

WATERBURY DEVELOPMENT REVIEW BOARD
General Minutes — December 5, 2018

Board members present: David Frothingham (Chair), Tom Kinley, Dave Rogers, Mike Bard, Bud Wilson, and Andrew Strniste. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary). Alyssa Johnson (Economic Development Director) was also present.

Dave Frothingham, Chair, opened the meeting at 6:30 p.m. in the Steele Community Room in the Municipal Center, 28 North Main Street, Waterbury, VT. The meeting was audio recorded. The agenda was approved as presented.

- 1) **#115-18: Jeffrey VanSant and Art Edelstein** (owner/applicant)
Setback waiver request to construct a residential addition within the setback at 3159 Gregg Hill Road, Waterbury Center, VT. (LDR zoning district)

The Board approved the project with conditions and will issue a written decision within 45 days.

- 2) **#123-18: Ben and Jeremy Ayers** (applicant), **Ayers Family Legacy LLC** (owner)
Site Plan, Conditional Use, and Special Flood Hazard Area review for a change of use to existing structures to add three dwelling units, a car-port, an espresso shop, two decks, and parking areas at 18 Elm Street, Waterbury, VT. (DC/VR/SFHA zoning/overlay districts)

The Board requested the applicant to provide:

- a. A revised parking plan with no parking or curb-cut on Randall Street frontage.
- b. Change the # of dwelling units in the large barn to a duplex if > 30-feet from DC district.
- c. Resolve the zoning district line discrepancy—bring to next PC meeting for determination.

The DRB will obtain legal guidance, if needed. (Staff obtained legal input prior to application being submitted.)

The Board continued the hearing to Jan. 9, 2019 at 7:30 p.m. (*Note: meeting starts 1 hour later than usual.*)

3) **Agenda items as scheduled by the Chair:**

- **Sketch review:** Robert Colbert/Furst Management Ventures LLC, 14 South Main Street (formerly TD bank), change of use and building exterior. (DC/DDR-HC/SFHA)

Rob Colbert and Brian Leven presented the application for sketch review. The applicant proposes to renovate the building for restaurant/retail/and/or office tenants. (No dwelling units contemplated at this time.) Applicant's representatives are seeking direction from the Board before they move forward with a permit. The property is in the Historic Commercial sub-district of the Downtown Design Review overlay district. There was a discussion regarding plans for the building and the parking. The Board considered the façade changes. Applicant is in the process of applying for the commercial parking and signage that has already been installed.

- Final plat review: #103-18, Dave Lachtrupp/Ripley Springs, LLC, 2-lot subdivision to create Lot 5 on Wood Farm Rd (CNS/RHS). DRB hearing: 10/17/18; decision approved: 11/15/18; final plat due: 5/14/2019 (180 days).

Mike Bard moved and Tom Kinley seconded to approve the final plat for permit #103-18. The Board also accepted the revised Overall Site Plan and Protected Area Exhibit showing the protected/conserved areas, which shall be included in future proposals.

Vote: Motion approved: 6-0.

Next meetings:

Wednesday, December 19, 2018, 6:30 p.m. (Final order TBD)

- #124-18: Peter Hack, Setback waiver for residential addition 10 Turner Court. (VR)
- #125-18: Schindler Development Corp. SD/RHS 4-lot SD Bear Creek Ln. (CNS/RHS)
- #129-18: Ion Science/Quinland Properties II, Site plan, change the use, 53 N. Main St. (VNC)
- Final plat review: #104-18 Duffy Lot E Wood Farm Road.

Wednesday, January 9, 2019, 7:30 p.m.

—Note: This meeting is on the 2nd Wed. due to the holidays and will start one hour later than usual.

- #131-18: N. Tautfest, Setback waiver, dwl-garage-accessory dwelling, 0 Maggies Way. (LDR)
- #123-18: Ayers, SP/CU/SFHA 3 apts., espresso shop, 18 Elm St. (DC/VR/SFHA) (cont. fr. 12/5)

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

David L. Fradette
(Chair) (Vice-Chair) (Acting Chair)

Approved on: 12/19/18
(date)

**Town & Village of Waterbury
Development Review Board
Decision #115-18 ▪ December 5, 2018**

In Attendance: Board members present: David Frothingham (Chair), Tom Kinley, Dave Rogers, Mike Bard, Bud Wilson, and Andrew Strniste. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

Owner/Applicant:	Jeffrey VanSant and Art Edelstein	
Address/Location:	3159 Gregg Hill Road, Waterbury Center, VT	
Zone:	Low-Density Residential (LDR)	
Application #	115-18	Tax Map # 05-013.000

Applicant Request

The applicant seeks approval to construct a residential addition within the setback at 3159 Gregg Hill Road, Waterbury Center, VT.

Present and sworn in:

Art Edelstein, Owner/Applicant

Exhibits

- A: Application #115-18 (3 pages: zoning, conditional use), submitted October 10, 2018.
- B: Site Plan by Applicant, submitted October 10, 2018.
- C: Parcel map with orthophoto base layer of individual lot and vicinity (Staff 10/12/18).
- D: Letter to adjoining landowners, mailed certified: November 15, 2018.
- E: Floor Plans and Elevations, submitted by Applicant during the hearing, December 5, 2018.

Findings of Fact

1. Existing conditions: Jeffrey VanSant and Art Edelstein own a 10.2 acre parcel located at 3159 Gregg Hill Road in the Low-Density Residential (LDR) zoning district. The lot is currently developed with a two-story single-family dwelling with an attached garage, built in 1979. The lot has 240± feet of frontage on, and driveway access to, Gregg Hill Road and is served by a private well and on-site septic. The house is located in the northerly side setback, being approximately 58' from the property line.
2. Project: The proposal is to construct a residential addition on the rear of the dwelling that will be inset 2-feet farther from the property line than the existing dwelling. The addition will measure 16' x 28' (448 SF). The rebuilt portion of the existing structure will be located 60' from the nearest side property line to the north.
3. LDR Dimensional Requirements, Table 5.2: *Minimum lot area: 5 acres; setbacks: 70' front, 75' sides/rear.* The lot meets the minimum lot size. The existing house is located 58' from the side property line. The addition will be located 60' from the property line; 2' farther than the house.

4. Waiver Request: The setback waiver request is to encroach into the side-yard setback by 15 feet (75' - 60' = 15').
5. Conditional Use/Waiver criteria: As set forth in Section 309, the DRB may grant a waiver of building setbacks as a conditional use review in accordance with Section 303; provided that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties. The Board considered the following general and specific standards:
 - (a) Section 303(e)(1) Community facilities: No increase in occupancy and no change in the residential use of the property is proposed. This residential addition does not require municipal water or sewer allocation, will not burden the school capacity, and will not increase the demand for fire protection. The Board concludes that the proposal 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: The use of the property will remain residential. No additional exterior lighting is proposed. The addition will match the material and style of the existing dwelling. The Board concludes that the project is appropriate in scale and design in relation to existing structures in the district, and will not have an undue adverse impact on the character of the area affected.
 - (c) Section 303(e)(3) Municipal bylaws in effect: The use of the property will remain residential. This project application is compliant with the conditional use criteria. The Board concludes that the proposal will not violate any municipal bylaws and ordinances.
 - (d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: Use of the structure will not create the above-named nuisances, and therefore, no devices or special methods are proposed to control these impacts. The Board concludes that no devices or special methods are necessary to prevent or 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.

Conclusion:


Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Jeffrey VanSant and Art Edelstein to construct a residential addition 15' within the side yard setback at 3159 Gregg Hill Road, as presented in application #115-18 and supporting materials, meets the Waivers and Conditional Use criteria set forth in Sections 309 and 303.

Decision Motion:

On behalf of the Waterbury Development Review Board, Mike Bard moved, and Tom Kinley seconded the motion to approve application #115-18 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) Any exterior lighting will be downcast and shielded.

Vote: The motion was approved 6-0.



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

Approved: 12/19/18
(date)

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.*

