

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: December 3, 2014**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Mike Bard, Tom Kinley, Nat Fish, Jeff Grace

Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

6:30 p.m. Meeting convenes on the second floor of the Main Street Fire Station located at 43 S. Main St.

6:30p.m. **Application #62-14-T** for a Zoning Permit for a setback waiver for a new barn/shed within required setbacks at 360 Upland Mowing Road, Waterbury, VT 05676, (Tax Map #14-132.500).

The application was heard and recorded under separate minutes.

7:00 p.m. **Application #57-14-T, Town of Waterbury**, for a Zoning Permit for a setback waiver for a new shed within required setbacks at 3530 Waterbury-Stowe Road, Waterbury Center, VT 05677 (Tax Map #09-288.000).

The application heard and recorded under separate minutes.

7:30 p.m. **Application #31-14-V, Alchemy Canning, LTD**, for a Site Plan Review amendment to extend the deadline set forth in the decision of Permit #15-14-V for the removal of temporary storage trailers at 35 Crossroad, Waterbury, VT 05676 (Tax Map #13-043.000).

The trailers have been removed and the applicant withdrew the application.

MOTION: Tom Kinley moved and Mike Bard seconded to accept the withdrawal.

Passed unanimously.

MINUTES:

Review of previous meeting minutes:

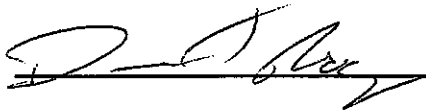
Tom Kinley moved and Nat Fish seconded the motion to approve the general minutes of 11/19/14 and the hearing minutes of Appl. #59-14-T, 30-14-V, and 60-14-T, as amended.

Vote: Passed unanimously.

Mike Bard moved and Nat Fish seconded the motion to approve the minutes of application #62-14-T heard 12/3/14.

Vote: Passed unanimously. Moved and seconded the motion to approve the minutes of application #57-14-T, heard 12/3/14.

Adjourned at 7:45 p.m.

 Chair

Date: 12-17-14

THESE MINUTES WERE APPROVED ON

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes
Date: December 3, 2014**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Mike Bard, Tom Kinley, Nat Fish, Jeff Grace

Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

Application for a setback Waiver for an accessory structure (barn/shed) located within the Conservation (CNS) Zoning District.

Permit Application #: 62-14-T

Applicant: Jason & Christine Wulff

Property Owner: Same

Tax Map #: 14-132.500

Location of Project: 360 Upland Mowing Road, Waterbury Center, VT

INTRODUCTION

The applicant seeks to build a 400 sf barn/shed structure within the property's side setback.

EXHIBITS

- Exhibit A: Application # 62-14-T
- Exhibit B: ANR Atlas map of property
- Exhibit C: Notice of Public Hearing, dated November 10, 2014
- Exhibit D: Letter to Adjoining landowners, dated November 17, 2014
- Exhibit E: Letters of support from adjoining landowner, Ann Pratt
- Exhibit F: Letter of support from John & Linda Wulff

Present and sworn in:
Jason Wulff, Applicant

TESTIMONY:

1. The adjacent landowners were also notified because there is a covenant with the association in the neighborhood to notify neighbors of property changes.
2. The current lighting plan is all internal. Understood that any external lighting would need to be downcast and shielded.

FINDINGS OF FACT:

1. *The 10.11 acre property is located within the CNS Zoning District where the minimum lot size requirement is 10 acres for a residential lot.*
2. *The district's setback requirements are: Front 100', Sides 100', Rear 100'*
3. *The applicant is seeking a Waiver from the side setback requirement, and proposes the following setback: Side (southwest) 75'*
4. *The proposed structure will meet/exceed the other side (northeast) setback requirement, as well as front and rear setback requirements.*
5. *The setback Waiver request is: Side (southwest) setback waiver of 25'.*
6. *A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.*
7. *Below are excerpts from Conditional Use Criteria and Waivers.*

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.

Section 309 Waivers

(a) Notwithstanding the minimum setback standards set forth in Table 5.2, in accordance with 24 V.S.A. § 4414(8), the Development Review Board may grant a waiver of building setbacks as a conditional use reviewed in accordance with Section 303; provided, however, that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties from which the setback waiver is sought.

(b) Any applicant for a setback waiver pursuant to Section 309(a) must notify adjacent land owners by certified mail of the nature of the application and of upcoming Development Review Board public hearing at least ten days prior to such hearing. The applicant must submit copies of certified mail receipts indicating that all adjacent landowners have received notice, and a copy of the notice sent.

Conclusion:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Appl. #62-14-T, for a setback Waiver for an accessory structure (barn/shed) located within the Conservation (CNS) Zoning District meets the criteria of Section 303 and Section 309 waivers.

MOTION:

On behalf of the Waterbury Development Review Board, Tom Kinley moved and Jeff Grace seconded the motion to approve Application #62-14-T, 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. Exterior lights will be downcast and shielded.

3. The waiver is for 25', of the required 100', to the southwest property line.

VOTE:

The motion was passed unanimously.

Decision Approved,

 _____, Chair

Date:

12.3.14

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

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes, #57-14-T
Date: December 3, 2014**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Mike Bard, Tom Kinley, Nat Fish, Jeff Grace

Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

Application for a setback Waiver for the construction of a storage shed located within the Town Commercial (TCOM) Zoning District.

Permit Application #: 57-14-T

Applicant: Town of Waterbury

Property Owner: Same

Tax Map #: 09-288.000

Location of Project: 3530 Waterbury-Stowe Road, Waterbury Center, VT

INTRODUCTION

The applicant seeks to build a storage shed within the property's front and side yard setbacks.

EXHIBITS

- Exhibit A: Application # 57-14-T
- Exhibit B: ANR Atlas map of property
- Exhibit C: Referral Notice, dated November 11, 2014
- Exhibit D: Notice of Public Hearing, dated November 10, 2014
- Exhibit E: Letter to Adjoining landowners, dated November 18, 2014

Present and sworn in:

John Woodruff, Town of Waterbury Cemetery Commissioner

PROJECT DESCRIPTION

1. *The 0.15 acre property is located within the TCOM Zoning District where the minimum lot size requirement is 1 acre. The property is considered a legally established, small lot.*
2. *The districts' setback requirements are: Front 50', Sides 25', Rear 25'*
3. *Hollow road is a 3-rod road, meaning that the edge of the right-of-way (ROW) is 25' from the centerline.*

4. *The shed is to be located 48' from the centerline of Hollow Road, or 23' from the Hollow Road ROW.*
5. *The applicant is seeking a Waiver from the Front and Side setback requirements as the shed proposes the following setback: Front (Hollow Road) 23'; Side (south) 3'8"*
6. *The proposed shed will meet/exceed the other front (Waterbury-Stowe Rd) setback requirement, as well as the rear setback requirement.*
7. *The setback Waiver request is: Front (Hollow Road) setback waiver of 27', and side (south) setback waiver of 21'4".*
8. *The adjacent property to the south contains a cemetery, and is also owned by the Town of Waterbury.*
9. *A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.*
10. *Below are excerpts from Conditional Use Criteria and Waivers.*

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.

Section 309 Waivers

(a) Notwithstanding the minimum setback standards set forth in Table 5.2, in accordance with 24 V.S.A. § 4414(8), the Development Review Board may grant a waiver of building setbacks as a conditional use reviewed in accordance with Section 303; provided, however, that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties from which the setback waiver is sought.

(b) Any applicant for a setback waiver pursuant to Section 309(a) must notify adjacent land owners by certified mail of the nature of the application and of upcoming Development Review Board public hearing at least ten days prior to such hearing. The applicant must submit copies of certified mail receipts indicating that all adjacent landowners have received notice, and a copy of the notice sent.

Conclusion:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Appl. #57-14-T, for a setback waiver for the construction of a storage shed located within the Town Commercial (TCOM) Zoning District meets the criteria of Section 303 conditional uses and Section 309 waivers.

MOTION:

On behalf of the Waterbury Development Review Board, Jeff Grace moved and Mike Bard seconded the motion to approve Application #57-14-T, 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. Exterior lights will be downcast and shielded.

3. The waivers do not exceed a front setback of 27', and side (south) setback waiver of 21'4"

VOTE:

The motion was passed unanimously.

Decision Approved,

 Chair

Date: 12-12-14

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