

**WATERBURY DEVELOPMENT REVIEW BOARD
APPROVED GENERAL MINUTES
Thursday, March 21, 2013**

Board Members Present: Jeff Larkin, Chair; Jeff Whalen, Nat Fish, Martha Staskus

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

The meeting was opened by the chair at 6:30 p.m.

Application #06-13-T, Peter Aaron Flint, subdivision review.
The hearing opened at 6:30 pm. and was approved as below.

MINUTES OF PRIOR MEETINGS/HEARINGS

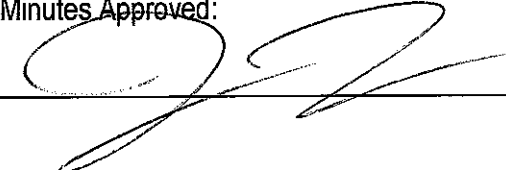
Jeff Whalen moved and Martha Staskus seconded the motion to approve the minutes and decisions from March 7, 2013, including the general minutes and the hearing and minutes for application #05-13-V, and the hearing and minutes for application #06-13-T, all as amended

Vote: The motion passed unanimously.

ADJOURNMENT

The meeting was adjourned by the Chair at 8:00 p.m.

Minutes Approved:


_____, Chair

Date: 4-18-13

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.

THESE MINUTES WERE APPROVED ON *April 18, 2013.*

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
APPROVED FINDINGS & DECISION
Date: March 21, 2013**

Board Members Present: Jeff Larkin, Chair; Jeff Whalen; Nat Fish; Martha Staskus

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

First Order of Business: Application for Subdivision in the Ridgeline, Hillside, Steep Slope Overlay District Findings and Decision. The public hearing was opened at 6:30 pm

Permit Application #:	06-13-T
Applicant:	Peter Aaron Flint
Landowner:	SAME
Location of Project:	379 Middlesex Notch Road, Waterbury, VT

The following interested parties were present and sworn in:

Aaron Flint, Applicant
Pete LaFlamme, Adjoining Landowner

EXHIBIT LIST:

Exhibit A	Zoning Permit Application #06-13-T
Exhibit B	Applicants response to Conditional Use Criteria
Exhibit C	Subdivision Plan
Exhibit D	Location Map from application #20-12-T
Exhibit E	Proposed House Site Plan from application #20-12-T
Exhibit F	DRB Decision for application #20-12-T
Exhibit G	Notice sent to Adjacent Landowners dated March 5, 2013

Description of Project:

The applicant is seeking Subdivision approval for a 2-lot subdivision in the Ridgeline, Hillside, Steep Slope Overlay District at 379 Middlesex Notch Road, Waterbury, VT (Tax map # 14-121.000).

FINDINGS OF FACT:

Based on the application, testimony, exhibits, and other evidence the Town of Waterbury Zoning Development Review Board makes the following findings:

1. The property located at 379 Middlesex Notch Road is a total of 47.5 acres which is split by the Waterbury/Middlesex Town line; 30 acres are located within the Town of Waterbury.
2. The 30-acre property is located in the Conservation Zoning District where the dimensional requirements are:
 - a. Minimum lot size: 10 acres
 - b. Front, Side, and Rear setbacks: 100'
3. The 2-lot subdivision proposes one 10 acre lot and one 20 acre lot.
4. The existing house will be located on the 10 acre lot.
5. A recently permitted new house (application #20-12-T) will be located on the 20 acre lot.
6. The property is also located within the Ridgeline, Hillside, Steep Slope (RHS) Overlay District which applies to properties at and above 1200 feet above sea level.
7. The property is located between 1410 – 1460 feet above sea level and is classified as 'minor' project in the RHS District.
8. Development projects in the RHS District are subject to review under the conditional use criteria.
9. Below are excerpts of the Subdivision Review Criteria, RHS Review Criteria for minor projects and Conditional Use criteria:

ARTICLE XII SUBDIVISIONS
Section 1202 Review Criteria

(c) Any division of land in the Ridgeline/Hillside/Steep Slope (RHS) Overlay District shall conform to the following criteria in addition to the relevant criteria in Section 401, Dimensional Requirements, and Section 504, General Dimension, Location, and Height Requirements:

The standards set forth for development in Article X.

ARTICLE X RIDGELINES, HILLSIDES, STEEP SLOPES

Section 1004 Standards of Review (RHS)

(a) Development of lands identified within the RHS Overlay District shall comply with all other applicable regulations, including conditional use review standards, within this bylaw and with the standards of review set forth in the following subsections.

(b) Minor Development: Minor development projects shall be subject to conditional use review, as set forth in Section 303, and all other applicable regulations.

Section 303 Conditional Uses

(e) Prior to granting any approval for conditional use, the Board must find that the proposed use conforms to the following general and specific standards:

(1) The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities to accommodate it. The proposed use:

(A) Will not cause the level of service on roads and highways to fall below a reasonable standard;

(B) Will not cause an unmanageable burden on municipal water or sewer systems;

(C) Will not lead to such additional school enrollments that existing and planned school system capacity is exceeded; and

(D) Will not cause an unmanageable burden on fire protection services.

(E) The Board may seek or require advisory input from the Municipal Manager, Fire Department, Police Department, School Board, or other municipal officials regarding relevant facilities. The Board will also take into account sections of the Municipal Plan and of any duly adopted capital plan which specify anticipated demand growth, service standards, and facility construction plans.

(2) The proposed use will not have an undue adverse impact on the character of the area affected as defined by the Municipal Plan and the zoning district in which the proposed project is located. Specifically, the proposed use:

(A) Will not result in undue water pollution, undue adverse impacts to downstream properties, and will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result; in making this determination, the Board shall at least consider the elevation, the slope of the land, and the nature of soils and subsoils and their ability to adequately support waste disposal;

(B) Will not result in undue noise, light, or air pollution, including offensive odors, dust, smoke, or noxious gasses;

(C) Will not have an undue adverse effect on the scenic or natural beauty of the area, historic sites, or rare and irreplaceable natural areas;

(D) Will not be otherwise inconsistent with existing uses in the immediate area; in determining the appropriateness of the use or structure in an area, the Board shall consider the scale and design of the proposed use or structure in relation to the scale and design of existing uses and structures in the same district; and

(E) Will not cause danger of fire, explosion, or electrical hazard, or in any other way jeopardize the health and safety of the area.

(3) The proposed use will not violate any municipal bylaws and ordinances in effect.

(4)The proposed use will comply with the specific lot area, setbacks, and lot coverage requirements set forth in this bylaw. The Board may require the proposed use to conform to more stringent lot area, setback, and lot coverage requirements as it may deem necessary to implement the purposes of the district in which the use is located and other provisions in this bylaw.

CONCLUSION

The Development Review Board concludes that the sub-division on Application 06-13-T meets the conditional uses as defined in section 303 in regards to the Hillside, Ridgeline , Steep Slope Overlay District.

DECISION AND CONDITIONS

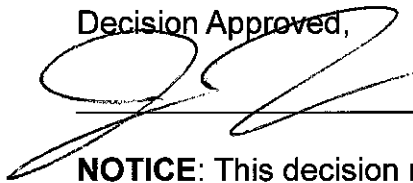
MOTION:

Nat Fish moved and Jeff Whalen seconded the motion to approve application # 06-13-T for Subdivision Approval in the Ridgeline, Hillside, Steep Slope Overlay District for the 2-lot Subdivision at 379 Middlesex Notch Road, Waterbury, VT, subject to the following condition:

1. This permit is granted on the condition that the applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits.
2. The right-of-way is included on the final plat.
3. The applicant brings the final plat to zoning administrator within 150 days for DRB approval within to meet the 180-day filing deadline.

VOTE: The motion was passed unanimously.

Decision Approved,



Chair Date:

3-21-13

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.

THESE MINUTES WERE APPROVED ON March 21, 2013 FOLLOWING THE MEETING.