

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: January 7, 2015**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Tom Kinley, Dave Frothingham, Martha Staskus, Mike Bard

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 # 66-14-T**, Crescent Ridge Development LLC, for a Zoning Permit and Ridgeline, Hillside, Steep Slope Overlay District Permit to construct a new residence in the RHS Overlay District, off of Ring Road, Waterbury Center, VT 05677 (Tax Map # 14-053.000)

The application was heard and a motion to approve made under separate minutes.

7:00p.m. **Continuation of Application #32-14-V**, Mary Koen & Marie-Andree Gervais, for a Zoning Permit, a Downtown Design Review Overlay District Permit, and a setback waiver for the construction of additions to the existing residential structure at 5 Park Street, Waterbury, VT 05676 (Tax Map #19-397.000)

HEARING MINUTES:

MOTION:

Tom Kinley moved and Mike Bard seconded the motion to approve the hearing minutes of application #32-14-V, as amended.

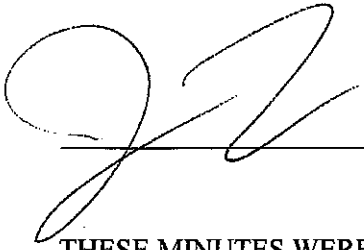
Vote: Passed unanimously.

PREVIOUS MEETING MINUTES:

Review of previous meeting minutes:

Tom Kinley moved and Mike Bard seconded the motion to approve the general minutes of 12/17/14 and the continued hearing #32-14-V and the minutes of application #64-14-T, all as amended.

Vote: Passed unanimously.

 _____, Chair

Date: 1-21-15

THESE MINUTES WERE APPROVED ON

Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes #66-14-T
Date: January 7, 2015

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Tom Kinley, Dave Frothingham, Martha Staskus, Mike Bard

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

Application for Ridgeline, Hillside, Steep Slope Review for the construction of a single-family dwelling located within the Conservation Zoning District and Ridgeline, Hillside, Steep Slope Overlay District.

Permit Application #: 66-14-T

Applicant: Crescent Ridge Development, LLC

Property Owner: SAME

Tax Map #: 14-053.000

Location of Project: Lot 1 Ring Road, Waterbury Center, VT

INTRODUCTION

The applicant seeks to build a 3,500 sf single-family dwelling within the Ridgeline, Hillside Steep Slope Overlay District. The proposed dwelling was previously permitted under Permit #'s 01-08-T & 38-10-T, both of which have expired.

EXHIBITS

- Exhibit A: Application # 66-14-T
- Exhibit B: Site Plan/Wastewater Design Plans, dated 6/7/10
- Exhibit C: Elevation Drawing
- Exhibit D: Zoning Permit # 38-10-T, issued 7/23/10
- Exhibit E: Zoning Board of Adjustment minutes for # 38-10-T, approved 8/3/10
- Exhibit F: Zoning Permit # 01-08-T, issued 5/7/08
- Exhibit G: Zoning Board of Adjustment minutes for # 01-08-T, approved 5/6/08
- Exhibit H: Applicant responses to Sections 1004(c) & 303(e), dated 2/1/08
- Exhibit I: Easement Relocation Agreement
- Exhibit J: Photos of proposed home site
- Exhibit K: Letter from Fire Chief Gary Dillon, dated 9/3/10
- Exhibit L: Notice of Public Hearing, dated 12/11/14
- Exhibit M: ANR Atlas map of property
- Exhibit N: Letter to Adjoining landowners, dated 12/23/14
- Exhibit O: Wastewater Permit WW-5-5500

Testimony:

1. There have been no changes since this project was last submitted

PROJECT DESCRIPTION

1. *The 9.2+/- acre property is located within the Conservation Zoning District, which has a minimum lot size requirement of 10 acres. The lot is considered a legally established, small lot.*
2. *The property also lies within the Ridgeline, Hillside, Steep Slope Overlay District and is consider a 'major' as the location of the new dwelling is above 1,500 feet in elevation.*
3. *The Conservation Zoning District requires a minimum setback of 100' from all property lines. The site plan demonstrates compliance with setback requirements. (Exhibit B)*
4. *This application was previously permitted in Permit # 01-08-T and the Zoning Board of Adjustment granted approval on May 6, 2008. (Exhibits F & G). This permit expired.*
5. *This application was also permitted in Permit # 38-10-T and the Zoning Board of Adjustment granted approval on August 3, 2010. (Exhibits D & E). This permit expired.*
6. *The single-family dwelling is proposed to be built within the previously approved building zone.*
7. *The adjacent landowners and the applicant have signed and Easement Relocation Document that has been recorded in the Waterbury Land Records on October 3, 2008. (Exhibit I)*
8. *The existing camp on the property has been removed and the access serving the new dwelling will remain unchanged.*
9. *There is a Wastewater Permit to build the 4 bedroom house. (Exhibit O)*
10. *No clearing is proposed for this project beyond that necessary for construction and not on slopes exceeding 25% with the exception of the area 30' upslope from the house.*
11. *There will be no additional earth disturbance beyond the building envelope and septic system.*
12. *Building materials for the house will be natural, and muted colors will be used for minimal visual impact.*
13. *There will be no spot or flood lighting.*
14. *The proposal is subject to the 'major' RHS Standards as per section 1004 of the Waterbury Zoning Regulations.*
15. *Development projects in the RHS District are subject to review under the conditional use criteria.*
16. *Below are excerpts from RHS Overlay District and Conditional Use Criteria.*

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.*

(c) *Major Development: In addition to the review applicable to minor development projects, the Development Review Board shall find that the application for a major development project complies with all of the following standards:*

(1) *Screening: Forest cover shall be maintained to the greatest extent possible. If there is to be tree-clearing for views from the site, it shall be done so as to create view corridors. The Development Review Board may limit the amount of tree-clearing and require the planting of additional trees or other vegetation in order to assure adequate screening, and the Board may require the applicant to submit a plan for maintaining and replacing designated trees during or after site development and construction.*

(2) *Access: Access roads and utility corridors, including the conversion of logging roads to private roads or driveways, shall use or share existing accesses and rights-of-way where feasible, and shall follow existing contours and linear features (e.g., tree lines, stone walls) where possible. In addition, they shall be located to:*

(A) *Minimize stream and wetland crossings;*

(B) *Minimize impacts on steep slopes; and*

(C) *Minimize the need for road or driveway corridors of widths greater than 50 feet, with the exception of limited lengths of the road or driveway where wider side slopes are needed to prevent erosion.*

(3) *Placement of Structures: Consideration shall be given to the location of proposed or potential structures relative to site conditions, existing vegetation, and the location of fragile features (including but not limited to steep slopes, streams, and identified habitat and natural areas). The clustering of houses and other structures is encouraged to retain larger blocks of forest and fields and to help retain the aesthetic character and wildlife value of the RHS Overlay District. The location of proposed or potential structures may be restricted to ensure that development:*

(A) *Is minimally visible, as defined in this bylaw;*

(B) *Is designed so that the height of any structure does not exceed the height of the adjacent tree canopy serving as the visual backdrop to the structure;*

(C) *Is located so that buildings are not placed on existing steep slopes equal to or greater than 25 percent;*

(D) Is located down-grade of ridgelines and is designed so that the proposed structures shall not break the skyline; and

(E) Is located at or near the edge of existing and new clearings and fields or in the interior of existing wooded areas.

(4) Exterior Lighting: The off-site visual impacts of proposed exterior lighting shall be minimized. All exterior lights shall be shielded and downcast. The use of reflective surfaces and outdoor lighting fixtures more than 15 feet above the ground shall be minimized. Bollard, low-post lighting and low-level, indirect lighting is recommended. Spot or flood lights are prohibited.

(5) Clearcutting and Pre-Development Site Preparation: The proposed clearcutting and all harvesting activities associated with it shall comply with "Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont," as published by the Vermont Department of Forests, Parks and Recreation, effective August 15, 1987, (as may be amended from time to time) and all other applicable regulations.

(6) Natural Resources: The proposed development will be designed and maintained so that there is no undue adverse impact on, or undue fragmentation of, critical wildlife habitat and wildlife travel corridors, unique or fragile resources, or natural and scenic resources.

(7) Building Design: The massing of a single building or group of buildings shall be designed to minimize visual impacts and contribute to, and harmonize with, the scenic quality of the surrounding landscape. Building materials, including windows and roofs should minimize year-round visibility, reflectivity, and night-time light impacts as viewed from off site.

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:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Appl. #66-14-T, for the construction of a single-family dwelling on Lot 1, Ring Road, located within the Conservation Zoning District and Ridgeline, Hillside, Steep Slope Overlay District meets the standards of Article X, Section 1004 and Section 303, Conditional Uses of the Waterbury Zoning By-laws.

MOTION:

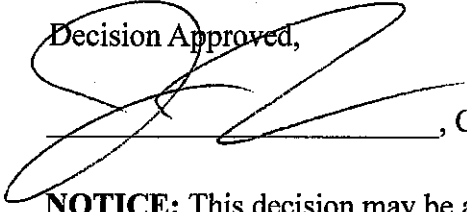
On behalf of the Waterbury Development Review Board, David Frothingham moved and Tom Kinley seconded the motion to approve Application #66-14-T, with the following conditions:

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.

VOTE:

The motion was passed unanimously.

Decision Approved,


_____, Chair

Date: 1-21-15

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