

WATERBURY DEVELOPMENT REVIEW BOARD
General Meeting Minutes
Wednesday, July 5, 2017

In Attendance: Board members present: Tom Kinley (Acting Chair), Nat Fish, Mike Bard, Bud Wilson, and Rob Dabrowski. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

The Chair called the meeting to order at 6:30 p.m. The agenda was approved.

- 1) **#48-17: Kristin Kellett** (owner/applicant)
Ridgelines-Hillsides-Steep Slopes review to construct a single-family dwelling at 225 Sugarhouse Road, Waterbury Center, VT (LDR/RHS zoning and overlay districts).

Present and sworn in: Kristin Kellett, Candace Kellett, and Bruce Therrien.

Testimony:

The electric utilities need to go underground from the split of the driveway where the fifth electric pole is located, as depicted on the subdivision plan, Exhibit C3, 12/11/09.

Motion: by Rob Dabrowski, second by Mike Bard: To approve the application with conditions.

Vote: Passed unanimously, 5-0.

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

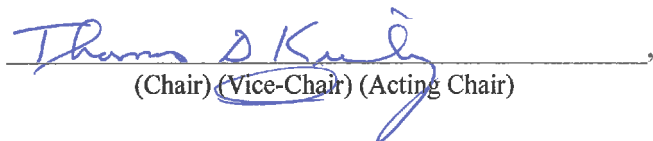
- 2) **Approval of prior meeting minutes and decisions:**
The June 21, 2017 minutes and decisions were reviewed.

Motion: by Mike Bard, seconded by Nat Fish: To approve the general minutes of June 21, 2017 and the decisions for applications #37-17, #51-17, and #41-17, as presented.

Vote: The motion was approved 5-0.

Next meeting: 6:30 p.m. Wednesday, July 19, 2017.

Adjournment: The meeting was adjourned at 7:15 p.m.



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

Approved on: July 19, 2017
(date)

**Town & Village of Waterbury
Development Review Board
Decision #48-17 – July 5, 2017**

In Attendance: Board members present: Tom Kinley (Acting Chair), Nat Fish, Mike Bard, Bud Wilson, and Rob Dabrowski. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

| | |
|-------------------|------------------------------------------------------------------------------|
| Owner/Applicant: | Kristin Kellett |
| Address/Location: | 225 Sugarhouse Road, Waterbury Center, VT |
| Zones: | Low-Density Residential (LDR) / Ridgeline/Hillside/Steep Slope (RHS) overlay |
| Application # | 48-17 Tax Map # 10-124.700 |

Applicant Request

The applicant seeks approval to construct a single-family dwelling with a detached garage on an undeveloped parcel at 225 Sugarhouse Road in the RHS overlay district.

Present and Sworn in:

Kristin Kellett, Applicant
Candace Kellett, Family of applicant
Bruce Therrien, Abutting Landowner

Exhibits

- A: Application #48-17 (7 pp: Zoning, Site Plan, Conditional Use, Overlay District), 5/16/17.
- B: Excerpt from Site Plan, project location (prepared by McCain Consulting, Inc., for Felix Callan 3/5/09).
- C: (1) Excerpt from Site Plan (by McCain as above) annotated by Applicant, dated 5/16/17; revised 5/31/17.
(2) Site Plan prepared by McCain Consulting for Felix Callan, sheet 4 of 6, dated 3/5/09, revised 4/29/15.
(3) Survey and Subdivision by McCain Consulting for Felix Callan, dated 12/11/09, revised 11/5/15.
- D: Elevations and floor plans for the dwelling and garage.
- E: Aerial photo of parcel with tax map boundary, and parcel with zoning districts (staff).
- F: Letter to adjoining landowners, mailed certified: June 19 and June 27, 2017

Findings of Fact

1. Existing conditions: Kristin Kellett owns a 5.9± acre undeveloped parcel located at 225 Sugarhouse Road. The parcel was created in 2009 as part of the 5-lot Callan subdivision, approved by the ZBA (permit #27-09T). The property includes no frontage, but has access via a 50' right-of-way across Callan balance of land and across the north-easterly corner of 201 Sugarhouse Road, owned by Bruce and Penny Therrien (formerly Lot 5), to Sugarhouse Road, a private road. The parcel will be served by private well and septic. The parcel is located mostly in the Low-Density Residential (LDR) zoning district, includes a sliver along its westerly border in the Conservation (CNS) zoning district (Exhibit C1), and lies entirely within the Ridgeline/Hillside/Steep Slope (RHS) overlay district (Exhibit E2).
2. Project: The proposal is to construct a 26' by 38' by 18' high two-story single-family dwelling and a 26' by 30' one and 1/2 story detached two-car garage with finished space above. Both structures are located in the LDR zoning district. (Exhibits C1, D)

Exhibit C1 shows the detached garage that Applicant prefers. Exhibit C2 shows the location of the driveway and the right-of-way to the parcel, which now travels mainly across the Callan property and only crosses former Lot 5 in its uppermost north-easterly corner. Note: the attached garage on C2 is not the final plan for the garage, as Applicant prefers a detached garage as shown in Exhibit C1.

3. Section 504 General Dimension Requirements: In the LDR zoning district, the minimum lot size is 5 acres and the minimum setbacks are: 70' front, 75' sides/rear. The lot meets the minimum lot size requirements. The building envelope and the proposed locations of the structures within it meet the setback requirements (Exhibit C).
4. Section 1004 RHS Standards of Review: All of the proposed development is located below 1,499 FIE. As per Section 1001, the project is classified as "minor" development. Minor development projects on lands within the RHS overlay district shall be subject to conditional use review.

Section 303 Conditional Use criteria: Development of lands within the RHS overlay district shall comply with the following conditional use review standards:

- (a) Section 303(e)(1) Community facilities: The dwelling will not be connected to municipal water or sewer systems. The electric utilities will be underground from the split of the driveway where the fifth electric pole is located, as depicted on the McCain Subdivision plan, Exhibit C3, dated 12/11/09. The proposal 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.
- (b) Section 303(e)(2) Character of the area: The existing uses in the immediate area are residential. Light and noise impacts are typical of standard residential use, which will not cause danger of fire, explosion, or electrical hazard, or in any other way jeopardize the health and safety of the area. Applicant did not submit evidence of any historic sites, or rare or irreplaceable natural areas, or any rare, threatened, or endangered species, or deer wintering areas on the parcel.
- (c) Section 303(e)(3) Municipal bylaws in effect: Residential lots are a permitted use within the LDR zoning district and are a conditional use when they are located within the RHS overlay district.
- (d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The proposed residential use will not typically create the above-named nuisances and therefore no devices or special methods are proposed to control these impacts.
- (e) Section 303(h) Removal of earth or mineral products conditions: The project does not include earth removal activities. This provision does not apply.
- (f) Although minor development is not required to show clearing limits, the site plan Exhibit C1 shows a "Thinning for views boundary." As this area was delineated on a previously-approved plan, it shall be incorporated into this approval.

Conclusion:

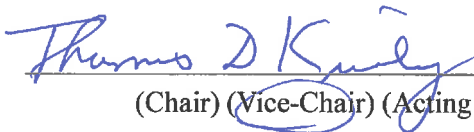
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Kristin Kellett to construct a single-family dwelling with a detached garage on an undeveloped parcel at 225 Sugarhouse Road in the RHS overlay district, as presented in application #48-17 and supporting materials, meets the Conditional Use and Ridgeline/Hillside/Steep Slope criteria as set forth in Sections 303 and 1004.

Motion:

On behalf of the Waterbury Development Review Board, Rob Dabrowski moved and Mike Bard seconded to approve application #48-17 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) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in permit #27-09T, Callan five-lot subdivision; and subsequent approval of the site plan submitted for application #12-16T, Penny Raymond and Bruce Therrien, 201 Sugarhouse Road, residential development in the RHS overlay district.

Vote: The motion was approved 5–0.



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

Approved on: July 19, 2017
 (date)

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.