

**WATERBURY DEVELOPMENT REVIEW BOARD**  
**General Meeting Minutes**  
**Wednesday, November 16, 2016**

**In Attendance:** Board members present: Dave Rogers (Chair), David Frothingham, Nathaniel Fish, Rob Dombrowski, and Tom Kinley. Staff present: Dina Bookmyer-Baker (ZA), and Patti Spence (Secretary).

The public meeting convened at 6:30 p.m. in the Steele Community Room in the Municipal Center at 28 North Main Street, Waterbury, VT.

The agenda was approved.

**6:30 p.m. #70-16-T: Elizabeth Brown and Clarke Colon** (owner/applicant)  
Setback waiver request to construct a residential addition (entry porch) and a residential accessory structure (garage) within the rear yard setback at 2271 Gregg Hill Road, Waterbury Center, VT. (LDR zoning district)

**Present and sworn in:** Elizabeth Brown and Clarke Colon, Owner/Applicant.

**Motion** by Rob Dombrowski, seconded by Tom Kinley: To approve application # 70-16-T with conditions.

**Vote:** Passed unanimously, 5-0.

The Board will issue the final written decision within 45 days.

**6:50 p.m. #67-16-T: Schindler Development Corp.** (owner/applicant)  
Pre-development activity review for future lots in the Ridgeline, Hillside, and Steep Slope overlay district off of Bear Creek Lane, Waterbury Center, VT, (CNS zoning district/RHS overlay district).

**Present and sworn in:**

John Schindler, Landowner

Chris Austin, Consultant for Landowner

Frank Piazza, Adjoining Landowner

George & Virginia Pierce, Adjoining Landowners

Mike Hedges, Interested party

**Discussion:**

- Applicant proposes to remove 30% of the trees outside the building zone.
- There are no significant mapped wildlife habitat areas in the identified clearing areas.
- Slopes over 25 % are not currently identified on the site plans. The Board requested that this be indicated going forward on plans submitted after pre-development.
- An ANR wildlife habitat map was requested to be submitted for all future building permits.

**Motion** by Tom Kinley, seconded by Nat Fish: To approve application # 67-16-T with conditions.

**Vote:** Passed unanimously, 5-0.

The Board will issue the final written decision within 45 days.

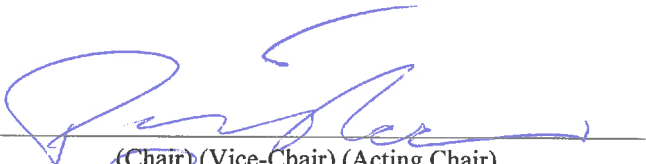
**Approval of prior meeting minutes and decisions:**


**Motion** by Nat Fish, seconded by Tom Kinley: To approve the general minutes of November 2, 2016 and the decision for application #63-16-T.

**Vote:** Passed unanimously: 5-0.

**Next meeting:** Wednesday, December 7, 2016, at 6:30 p.m.

**Adjournment:** The meeting was adjourned at 8:10 p.m.

  
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(Chair) (Vice-Chair) (Acting Chair)  
Dave Rogers

  
\_\_\_\_\_  
(date)

These minutes were approved: December 7, 2016

**Town & Village of Waterbury  
Development Review Board  
Approved Decision #70-16-T  
November 16, 2016**

**Attending Board Members:** Dave Rogers (Chair), David Frothingham, Nathaniel Fish, Rob Dombrowski, and Tom Kinley.

**Attending Staff:** Dina Bookmyer-Baker (Zoning Administrator), and Patti Spence (Secretary)

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Owner/Applicant:	Elizabeth Brown and Clarke Colon	
Address/Location:	2271 Gregg Hill Road, Waterbury Center, VT	
Zones:	Low-Density Residential (LDR)	
Application #	70-16-T	Tax Map # 09-007.000

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**Applicant Request**

The applicant seeks approval to construct a residential addition (entry porch) and a residential accessory structure (garage with finished space above) within the rear yard setback at 2271 Gregg Hill Road.

**Present and sworn in:**

Elizabeth Brown and Clarke Colon, Owner/Applicant

**Exhibits**

- A: Application #70-16-T (3 pages: Zoning Permit, Conditional Use), 10/19/16.
- B: Site plan, floor plans, and elevations of the proposed entry porch and new garage structure (4 pages), prepared by Volansky Studio, dated 10/19/2016.
- C: Aerial photo of the property and neighboring properties (parcel polygon might be misaligned). (staff)
- D: Letter to adjoining landowners, sent certified 10/28/16.

**Findings of Fact**

1. Existing conditions: Elizabeth Brown and Clarke Colon own a 2± acre parcel located at 2271 Gregg Hill Road. The property is developed with an existing one and one-half story single-family dwelling with a built-in garage. The parcel includes more than 700' of frontage on and has access to Gregg Hill Road, a class-3 town road and is served by a drilled well and on-site septic system. The parcel is located in the Low-Density Residential (LDR) zoning district.
2. LDR dimensional requirements: In the LDR zoning district, the minimum lot size for one family is 5 acres and the minimum setbacks are: front: 70', sides/rear: 75'. At 2 acres, the lot does not meet the minimum lot size. In addition, the lot is long, narrow, and triangular in shape. The existing dwelling does not meet the side and rear setbacks, and in 2005 obtained a Variance to place the structure within the side and rear yard setbacks.
3. Waiver Request: The applicant proposes to construct a 75± SF entry porch addition to the existing dwelling and a new 1,700 SF two-story detached garage/home-office. The existing dwelling is approximately 45' from the rear property line. The nearest portion of the entry porch will be located 54'±

from the rear property line. The proposed garage structure will be located 50'7" from the rear property line. The setback waiver request is to encroach into the rear yard setback by 21' for the porch and 24'5" for the garage.

4. Conditional Use/Waiver criteria: In accordance with Section 309, the DRB may grant a waiver of building setbacks as a conditional use reviewed in accordance with Section 303; provided that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties from which the setback waiver is sought.
  - a. Section 303(e)(1) Community facilities: No change in the residential use and no increase in occupancy is proposed. The detached garage will create additional living space in the existing dwelling and provide finished space and detached working space for the home occupation. The lower-level provides storage space and inside parking for the residents (Exhibit B1, Sheet A2.1). Less than half (275 SF) of the upper-level space will be devoted to the home occupation. The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities.
  - b. Section 303(e)(2)(A-E) Character of the area: No change of use is proposed; the use of the property will remain residential. The home occupation will be conducted during normal business hours and does not include clients or customers. The proposed garage structure is appropriate in scale and design in relation to existing uses and structures in the district. (Exhibit B3, Sheet A3.1)
  - c. Section 303(e)(3) Municipal bylaws in effect: The project application presents compliance with the conditional use criteria. The project will not violate any municipal bylaws and ordinances. The proposed home occupation meets the criteria in Section 407.
  - d. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: No change in the existing residential use of the dwelling and property is proposed. This provision does not apply.
  - e. Section 303(h) Removal of earth or mineral products conditions: The proposed project does not include earth removal activities. This provision does not apply.

**Conclusion**

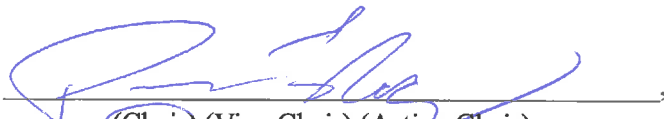
Based upon these findings, and subject to the conditions set forth below, the Waterbury Development Review Board concludes that application #70-16-T to construct a residential addition and a detached garage within the rear yard setback by 24'5" for the garage and 21' for the entry porch at 2271 Gregg Hill Road, Waterbury Center, VT meets the standards set forth in Sections 309 Waivers and 303 Conditional Uses.

**Motion**

On behalf of the Waterbury Development Review Board, Rob Dombrowski moved and Tom Kinley seconded to approve application #70-16-T 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:** Passed unanimously, 5 to 0.

  
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 (Chair) (Vice-Chair) (Acting Chair)  
 Dave Rogers

12-7-16  
 \_\_\_\_\_  
 (date)

This decision was approved on December 7, 2016

*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 Decision #67-16-T  
November 16, 2016**

**Attending Board Members:** Dave Rogers (Chair), David Frothingham, Nathaniel Fish, Rob Dombrowski, and Tom Kinley.

**Attending Staff:** Dina Bookmyer-Baker (Zoning Administrator), and Patti Spence (Secretary)

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Owner/Applicant:	Schindler Development Corp.	
Address/Location:	Off of Bear Creek Lane, Waterbury Center, VT	
Zones:	Conservation (CNS), Ridgeline/Hillside/Steep Slope (RHS) overlay district.	
Application #	67-16-T	Tax Map # 14-065.990

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**Applicant Request**

The applicant seeks approval to commence pre-development activity in the RHS overlay district for future lots off of Bear Creek Lane.

**Present and sworn in**

John Schindler, Landowner  
Chris Austin, Consultant for Landowner  
Frank Piazza, Adjoining Landowner  
George & Virginia Pierce, Adjoining Landowners  
Mike Hedges, Interested party

**Exhibits**

- A: Application #67-16-T (7 pp: Zoning, Site Plan, Conditional Use, Overlay District), 10/18/16.
- B: Project narrative (2 pages), prepared by Grenier Engineering, dated 11/1/2016.
- C: Stagecoach Lane Lot 12 & 13 Clearing, prepared by Grenier Engineering, dated 10/12/16, revised 11/1/16
- D: Stagecoach Lane Lot 12 & 13 View Sections, prepared by Grenier Engineering, dated 11/1/16
- E: Letter to adjoining landowners, sent certified 10/31/16.
- F: Stagecoach Lane Phase III Overall Site Plan

**Findings of Fact**

1. Existing conditions: Schindler Development Corp owns a 103.8± acre parcel located off of Bear Creek Lane. The property is undeveloped. The pre-development activity is proposed for future lots #12 and #13, which lie in the Conservation (CNS) zoning district and the Ridgeline/Hillside/Steep Slope (RHS) overlay district.
2. Project scope: The access drive to the lots is above 1500 FIE. The clearing involved with the shared access drive to future lots 12 and 13 is minor and will not be visible from major vantage points in Waterbury (Exhibit D). The proposed building zones and associate clearing for the sites are below 1500 FIE. The Board has determined that the entire pre-development proposal, access drive and house sites, be

reviewed as major development.

Future Lot 12 will be 10.3± acres; future Lot 13 will be 10.8± acres. This application is for pre-development site preparation only, a subdivision of the lots is not proposed at this time, nor it is for approval of the dwellings themselves, both of which will require Board approval for development in the RHS overlay district (Regulations, Section 1001).

3. Section 1004 RHS Standards of Review: The proposed clearings will maintain screening from view due to the forested cover to be preserved in the foreground of the proposed building zones. The future building sites are not overly steep and the proposed access drive has been designed with an average grade of: 8 to 10% ±. Applicant states (Exhibit B) that the proposed pre-development activities will follow the *Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont*, as set forth in Section 1004(c)(5). Applicant states (Exhibit B) that future development that includes impervious surfaces will require a storm-water management plan approved by the State. The width of the access drive clear corridor is to be 20-25 feet. [Sections 1003(b)(6) and 1004(c)(2)(A)]


**Conclusion:**

Based on these findings and subject to the conditions set forth below the Waterbury DRB concludes that application #67-16-T to commence pre-development activities in the RHS overlay district for future lots off of Bear Creek Lane meets Article X guidelines.

**Motion:** On behalf of the Waterbury Development Review Board, Tom Kinley moved and Nat Fish seconded to approve application #67-16-T 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. There will be no further clear cutting within the building zone of Lot 13.
3. Applicant will mark the boundaries of clearing in the field to delineate them prior to continuing cutting.
4. Applicant will submit an ANR wildlife habitat map for all future building permits.

**Vote:** Passed unanimously: 5 to 0.

  
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(Chair) (Vice-Chair) (Acting Chair)  
Dave Rogers

12-7-16  
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