

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: April 15, 2015**

IN ATTENDANCE:

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

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

6:30 p.m. **Application #12-15-T, Conrad & Lucille Emmons**, for a Zoning Permit and setback waiver to construct an addition to the existing residence within required side and rear setbacks at 108 Deer Haven Lane, Waterbury Center, VT 05677 (Tax Map #13-201.000).

Approved, see hearing minutes.

7:00 p.m. **Application #06-15-V, Daniel DeSanto & Doriene Cedeno**, for a Zoning Permit and setback waiver to rebuild the existing attached garage with the addition of a second story within required side yard setbacks at 115 Stowe Street, Waterbury, VT 05676 (Tax Map #19-073.000).

Approved, see hearing minutes.

7:30 p.m. **Application #13-15-T, Keurig Green Mountain**, for a Zoning Permit, Site Plan Review, and Conditional Use Permit to construct a 24,000+/- sq ft, 2-story addition to the existing main building at the KGM Research and Development facility at 228 Suss Drive, Waterbury Center, VT 05677 (Tax Map #09-264.000).

Approved, see hearing minutes

8:15 p.m. **Application #14-15-T, Jason Adams**, for a Setback Waiver to build an addition on an existing residence within required setbacks at 2026 Blush Hill Road, Waterbury, Vermont, 05676 (Tax Map # 09-320.000).

Approved, see hearing minutes. .

APPROVAL OF MINUTES:

MOTION:

Nat Fish moved and Mike Bard seconded the motion to approve the DRB general minutes of April 1, 2015 and the hearing minutes 07-15-T and 14-15-T of April 1, 2015.

Vote: Passed unanimously.

The meeting was adjourned at 8:30 pm.

, Chair

Date: 5-6-15

THESE MINUTES WERE APPROVED ON

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 * 5-6-15 *

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes, #12-15-T
Date: April 15, 2015**

IN ATTENDANCE:

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

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

Application for a setback Waiver for a residential addition located within the Medium Density Residential (MDR) Zoning District.

Permit Application #: 12-15-T

Applicant: Conrad & Lucille Emmons

Property Owner: Same

Tax Map #: 13-201.000

Location of Project: 108 Deer Haven Lane, Waterbury Center, VT

INTRODUCTION

The applicant seeks to build a 96 sf residential addition within the property's rear yard setback.

Present and sworn in:

Conrad Emmons, Applicant

EXHIBITS

Exhibit A: Application # 12-15-T

Exhibit B: Site Plan

Exhibit C: ANR Atlas map of property

Exhibit D: Notice of Public Hearing, dated March 19, 2015

Exhibit E: Letter to Adjoining landowners, dated March 24, 2015

TESTIMONY:

None given.

FINDINGS OF FACT

1. *The 3.9 acre property is located within the MDR Zoning District where the minimum lot size requirement is 2 acres for a residential lot.*
2. *The property currently has an existing single-family residence that already lies within the 50-foot rear property setback. It is setback 36 feet from the rear property line.*
3. *The applicant is proposing to construct a 4'x24' (96 sf) addition to the rear side of the house.*
4. *The district's setback requirements are: Front 60', Sides 50', Rear 50'*
5. *For the new addition, the applicant is seeking a Waiver from the rear setback requirement, and proposes the following setback: Rear (west) 32'*
6. *The proposed structure will meet/exceed the other setback requirements (front and sides).*
7. *The setback Waiver request is: Rear (west) setback waiver of 18'*
8. *A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.*
9. *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 application # 12-15-T for Conrad and Lucille Emmons for a Zoning Permit and setback waiver to construct a 4' x 24' addition to the existing residence within required side and rear setbacks at 108 Deer Haven Lane, Waterbury Center, VT 05677 (Tax Map #13-201.000), meets the standards for conditional use in section 303, and section 309, waivers.

Motion

On behalf of the Waterbury Development Review Board, Mike Bard moved and Tom Kinley seconded to approve application 12-15-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. All exterior lighting will be downcast and shielded.

VOTE:

Passed unanimously.

Minutes Approved:

 , Chair

Date: 5-6-15

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.

THESE MINUTES WERE APPROVED ON * 5-6-15 .*

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes, #06-15-V
Date: April 15, 2015**

IN ATTENDANCE:

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

Board member Nat Fish recused himself from this hearing because he is the hired contractor to conduct the work under this permit.

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

Application for a setback Waiver for a residential addition located within the Village Residential (VR) Zoning District.

Permit Application #: 06-15-V
Applicant: Daniel DeSanto & Dorianne Cedeno
Property Owner: Same
Tax Map #: 19-073.000
Location of Project: 115 Stowe Street, Waterbury, VT

INTRODUCTION

The applicant seeks to rebuild an existing attached garage with the addition of a second story within the property's side yard setback.

PRESENT AND SWORN IN:

Daniel DeSanto & Dorianne Cedeno, Applications
Nat Fish, Contractor

EXHIBITS

Exhibit A: Application # 06-15-V
Exhibit B: ANR Atlas map of property
Exhibit C: Photos
Exhibit D: Notice of Public Hearing, dated March 19, 2015
Exhibit E: Letter to Adjoining landowners, dated March 23, 2015
Exhibit F: Letter from Tim Parks, dated March 8, 2015

TESTIMONY:

1. There is no overhang on the house. The measurements would be different if there were an overhang.

FINDINGS OF FACT

1. *The .17 acre property is located within the VR Zoning District where the minimum lot size requirement for a single-family use is 10,000 sf. The property is considered a legally existing, small lot.*
2. *The property currently has an existing single-family residence and attached garage that lies within both required side yard setbacks (north & south).*
3. *The applicant is proposing to remove the existing, damaged garage and rebuild in the same location, adding five feet towards Stowe Street, and building a second story.*
4. *The district's setback requirements are: Front 30', Sides 10', Rear 30'*
5. *For the project, the applicant is seeking a Waiver from the side yard setback requirement, and proposes the following setback: Side (north) 1'*
6. *The rebuilt garage and second story will meet/exceed the other setback requirements (front, rear and other side).*
7. *The setback Waiver request is: Rear (west) setback waiver of 9'*
8. *A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.*
9. *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 application # 06-15-V for **Daniel DeSanto & Doriene Cedeno**, for a Zoning Permit and setback waiver to rebuild the existing attached garage with the addition of a second story within required side yard setbacks at 115 Stowe Street, Waterbury, VT 05676 (Tax Map #19-073.000) meets the standards for conditional use in section 303, and section 309, waivers.

Motion

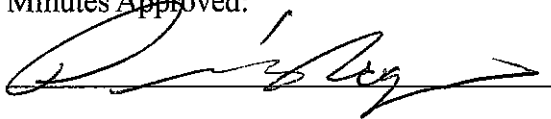
On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Tom Kinley seconded to approve application 06-15-V for a 9' setback waiver with the following conditions:

- 1. The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;
- 2. All exterior lighting will be downcast and shielded.

VOTE:

Passed unanimously.

Minutes Approved:

 , Chair

Date: 5-6-15

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.

THESE MINUTES WERE APPROVED ON * 5-6-15 .*

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes, #13-15-T
Date: April 15, 2015**

IN ATTENDANCE:

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

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

Application for Zoning Permit, Site Plan and Conditional Use for the construction of a 24,000 sf (2 story) addition to the Research and Development Facility located within the Town Commercial (TCOM) Zoning District.

Permit Application #:	13-15-T
Applicant:	Keurig Green Mountain (c/o Peter Peterson)
Property Owner:	Keurig Green Mountain
Tax Map #:	09-264.000
Location of Project:	228 Suss Drive, Waterbury Center, VT

INTRODUCTION

The applicant proposes to construct a 24,000 sf addition to the existing Research and Development facility at 228 Suss Drive. Project includes an increase in employees from 150 to 170, 36 new parking spaces, and a new stormwater collection system and retention pond.

PRESENT AND SWORN IN:

Chris Austin, Consultant
Rod Lamothe, Adjoining Landowner
John Cataldo, Adjoining Landowner
David Myette, Adjoining Landowner
Brian Tarbox, Consultant
Joe Greene, Architect

EXHIBITS

Exhibit A: Application # 13-15-T
Exhibit B: Letter from Chris Austin, dated 3/19/15
Exhibit C: Site Plan, dated 3/18/15
Exhibit D: Grading Plan, dated 3/18/15
Exhibit E: Enlargement Plan, dated 3/18/15

- Exhibit F: Erosion Control Plan, 3/18/15
- Exhibit G: Erosion Control Details, dated 3/18/15
- Exhibit H: Stormwater Plan, dated 3/18/15
- Exhibit I: Storm Drain Profiles & Details, dated 3/18/15
- Exhibit J: Water & Sewer Details, dated 3/18/15
- Exhibit K: Exterior Building Elevations, dated 2/20/15
- Exhibit L: Landscaping Plan, dated 3/17/15
- Exhibit M: Site Lighting Plan, dated 3/17/15
- Exhibit N: Schematic Plan Option 1, dated 3/18/15
- Exhibit O: ANR Atlas Map of Property
- Exhibit P: Letter from Chris Austin to Fire Chief Gary Dillon, dated 12/2/14
- Exhibit Q: Letter from Chris Austin to WASI, dated 12/2/14
- Exhibit R: Letter from Marcia Guyette, dated 4/6/15
- Exhibit S: Notice of Public Hearing, dated 3/19/2015
- Exhibit T: Letter to Adjoining landowners, dated 3/31/15
- Exhibit U: Traffic analysis, dated 3/23/15, RSG
- Exhibit V: McGraw-Edison, cut sheet for lighting

TESTIMONY

1. The State stormwater permit has been applied for but not approved.
2. The two story addition will be lower than the current building.
3. A traffic study was done, Exhibit U, and it was found that the "expansion will not cause unreasonable congestion or unsafe conditions on the local roadways network."
4. The addition is for research space and adds 20 positions.
5. There are no proposed plans, in the Route 100 district, currently being considered for the 100 acres behind the facility.
6. The ACT 250 permit has not been applied for yet.
7. The letter from Marcia Guyette, exhibit R, as discussed. Regarding traffic flow outside of business arrival and departure times there are public that participate in sensory tasting. They come 2-4 times per week from 9-4:30, there are app. 6 people invited for sensory tasting. These participants are arriving during none peak traffic periods.

Public testimony closed.

FINDINGS OF FACT

1. The 57+/- acre property lies within the Town Commercial (TCOM) and the Route 100 (RT100) Zoning Districts. A small portion of the property also lies within the Town Mixed Residential (TMR) Zoning District. All existing development on the property is located within the TCOM Zoning District.

2. The property currently contains a research and development facility (38,206 sq ft), a condominium building – now office space (approx. 6,360 sq ft), and an accessory garage (approx. 1,580 sq ft).
3. The project proposes a 24,000 sf, (2 story) addition to the existing R&D facility for a continued light industrial use. The addition will be attached to the northern end of the existing R&D building.
4. Light Industrial uses are conditional uses within the TCOM Zoning District.
5. Site Plan Reviews and Conditional Use Permits require review by the Development Review Board. Both sets of review criteria are contained within Sections 301 and 303 of the Waterbury Zoning Regulations.
6. Parking requirements, as set forth in Section 414, are as follows:
 - Research & Development – 1 space for every person employed at peak hours
7. The existing facility employs 150 people, and after this project, employee numbers will increase to 170.
8. The total number of parking spaces required will be 170. The applicant states that there will now be a total of 200 parking spaces, exceeding the minimum number required.
9. Vehicular access will continue to utilize the existing access off Waterbury-Stowe Road.
10. The project will include a new stormwater collection system and retention pond designed to collect and treat stormwater runoff from the existing facility as well as the proposed improvements. See Stormwater Plan (Exhibit H).
11. With the exception of a very small glimpse of the facility that northbound travelers can see, the facility is not visible from Route 100. However, nearby properties to the south and east can see the facility. The applicant has submitted a landscape plan highlighting new plantings along the south and east sides of the new addition. (Exhibit L).
12. An architectural site lighting plan can be found in Exhibit M.
13. The Waterbury Fire Chief and the Waterbury Ambulance Service have agreed that adequate emergency services for the proposed building addition can be provided. (Exhibits P & Q)
14. Below are excerpts of the Site Plan Review criteria and Conditional Use criteria:

Section 301 Site Plan Review and Approval

(f) The Development Review Board will take into consideration the following objectives prior to approval or denial:

(1) Adequacy of traffic access. Considerations shall include:

(A) Traffic flows at the intersection of driveways or access roads with public roads and at other affected streets and intersections.

(B) Location of driveway entrances and exits so as to have sufficient sight distances.

(C) The need for turning lanes, traffic-control devices, or special provisions for emergency vehicles.

- (D) *Pedestrian safety and convenience.*
- (2) *Adequacy of circulation and parking. Considerations shall include:*
 - (A) *Assurance that the criteria of Section 414 of this bylaw are met.*
 - (B) *The need for additional off-street spaces beyond the number required in Section 414.*
 - (C) *The adequacy of surfacing and provisions for the runoff and discharge of stormwater.*
 - (D) *The provision of appropriate buffer space and landscaping to insulate parking areas from adjoining properties and public streets.*
 - (E) *Placement of trees and shrubs around the periphery of parking lots and in the interior so as to break up large parking areas. Large parking lots of 20 or more spaces shall include at least 1 tree for every 8 spaces.*
 - (F) *The adequacy of parking, loading, refuse, and service areas.*
 - (G) *Provisions for clearing snow for maintaining parking areas.*
- (3) *Adequacy of landscaping and screening. Considerations shall include:*
 - (A) *Adequacy of landscaping, screening, and setbacks with regard to achieving maximum compatibility with and protection for adjacent properties and public roads.*
 - (B) *Preservation of attractive or functional existing vegetation.*
 - (C) *The adequacy of landscaping materials to meet seasonal, soil, and topographical conditions.*
 - (D) *Reduction of lighting and glare to the necessary minimum, including provision of appropriate landscaping to reduce the impact of lighting and glare on adjacent properties.*
 - (E) *Screening of unloading zones, trash bins, storage, and other service areas.*
 - (F) *The need for landscaping buffers, fences, or berms to reduce noise.*
- (j) *Special considerations for uses of property bordering Route 2, Route 100, or Interstate 89:*
 - (1) *Buildings shall be screened or located on a lot so as to take advantage of significant existing vegetation and topographic features and to enhance the visual impact of the development from the road.*
 - (2) *Parking and loading areas may be required to be located behind buildings or otherwise screened from the road.*
 - (3) *Development access roads shall be designed to limit curb cuts in the area. A development will be permitted only one access curb cut, unless the Development Review Board finds that more than one is required for safety or effective traffic flow. The Development Review Board may require that access to properties be limited to secondary, frontage, or common access roads. The Development Review Board may require designation of a portion of a lot as a right-of-way for a frontage or common access road. Where a frontage road or common access road is planned but not yet constructed, temporary access from the main road may be permitted.*
- (k) *In the Village Commercial (VCOM) and Town Commercial (TCOM) Districts (see Article V), the front setback may be reduced, from 50 feet to a minimum of 25 feet, if the Development*

Review Board determines, during site plan review, that all parking is located in the rear of a structure and adequate landscaping exists in the front along the road.

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.*

(f) *The Board may attach any reasonable conditions and safeguards it may deem necessary to implement the purposes of the district in which the use is located and other provisions in this bylaw, including, but not limited to, the following conditions:*

(1) *For uses that will cause the level of service on a road or street to exceed a Level of Service C, as defined by the Vermont Agency of Transportation, the Board may require modifications to the proposed access, circulation, and parking or may require contributions, based on the project's share of the projected volume of traffic above the Level of Service C, for making the following possible modifications:*

(A) *Reduction in curb cuts, change in location or number of access points, and shared access with adjoining property owners.*

(B) *Installation of acceleration or deceleration lanes on the street or highway adjacent to any driveway, frontage, or service road;*

(C) *Improvements to access or other intersections burdened by a project.*

(2) *With the exception of agricultural uses, the Board may require the installation of devices or methods to prevent or control fumes, gas, dust, smoke, odor, noise, or vibration.*

Conclusion

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that **Application #13-15-T, Keurig Green Mountain**, for a Zoning Permit, Site Plan Review, and Conditional Use Permit to construct a 24,000+/- sq ft, 2-story addition to the existing main building at the KGM Research and Development facility at 228 Suss Drive, Waterbury Center, VT 05677 (Tax Map #09-264.000) meets the criteria set forth in Sections 301, Site Plan Review, and 303, Conditional Uses, of the Waterbury Zoning Bylaws.

Motion

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Tom Kinley seconded to approve application 13-15-T for Keurig Green Mountain, 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. All exterior lighting will be downcast and shielded.

VOTE:

Passed unanimously.

Minutes Approved:

 , Chair

Date: 5-6-15

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.

THESE MINUTES WERE APPROVED ON * 5-6-15 **.***

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes, #14-15-T
Date: April 15, 2015**

IN ATTENDANCE:

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

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

Application for a setback Waiver for a residential addition located within the Medium Density Residential (MDR) Zoning District.

Permit Application #: 14-15-T

Applicant: Jason Adams

Property Owner: Same

Tax Map #: 09-320.000

Location of Project: 2026 Blush Hill Road, Waterbury, VT

INTRODUCTION

The applicant seeks to build a 256 sf residential addition within the property's side yard setback.

PRESENT AND SWORN IN:

Jason Adams, Applicant

EXHIBITS

Exhibit A: Application # 14-15-T

Exhibit B: Site Plan

Exhibit C: ANR Atlas map of property

Exhibit D: Notice of Public Hearing, dated March 24, 2015

Exhibit E: Letter to Adjoining landowners, dated March 27, 2015

TESTIMONY:

1. The addition would be for a second bedroom.
2. The slope on the east side presents a hardship for expanding there.
3. The septic and deck are on the front of the house.
4. The footprint does not include the overhang, which would require another foot, changing the setback waiver to 40'.

FINDINGS OF FACT:

1. *The .35 acre property is located within the MDR Zoning District where the minimum lot size requirement 2 acres for a residential lot. The property is considered a legally existing, small lot.*
2. *The property currently has an existing single-family residence that lies within required side (south) and front (west) yard setbacks.*
3. *The applicant is proposing to construct a 16'x16' (256 sf) addition to the south side of the house, behind the front line of the residence.*
4. *The district's setback requirements are: Front 60', Sides 50', Rear 50'*
5. *For the new addition, the applicant is seeking a Waiver from the side yard setback requirement, and proposes the following setback: Side (south) 10'*
6. *The proposed structure will meet/exceed the other setback requirements (front, rear and other side).*
7. *The setback Waiver request is: Side (south) setback waiver of 40'*
8. *A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.*
9. *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 **Application #14-15-T, Jason Adams**, for a Setback Waiver to build an addition on an existing residence within required setbacks at 2026 Blush Hill

Road, Waterbury, Vermont, 05676 (Tax Map # 09-320.000) meets the standards for conditional use in section 303, and section 309, waivers.

Motion


On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Tom Kinley seconded to approve application 14-15-T for a 40' side yard setback waiver 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. All exterior lighting will be downcast and shielded.

VOTE:

Passed unanimously.

Minutes Approved:

 , Chair

Date: 5-6-15

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.

THESE MINUTES WERE APPROVED ON * 5-6-15 .*