

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved General Minutes
January 9, 2014**

Board Members Present: David Rogers, Acting Chair, Martha Staskus, Tom Kinley, Nat Fish, David Frothingham, Mike Bard

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

At 6:30 p.m. the DRB opened the continuation of application #48-13-V. Application #48-13-V, Blush Hill Ten for Site Plan and Conditional Use Review for amending the site plan for previously approved Application #09-05-V for the construction of 60-units located on Kimberly Lane, off Blush Hill Road, Waterbury, VT 05676 (Tax Map #13-054.000).

The testimony was closed and the application approval was granted. See separate hearing minutes.

Application #73-13-T, Joe Duffy for Subdivision and Ridgeline, Hillside, Steep Slope Review for a 3-lot Subdivision on Woods Farm Road, Waterbury Center, VT 05676 (Tax Map #14-084.000)

The hearing was continued to January 23rd, 2014 at 6:35 p.m.

At 8:20 p.m. the Board entertained a discussion with Bob Provost regarding possible changes to the foundation systems for the dwelling units to be built at the former Whalley Mobile Home Park (as previously approved under application #11-12-V).

As a result of the Efficiency Vermont program and the State's new energy efficiency criteria there are new flooring options that are more energy efficient. Mr. Provost would like the Board to consider the new systems and to allow the change to previously presented plans. The new flooring system does not meet the HUD code but meets the International Building Code. Provost wants to use the new flooring system, which is more efficient and less expensive. This would no longer be a steel chassis as in the minutes for #11-12-V.

The DRB herein approves the use of a web truss floor system for the manufactured homes already permitted for the Whalley Mobile Home Park. This will be document by a letter from the applicant and added to the permit file.

REVIEW OF MINUTES:


MOTION:

Mike Bard moved and Tom Kinley seconded the motion to approve the general minutes of December 19, 2013 and the continued hearing minutes for application 48-13-V.

VOTE: Passed Unanimously.

Dave Rogers adjourned the meeting at 9:55 pm.

Minutes Approved:


_____, Chair

Date: 1-23-14

THESE MINUTES WERE APPROVED ON * 1-23-14 *

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD SPECIAL MEETING
Approved Decision
January 9, 2014**

Board Members Present: David Rogers, Acting Chair, Martha Staskus, Tom Kinley, Nat Fish, David Frothingham, Mike Bard

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Application for Site Plan and Conditional Use for a site plan amendment to application #09-05-V for the construction of 59-units off Blush Hill Road.

Permit Application #:	48-13-V
Applicant:	Blush Hill Meadows Ten
Landowner:	SAME
Location of Project:	Kimberley Lane, off Blush Hill, Waterbury, VT

The hearing was opened at 6:30 p.m.

Attending:

Dean Salvas, Applicant
Frank von Turkovich, Applicant
Larry Abrams, interested party
Margaret Lindsay, adjacent landowner

Testimony of 12/19/13:

1. The topic of a walking path down to Route 100 was discussed. It was concluded that a blanket easement would be the way to keep the option for an eventual walking path and the applicant agreed.
2. The anticipated built out timeframe is 20 months. Buildings would be constructed one at a time with the next building possibly started as the previous building is nearing completion.
3. There would be approx. 20 +/- contractors/construction staff on site on an average day.
4. The hours of construction operation were discussed and the applicant stated that agreeable work hours would be worked out with the neighbors.
5. Standard construction time was discussed as 7am to 5pm, Monday to Saturday, non-holiday.
6. Lighting fixtures will be cutoff and downcast. The lighting plan from the permit in 2006 is still in effect, however a revised lighting plan is in the works and will be submitted upon completion. Details, including a cut sheet, will be submitted.
7. There was a berm that was removed along the north-east side of Kimberly Ln. The adjoining landowner would like that berm replaced or some

landscaping done to block headlight traffic. Dean Salvas agreed to replace the berm.

8. The area, now identified as the staging area, will not be developed. The staging area will be removed and that area will be reseeded.
9. The retaining walls will be stone boulders or "redi-block".
10. The stormwater pond will be maintained as mown grass.

Testimony of 1/09/14:

12. A revised lighting plan was presented, Exhibit I. The applicants stated that this plan is the minimum lighting needed. If the plan is altered the applicant will come back before the board.
13. The sidewalks in front of the units will be curbed.
14. The proposed building elevations of each building will not exceed 40 feet from the mid-point/average finished grade to the peak.
15. The wording for an easement for a path was discussed and the applicants agreed that at the property owner's expense they would build and maintain any linkage that would connect to future paths on Route 100 and the traffic light at the entrance to Shaw's.
16. Regarding Exhibit J, testimony is that the fire hydrants will be no more than 300 feet from each other and are the same as on the original approved site plan.

Testimony for Application #48-13-V was closed at 7:17 p.m. on January 9, 2014.

EXHIBIT LIST:

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| Exhibit A | Zoning Permit Application #48-13-V |
| Exhibit B | Memo from Frank von Turkovich, dated 11/21/2013 |
| Exhibit C | "Proposed Subdivision Revised Building Layout and Parking Spaces" Site Plan, revision dated 12/18/2013 |
| Exhibit D | "Blush Hill Meadows – 10-Plex" plan set (includes floor plans and elevations) |
| Exhibit E | Revised Landscaping Plan, dated 12/18/2013 |
| Exhibit F | Waterbury PC and ZBA Decisions for original application #09-05-V |
| Exhibit G | Notice sent to Adjacent Landowners dated 12/2/2013 |
| Exhibit H | Memo from F. von Turkovich, dated 11/21/13 |
| Exhibit I | Lighting plans & cut sheets, dated 12/30/13 |
| Exhibit J | Letter from Waterbury Fire Chief, dated 1/8/14 |
| Exhibit K | Letter from Public Works department, dated 1/9/14 |
| Exhibit L | Typical Side Elevation |

FINDINGS OF FACT:

Description of Project:

The applicant is seeking to amend the site plan for application # 09-05-V, under new application #48-13-V. Application #09-05-V approved the construction of 59-

units on a total of 10.5 acres (8.5 acres are within the Village Commercial Zoning District and 2 acres are within the Route 100 Zoning District.)

Application #09-05-V will expire in February, 2014 (as the local permit only became effective in 2010 based upon receiving Act 250 approval in 2012.) The applicant may retain their original approved density as the original permit is still valid.

Multi-family housing development within the Village Commercial Zoning District required Site Plan and Conditional Use approval. The Waterbury Zoning regulations do not provide specific provisions for amendments to existing/valid permit approvals.

Based on the application and exhibits the revised project will be as follows:

- 1) The following chart outlines the changes between the original permit #09-05-V and the proposed site plan amendment #48-13-V:

	#09-05-V	#48-13-V
8.5 acres in VCOM:		
# of buildings	8	6
# of units	59	60
# of units per building	Range: 1, 6, 8, & 12	10
# of bedrooms per unit	Range: one-, two-, and three bdrm units	48 two-bdrm & 12 one-bdrm units
Building footprint	50'x120' and one 60'x120'	50'x100'
# of stories	3 (except one)	2 stories, plus finished walkout
Building height	40' (except one)	not to exceed 40'
Building construction / material	Earth-toned stained wooden clapboard	Earth-toned Hardiplank siding
# of parking spaces	112 (64 in garages, 71 uncovered)	95, incl. 6 handicapped (this exceeds min. requirement)
2 acres in RT 100:		
additional # of potential units	4	0, applicant agrees to give up development potential = no more residential units
Vehicular Access & circulation	See pg 3-4 of PC approval of 09-05-V	same
Pedestrian Access	See pg 4 of PC approval of 09-05-V	Additional pedestrian access from site to RT 100 by way of access to pressure reducing vault.
Stormwater	See pg 4 of PC approval of 09-05-V	same
Landscaping	See Exhibit E of 09-05-V	New Exhibit E
Exterior Lighting	See pg 5 of PC approval of 09-05-V	Same type of fixture with higher efficiency technology
Trash	No dumpsters	3 dumpsters

- 2) Upon the completion of construction of the buildings, the temporary staging area (renewal approved under 31-13-V) will be dismantled and reseeded.

- 3) The new lighting plan (Exhibit I) proposed the minimum amount of exterior lighting. If the lighting plan is altered, the changes will require Board review and approval.
- 4) The sidewalks in front of the buildings will be curbed.
- 5) The buildings will not exceed 40 feet in height from the mid-point/average finished grade to the peak.
- 6) Once a sidewalk is constructed along RT 100 in the vicinity of the Shaw's entrance traffic light, the property owner will build and maintain a pedestrian linkage that will connect the residential development to Route 100.
- 7) The fire hydrants will be no more than 300 feet from each other and are the same as on the original and approved permit. (Exhibit J)
- 8) The site plan demonstrates adequate parking and access to the site.
- 9) The site plan demonstrates the development will have adequate provisions for trash receptacles.
- 10) Typical construction hours shall be 7am to 5pm, Monday to Saturday, non-holiday.
- 11) In addition to the planting plan the site plan indicates a second berm will be constructed and landscaped to block headlights from shining into the neighbor property.
- 12) The staging area will be removed and that area will be reseeded at the time when the last building is completed.
- 13) The retaining walls will be stone boulders or "redi-block".
- 14) The stormwater pond will be maintained as mown grass.
- 15) The traffic study that was submitted with the previously approved application, was found to be acceptable for the revised project.
- 16) The modifications made to the site plan result in a net reduction in impervious surface. (Exhibit B).
- 17) As the overall footprint of the buildings and total number of bedrooms is reduced under this amended site plan, the applicant is granted an increase in allowable density from 59 units to 60 units with the condition that the applicant will not build any additional residential units on 2 acres of the property which fall within the RT 100 Zoning District.

CONCLUSION

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #48-13-V for Blush Hill Meadows Ten, LLC (tax map #13-054.000) for amending the site plan for previously approved Application #09-05-V for the construction of 60 multi-family units located on Kimberly Lane off Blush Hill Road, Waterbury, VT 05676 meets the standards of Section 301, Site Plan Review and Approval, and Section 303, Conditional Use.

MOTION

On behalf of the Waterbury Development Review Board, Tom Kinley moved and Mike Bard seconded the motion to approve application 48-13-V with the following conditions:

1. The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits.
2. Any exterior lights will be downcast and shielded.
3. Each building shall not exceed the height requirements of the Waterbury Zoning Regulations.
4. There shall be no residential units built on the combined 10.5 acre parcel, in addition to the 60 units approved in this decision.
5. The owner of the development shall build a pedestrian path down to Route 100 in the vicinity of the traffic signal and intersection with the Shaw's entrance, when a pedestrian facility is constructed in the vicinity of that intersection.

VOTE: The motion passed unanimously.

Decision Approved,



_____, Chair

Date:

1-23-14

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.

THIS DECISION WAS APPROVED ON January 23, 2014 .