

WATERBURY DEVELOPMENT REVIEW BOARD
General Meeting Minutes
Wednesday, April 19, 2017

In Attendance: Board members present: Dave Rogers (Chair), Martha Staskus, Nat Fish, David Frothingham, Rob Dombrowski, Mike Bard, and Tom Kinley. Staff present: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Spence (Secretary).

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

- 1) The Chair called the meeting to order at 6:32 p.m.
- 2) The agenda was approved as presented.
- 3) **#18-17: Waterbury Rotary Club** (applicant) **Village of Waterbury** (landowner)
Site Plan review to place a storage structure on the premises at 546 River Road, Waterbury, VT. (IND zoning district)

Present and sworn in: Harry Shepard, Rotary Club representative

Testimony: No hazardous materials will be stored in the container.

Motion: by Dave Frothingham, second by Tom Kinley: To approve application #18-17 with conditions.

Vote: Passed unanimously, 7-0.

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

- 4) **#20-17: Black Back Pub** (applicant) **Madcam Real Estate LLC** (landowner)
Site Plan review to change the use of a portion of the existing building from hair salon to restaurant/bar, expanding the existing use at 1 Stowe Street, Waterbury, VT. (DC, DDR zoning districts)

Present and sworn in:

Lynn Mason and David Juenker, applicant

Chris Tagatac, property owner (via telephone)

Testimony:

- There will be 62 inside seats and 7 outside seats with the new configuration; adding 25 seats to the current approved capacity.
- The owner wants to retain the parking approved for the now vacant space on the 1st floor.
- The Black Back Pub will be requesting an additional parking allotment of eight spaces for the expansion of their business.
- The restaurant will have 6 employees at a peak shift.
- The door that was used for the hair salon will be a fire exit only.

Motion: by Mike Bard, second by Rob Dombrowski: To approve application #20-17 with conditions. **Vote:** Passed unanimously, 7-0.

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

- 5) **#21-17: Christopher and LeeAnne Viens** (owner/applicant)
To make a boundary-line adjustment between Lot 9 and Lot 10; and a boundary-line adjustment between Lot 9 and 408 Evergreen Woods (Lot 8); and create a four-lot subdivision of Lot 9 at Evergreen Woods, Waterbury Center, VT. (MDR/LDR zoning districts)

Present and sworn in:

Chris Viens, applicant
George McCain, consultant to applicant
Charles and Diane Lee, adjoining landowners
Troy & Kelly Lake, adjoining landowners
Kaitlin Johnson and Ryan Kessler, adjoining landowners
L Samuel Miller, representing adjoining landowner
Juliet Barash, adjoining landowner
Ted Schultheis and John Carter, adjoining landowner

Motion: by Dave Frothingham, 2nd by Rob Dombrowski: To approve application #21-17 with conditions.

Vote: Passed unanimously, 7-0.

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

- 6) **#23-17: Alchemy Holding Waterbury, LLC** (owner/applicant)
Site Plan, Conditional Use, and Setback waiver request to place a refuse container and a grain storage container within the setback at 35 Crossroad, Waterbury, VT (VCOM zoning district).

Present and sworn in:

John Grenier, engineer for applicant
Greg Haskins, adjoining landowner
Chris Temple, adjoining landowner
Don Hebert, adjoining landowner

Testimony:

- John Grenier presented that the recycling dumpster is a customary commercial use and does not require a zoning permit.
- There still needs to be an enclosure built around the dumpster by the storage building, as per the previous approval.
- The metal container that was added at the site needs to be permitted as a structure, or the applicant can go back to smaller plastic barrels.
- The new grain storage container is of concern due to noise and material spilling outside of the container.
- The neighbor complained that the grain storage container has brought rats to their property. They want the container moved away from their property.
- The method of storage and pick up has changed and the variables from the prior operation are of concern to the neighbor.

Applicant's representative requested to continue the hearing to gather the requested information. The Chair approved continuing the hearing to May 17, 2017 at 6:30 pm.

- 7) **#32-17: Village of Waterbury** (owner/applicant)
Request for exemption from Site Plan review as per Section 301(a)(5) to construct a gravel apron

on 187 U.S. Route 2. (Consultation with ZA)

Motion: by Tom Kinley, second by Rob Dombrowski: As per Regulations Section 301(a)(5), to exempt application #32-17 from site plan review.

Vote: Passed unanimously: 7-0.

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

Motion: by Mike Bard, second by Nat Fish: To approve the general minutes of April 5, 2017 and the decisions for applications #13-17 and #17-17, as amended.

Vote: Passed unanimously: 7-0.

Next meeting: Wednesday, May 3, 2017

Adjournment: The meeting was adjourned at 9:20 p.m.



(Chair) (Vice-Chair) ~~(Acting Chair)~~

5-16-17
(date)

These minutes were approved on: May 3, 2017.

**Town & Village of Waterbury
Development Review Board
Decision #18-17 – April 19, 2017**

In Attendance: Board members present: Dave Rogers (Chair), Martha Staskus, Nat Fish, David Frothingham, Rob Dombrowski, Mike Bard, and Tom Kinley. Staff present: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner) and Patti Spence (Secretary).

Owner:	Village of Waterbury	
Applicant:	Waterbury Rotary Club	
Address/Location:	546 River Road, Waterbury, VT	
Zoning District:	Industrial (IND)	
Application #	18-17	Tax Map # 16-009.000

Applicant Request

The applicant seeks approval to place a storage structure for non-residential use on the premises of 546 River Road.

Present and sworn in:

Harry Shepard, Rotary Club representative.

Exhibits

- A: Application #18-17 (3 pages: Zoning Permit, Site Plan), 3/13/17.
- B: Project narrative, prepared by Al Lewis, 3/13/17.
- C: Annotated site plan review standards from the Zoning Regulations (4 pages), 3/13/17.
- D: Aerial photos of parcel: long view, enlarged view, and SFHA.
- E: Site plans (adapted from 3/11/11 plans prepared by Grenier Engineering for Village of Waterbury Dog and Bike Park) annotated for the Rotary project, dated 3/1/17 & 3/6/17.
- F: Letter to adjoining landowners, mailed certified on: March 29, 2017.

Findings of Fact

1. Existing conditions: The Village of Waterbury owns a 40± acre parcel located at 546 River Road. The property is currently developed with a 34,310 SF Ice Center, a small storage shed, sporting fields, a bike terrain park, and an access to the Perry Hill mountain biking trails. Parking areas exist for the Ice Center/sporting fields, bike terrain park, and trails. The property gains access from the west, via River Road. The Grand Trunk Western Railroad abuts the parcel's north/northeast boundary. The parcel is bordered by the Winooski River to the west, south, and east. The property is served by municipal water and wastewater systems. The parcel is located in the Industrial (IND) zoning district and portions lie within the Special Flood Hazard Area (SFHA) overlay district (Exhibit D3)

Project scope: The proposal includes placing a “roll-off” type steel storage container, measuring 20' long by 8' wide by 8' high, on the property east of the Ice Center, which will be accessed by the existing maintenance road. The structure is for storage of Rotary equipment, will not include water, sewer, or power hood-ups, and will not be for occupancy. The structure will be locked and the maintenance road is

accessed via a locked gate. The structure will be located outside of the SFHA: It will be placed on a gravel pad at 433' FIE, which is at least 2' above the base flood elevation for the area. (Exhibit E)

2. Table of Uses, Section 503: A variety of storage uses, including: contractor storage yard, feed storage, mini self-storage, and storage facility/warehouse, are permitted in the Industrial zoning district. The proposal is for a minor accessory structure of 160 SF that is subordinate to the principal use.
3. IND Dimensional Requirements, Section 504, Table 5.2: The property is in the IND zoning district in which the minimum setbacks are 50' for the front and 25' for the sides, and rear. Applicant's site plan (Exhibit E) shows that the structure will be placed not less than 25' from the nearest side or rear property line.
4. Site Plan Review and Approval, Section 301: The project involves placing a structure and adding a minor use to the property. The project is not exempt from site plan review. The proposal will not involve any intensification or expansion of the existing primary use and does not require any parking-lot or driveway construction, expansion, or relocation. The Board will take into consideration the following objectives:
 - a. Traffic access, Section 301(f)(1) (A-D): Vehicles will enter the site via the existing access on River Road and the structure will be accessed via an existing maintenance road. There will be occasional pedestrian access to the proposed structure, but it will not be occupied.
 - b. Circulation and parking, Section 301(f)(2) (A-G): The structure will occasionally (perhaps once per year) be towed to and from an event. The site has adequate circulation for such a truck-trailer to load and off-load the structure (Exhibits B, C2). The structure does not require parking spaces.
 - c. Landscaping, screening, and lighting, Section 301(f)(3) (A-F): The site is adequately screened (Exhibit D). The parcel is bordered by the railroad and the river. The structure will not include water, sewer, or utilities. No exterior lighting was proposed. The structure will not be occupied and will be utilized infrequently, therefore landscaping and screening measures are not needed to achieve compatibility with and protection for adjacent properties and public roads.
5. Parking Regulations, Section 414: The structure and its use do not require parking spaces. This provision does not apply.

Conclusion:

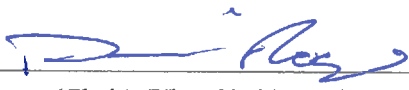
Based upon these findings, and subject to the conditions set forth below, the Board concludes that Waterbury Rotary Club's proposal to place a storage structure for non-residential use on the premises of 546 River Road, as presented in application #18-17 and supporting materials, meets the Site Plan criteria set forth in Section 301.

Motion:

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Tom Kinley seconded to approve application #18-17 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) The structure shall not be used to store fertilizer, ammonia, chlorine, or other dangerous chemicals, petroleum, gas, explosives, or hazardous waste.

Vote: The motion passed unanimously, 7-0



(Chair) (Vice-Chair) (Acting Chair)



(date)

This decision was approved on: May 3, 2017

State permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367 or pete.kopsco@vermont.gov, and the appropriate state agencies to determine what permits must be obtained.

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
Decision #20-17 – April 19, 2017**

In Attendance: Board members present: Dave Rogers (Chair), Martha Staskus, Nat Fish, David Frothingham, Rob Dombrowski, Mike Bard, and Tom Kinley. Staff present: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Spence (Secretary).

Owner:	Chris Tagatac, Madcam Real Estate LLC
Applicant:	Lynn Mason, Blackback Pub
Address/Location:	1 Stowe Street, Waterbury, VT
Zoning District:	Downtown Commercial (DC), Downtown Design Review (DDR) overlay district
Application #	20-17 Tax Map # 19-302.000

Applicant Request

The applicant seeks approval to change the use of a portion of the existing building from hair salon to restaurant/bar, expanding the existing use (Blackback Pub) at 1 Stowe Street.

Present and sworn in:

Lynn Mason and David Juenker, Applicant
Chris Tagatac, Property owner (via telephone)

Exhibits

- A: Application #20-17 (3 pages: Zoning Permit, Site Plan), 3/17/17.
- B: Google Street-view photos.
- C: Site Plan for Downtown Streetscape Improvements, prepared by Stephen Lotspeich, (submitted with application #20-11V), dated 8/4/2011, showing the building at 1 Stowe Street.
- D: Aerial photos of parcel in its neighborhood (staff).
- E: Letter to adjoining landowners, mailed certified on: 4/3/17

Findings of Fact

1. Existing conditions: Madcam Real Estate LLC owns a 0.05± acre (2,178 SF) parcel located at 1 Stowe Street. The property is currently developed with a 3-story commercial building of 4,788 SF. The uses in the building include: (1) Blackback Pub, a restaurant/bar, occupying 1400± SF; and (2) Salon on Main, a hair salon, occupying 400 SF, both on the first floor; and (3) Ursa Major, a business professional office, occupying 1650 SF on the second floor. The building covers nearly all of the property. The parcel, located on the corner of Stowe Street and South Main Street, does not include an access drive or parking. An access drive serving a neighboring property abuts the parcel to the north. The property is served by municipal water and septic. The parcel is located in the Downtown Commercial (DC) zoning district and the Downtown Design Review (DDR) overlay district.

Project scope: The project will not enlarge or change the exterior dimensions of the building. The project includes removing an interior wall and sliding door that separates Blackback Pub from the hair salon and expanding the existing restaurant/pub into the space (400 SF) formerly occupied by the hair salon

(Exhibit A2). The project will add 25 seats to the restaurant/pub, which currently includes 44 seats.

2. Table of Uses, Section 503: A restaurant/bar is a permitted use in the DC zoning district. The proposal will expand the existing use.
3. DC Dimensional Requirements, Section 504, Table 5.2: The property is in the DC zoning district in which there is no minimum lot size or minimum setbacks. The proposal makes no enlargement to the exterior dimensions of the building.
4. Site Plan Review and Approval, Section 301: No change in the pedestrian access to, or the exterior dimensions of, the existing structure is proposed. As the project involves a change of use, is not exempt from site plan review [WZR Section 301(a)(3)]. The Board will take into consideration the following objectives:
 - a. Section 301(f)(1) (A-D), Traffic access and pedestrian safety: The property does not include an access drive. The property is served by a public sidewalk on its Stowe Street and S. Main Street sides. The building includes a deck with 7 seats on the Stowe Street side. No change is proposed to the existing pedestrian entrances to the building, of which there are six (Exhibit C).
 - b. Section 301(f)(2) (A-G), Circulation and parking, loading, refuse, and service areas: The property does not include on-site parking. See compliance with the parking regulations in Section 414, paragraph 5, below. Deliveries are made from the access drive between 1 Stowe St. and 5 Stowe St., the neighboring parcel to the north. The refuse containers are located off of this driveway access, as well.
 - c. Section 301(f)(3) (A-F), Landscaping, screening, and lighting: The site is developed almost entirely with the building. Raised planter boxes are located on the S. Main Street side of the building. No change to the existing landscaping, screening, or exterior lighting is proposed.
 - d. Section 301(j), Special considerations for property bordering Route 2: South Main Street is also U.S. Route 2. The property is developed with existing structures and landscaping. These provisions do not apply.
5. Parking Regulations, Section 414: All of the parking will be street parking, as the property has no on-site parking. The building is proposed to include two uses: Blackback Pub, a restaurant/bar, on the first floor, and Ursa Major, a business professional office, occupying 1650 SF on the second floor. The parking requirement for Ursa Major of 6 spaces was previously approved in application #34-09V. Blackback Pub will have six employees normally working on the premises during any one shift and will have a total of 69 seats, including bar stools. This application proposes to add 25 seats. Parking is needed for 69 seats + 6 employees. $69 / 3 + 6 = 29$ spaces. 18 are already approved for the Pub + 3 for the Hair Salon for a total of 23. An additional 8 spaces are needed.

Blackback Pub proposes their hours of operation to be: Tuesday-Sunday 11:30 a.m. to 12 midnight, and closed on Mondays. These hours overlap with the daytime hours of Ursa Major, so each business must be allocated parking separately (parking spaces cannot be allocated to serve more than one use, as both

businesses will need parking spaces during the daytime.)

The Board requires the Applicant to obtain approval from the Village Trustees to use 8 public parking spaces to fulfill the parking needs for the uses in the building, as per 414(c)(1).

Conclusion:

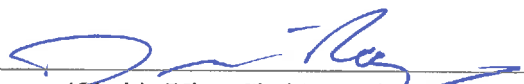
Based upon these findings, and subject to the conditions set forth below, the Board concludes that Blackback Pub's proposal to change the use of a portion of the existing building from hair salon to restaurant/bar, expanding the existing use (Blackback Pub) at 1 Stowe Street, as presented in application #20-17 and supporting materials, meets the Site Plan criteria set forth in Section 301.

Motion:

On behalf of the Waterbury Development Review Board, Mike Bard moved and Rob Dombrowski seconded to approve application #20-17 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) The Applicant shall obtain approval from the Village Trustees for 8 on-street parking spaces to fulfill the parking needs for the uses in the building prior to the issuance of the zoning permit.

Vote: The motion passed unanimously, 7-0.



(Chair) (Vice-Chair) (Acting Chair)

5-16-17

(date)

This decision was approved on May 3, 2017

State permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367 or pete.kopsco@vermont.gov, and the appropriate state agencies to determine what permits must be obtained.

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
Decision #21-17 – April 19, 2017**

In Attendance: Board members present: Dave Rogers (Chair), Martha Staskus, Nat Fish, David Frothingham, Rob Dombrowski, Mike Bard, and Tom Kinley. Staff present: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner) and Patti Spence (Secretary).

Owner/Applicant:	Christopher and LeeAnne Viens	
Address/Location:	Lot 9 Evergreen Woods, Waterbury Center, VT	
Zones:	Medium-Density Residential (MDR), Low-Density (LDR).	
Application #	21-17	Tax Map # 14-005.000

Applicant Request

The applicant seeks approval to make a boundary-line adjustment between Lot 9 and Lot 10; and a boundary-line adjustment between Lot 9 and Lot 8 (408 Evergreen Woods); and to create a four-lot subdivision of Lot 9 on Evergreen Woods.

Present and sworn in

Chris Viens, applicant
George McCain, consultant to applicant
Charles and Diane Lee, adjoining landowners
Troy & Kelly Lake, adjoining landowners
Kaitlin Johnson and Ryan Kessler, adjoining landowners
L Samuel Miller, representing adjoining landowner
Juliet Barash, adjoining landowner
Ted Schultheis and John Carter, adjoining landowner

Exhibits

- A: Application #21-17 (4 pp: Zoning, Subdivision), submitted 3/21/17.
- B: Project description, prepared by McCain Consulting, Inc., dated 3/20/2017.
- C: (C1) Project Overview, prepared by McCain Consulting, Inc., dated 3/16/2017;
(C2) Survey and Subdivision, prepared by McCain Consulting, Inc., dated 7/12/2010, revised 3/17/2017.
(C3) Stormwater Overview, dated March 16, 2016
- D: Aerial photo of parcel with tax map boundary, and parcel with zoning districts (staff)
- E: Letter to adjoining landowners, sent certified March 27, 2017

Findings of Fact

1. Existing conditions: Christopher and LeeAnne Viens own Lot 9, a 24.0± acre parcel, and Lot 10, a 2.5± acre parcel, located on Evergreen Woods, a private road. The properties are undeveloped and will be served by private water and wastewater systems (permit ww-5-3201 and subsequent revisions). The parcels are located in the Medium-Density Residential (MDR) and Low-Density (LDR) zoning districts (Exhibits C, D).

2. Proposal: The proposal involves two boundary-line adjustments and creating four new residential lots as follows:

- Lot 10, being 2.5± acres in MDR before this revision, will become 2.62± acres after a boundary-line adjustment with Lot 9, with 2.2± acres in MDR and a small portion in LDR. Lot 10 has no frontage on Evergreen Woods and will be accessed via a 50' wide right-of-way as approved in zoning permit #53-15T. Lot 10 is proposed for a single-family dwelling.
- Lot 8 (408 Evergreen Woods), owned by James Conroy and Carlotta Robbins, being 5.1± acres before this revision, will become 7.05 acres after a boundary-line adjustment with Lot 9. Lot 8 was approved in zoning permit #14-10 with no frontage and access via a 50' wide right-of-way. Lot 8 is developed with a single-family dwelling.
- Lot 9, of 21.9± acres remaining after the boundary-line adjustments with Lot 10 and Lot 8, will be subdivided to create Lots 13, 14, 15 and revised Lot 9, each proposed for a single-family dwelling. Lot 9 after this revision will become 5.18± acres, will not have frontage on Evergreen Woods, and is proposed to be accessed via a 50' wide right-of-way as shown on Applicant's Exhibit C2.
- Lot 13, will be 5.03± acres and will have 322'± of frontage on Evergreen Woods.
- Lot 14 will be 6.53± acres and will be accessed via a 50' wide right-of-way that serves Lot 9.
- Lot 15 will be 5.27± acres will have > 300' of frontage on Evergreen Woods.

3. Section 1201 Authority and Review of Subdivisions: All applications for land division shall be reviewed by the Development Review Board under Section 1202, unless exempted under Section 1203. This application is not exempted from Board review, as the project involves the division of land into four or more parcels within the previous five (5) years. The permitting history for Evergreen Woods is as follows:

- Permit #53-15T to subdivide the 34.7± acre Lot 9 into 4 lots, creating Lots 10, 11 and 12 for single family homes, with Lot 9 as remaining land. (September 2015)
- Permit #04-13T to relocate Lot 8 through the boundary line adjustment process.
- Permit #14-10T to subdivide the remaining land into Lots 5-9. Lots 5-8 were created for new homes, with Lot 9 (34.7± acres) as remaining land.
- Permit #15-05T to subdivide the original 79± acre property into 5 lots, creating Lots 1-4 for new homes, with Lot 5 (59+/- acres) as remaining land.

4. Section 504 General Dimension Requirements: Any subdivision of land must conform to the relevant criteria in Section 504. See the table below for compliance with the MDR and LDR zoning districts.

	Zoning District	Minimum Lot Size	Proposed Lot Size
Revised Lot 10	MDR & LDR	2 & 5 acres	2.2± acres in MDR 2.62± acres total
Revised Lot 8	LDR	5 acres	7.05±
Revised Lot 9	LDR	5 acres	5.1±
Lot 13	LDR	5 acres	5.03 acres
Lot 14	MDR & LDR	2 & 5 acres	6.53± acres
Lot 15	MDR & LDR	2 & 5 acres	5.27± acres

5. Section 1202 Subdivision Review Criteria: Prior to granting approval, the Board must find that the proposed subdivision conforms to the standards in Section 1202 (a)–(d).
- (a) The Board must find that the proposal will not have an undue adverse impact on the following:
 - (1) The capacity of community facilities: The dwellings will not be connected to municipal water or sewer systems. The proposal to create four new residential lots with four dwelling units will not exceed the school system capacity, or cause an undue adverse impact to traffic volumes, or create an unmanageable burden on fire protection services.
 - (2) The character of the area: The use of the new lots will be residential. The existing uses in the immediate area are residential.
 - (3) Water quality: Water and wastewater permits are in progress. Applicant must comply with erosion protection and sediment control measures when development commences on the lots.
 - (4) Aesthetics and scenic or natural beauty:
The application materials do not include evidence or comment that the project will not have an undue adverse impact on aesthetics, the scenic or natural beauty of the area, or identified scenic resources.
 - (5) Significant natural resources:
The application materials do not include comment that the project will not have an undue adverse impact on significant natural resources.
 - (b) The project is not in the RT100 zoning district. This provision does not apply.
 - (c) The project is *not* in the RHS overlay district. This provision does not apply.
 - (d) The Board may attach reasonable conditions and safeguards with respect to the following:
 - (1) Curb cuts: The individual driveway accesses are all off of or a right-of-way easement or Evergreen Woods, a private road. The Fire Chief commented that he had no issues as long as any roads created are wide enough for emergency vehicles to meet other vehicles.
 - (2) Excessively narrow or irregularly shaped lots: The ratio of a lot's depth to its width (frontage) shall not exceed five to one (5:1) unless the Board finds there is good cause otherwise.
 - (3) Preservation of existing vegetative screening:
Specific building zones and/or clearing limits are not shown on the survey plan.
 - (4) Setbacks from natural resources and/or adjoining properties:
Not addressed in the application, as specific building zones and/or clearing limits are not shown.

Conclusion:


Based upon these findings, and subject to the conditions set forth below, the Board concludes that Christopher and LeeAnne Viens' request to make a boundary-line adjustment between Lot 9 and Lot 10; and a boundary-line adjustment between Lot 9 and Lot 8 (408 Evergreen Woods); and to create a four-lot subdivision of Lot 9 on Evergreen Woods, as presented in application #21-17 and supporting materials, meets the Subdivision criteria as set forth in Section 1202.

Motion:


On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Rob Dombroski seconded the motion to approve application #21-17 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) This approval shall incorporate all Findings of Fact, Conclusions of Law, and conditions in permits, #53-15-T, #04-13-T, #14-10-T, and #15-05-T.
- (3) The Applicant shall submit a copy of the final plat, prepared in accordance with 27 V.S.A. § 1403, to the Zoning Administrator within 150 days of the approval date of this decision for Development Review Board approval.
- (4) The approved final plat, signed by the DRB Chair (or Acting Chair), shall be duly filed or recorded in the office of the clerk of the Town of Waterbury within 180 days from this approval, in accordance with 24 V.S.A. § 4463.

Vote: The motion passed unanimously, 7-0.



(Chair) (Vice-Chair) (Acting Chair)



(date)

This decision was approved on: May 3, 2017

State permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367 or pete.kopsco@vermont.gov, and the appropriate state agencies to determine what permits must be obtained.

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.*