDR	5 acres/2 acres	24+/- acres
Lot 10	MDR	2 acres	2.5+/- acres
Lot 11	MDR	2 acres	3.1 acres
Lot 12	LDR/MDR	5 acres/2 acres	5.1 acres

8. As demonstrated by the table above, each proposed lot will comply with the minimum lot size requirements of their underlying zoning district.
9. Additionally, the proposed lots also comply with the minimum frontage requirements of their underlying zoning districts.
10. It should be noted that the building footprints illustrated in Lots 11 and 12 appear to comply with the minimum setback requirements of their respective zoning districts. However, it appears that the location of Lot 10's building footprint is less than the minimum 50' setback requirement to its south, or rear yard, property line. This subdivision does not approve the building footprints as depicted on the plan. Any applicant for a home on this lot will be required to demonstrate compliance with all setback requirements, or obtain a setback waiver.
11. Evergreen Woods (private) will provide access to Lots 9, 10 and 12. Lot 11 will gain access directly off of Shaw Mansion Road. The applicants have already obtained a curb cut permit for Lot 11's Shaw Mansion Road access -- Permit #03-15-C (Exhibit D).

- 12. The project was referred to the Development Review Board under Section 1201 of Article XII.
- 13. Subdivision Review Criteria are contained within Section 1202, Article XII.

Conclusion

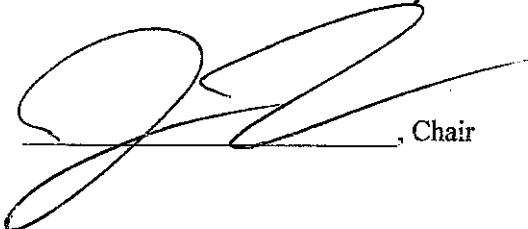
Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #53-15-T, Christopher & LeeAnne Viens, for a Subdivision Permit for a four lot subdivision of a 34.7 acre property – Lot 9 of Evergreen Woods, Waterbury Center, VT 05677 (Tax Map #14-005.000) meets the standards in Article XII, Section 1201 and Section 1202.

Motion

On behalf of the Waterbury Development Review Board, David Frothingham moved and Nat Fish seconded to approve application 53-15-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. *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: Passed unanimously.


_____, Chair

Date: 9.16.15

THESE MINUTES WERE APPROVED ON 9.16.15

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.*