

WATERBURY DEVELOPMENT REVIEW BOARD
Approved General Meeting Minutes
Wednesday, September 21, 2016

In Attendance: Board members present: Tom Kinley (Acting Chair), David Frothingham, Nathaniel Fish, and Mike Bard. Staff present: Dina Bookmyer-Baker (ZA), and Patti Spence (Secretary).

The public meeting convened at 6:30 p.m. in the in the Steele Community Room in the Municipal Center at 28 North Main Street, Waterbury, VT.

6:30 p.m. #53-16-T: Alexander McKenzie (owner/applicant)
Setback waiver request to construct residential addition to existing garage for residential use and existing home occupation within the side yard setback at 150 Stuart Lane, Waterbury, VT. (LDR zoning district)

This hearing was continued to October 5, 2016 at 8:30 p.m.

7:00 p.m. #56-16-T: Daniel Dunster (owner/applicant)
Setback waiver request to construct residential addition to existing single-family dwelling within the side yard setback at 1513 U.S. Route 2, Waterbury, VT. (MDR/FHA zoning and overlay districts).

This hearing was continued to October 5, 2016 at 8:00 p.m.

7:30 p.m. #57-16-T: Steven Guyette (owner/applicant)
Setback waiver request to construct residential accessory structure (shed) within the required setback at 28 Wilder Lane, Waterbury Center, VT. (LDR zoning district)

Present and Sworn in: Steven Guyette, owner/applicant.

The setback waiver criteria were reviewed. Testimony included:

- There will be recessed, downcast and shielded, lights.

Motion by Mike Bard, seconded by Dave Frothingham: To approve application #57-16-T with conditions.

Vote: Passed unanimously, 4-0.

The Board will issue the final written decision within 45 days.

Approval of prior meeting minutes and decisions:

Motion: Mike Bard moved and David Frothingham seconded the motion to approve the general minutes of September 7, 2016 and the decisions for applications #51-16-T, #19-16-V, and #50-16-T, with minor amendments.


Vote: Passed unanimously, 4-0.

Adjournment: The meeting was adjourned at 7:50 p.m.

Next meeting: Wednesday, October 5, 2016, 6:30 p.m.



(Chair)



(date)

These minutes were approved on October 5, 2016 .

**Town & Village of Waterbury
Development Review Board
Approved Decision #57-16-T
September 21, 2016**

In Attendance: Board members present: Tom Kinley (Acting Chair), David Frothingham, Nathaniel Fish, and Mike Bard. Staff present: Dina Bookmyer-Baker (ZA), and Patti Spence (Secretary).

Owner/Applicant:	Steven Guyette	
Address/Location:	28 Wilder Lane, Waterbury Center, VT	
Zones:	Low-Density Residential (LDR)	
Application #	57-16-T	Tax Map # 13-219.000

Applicant Request

The applicant seeks approval to construct residential accessory structure (shed) within the side yard setback at 28 Wilder Lane.

Present and sworn in:

Steven Guyette, applicant

Exhibits

- A: Application #57-16-T (3 pp: Zoning Permit, Conditional Use), 8/22/16.
- B: Site plan of the proposed shed location.
- C: Aerial photos of the parcel and neighboring properties.
- D: Letters to adjoining landowners, sent certified September 6, 2016
- E: Photo of Proposed Shed Design, September 21, 2016

Testimony.

1. There will be recessed, downcast and shielded, lights.

Findings of Fact

1. Existing conditions: Steven and Loreen Guyette own a 2.09± acre parcel located at 28 Wilder Lane. The property is developed with an existing one-story single-family dwelling with a one-story attached garage. The parcel includes approximately 170' of frontage on Twin Peaks Road, a town road, and 215' of frontage on and has access to Wilder Lane, a private road. The parcel is located in the Low-Density Residential (LDR) zoning.
2. LDR dimensional requirements: In the LDR zoning district, the minimum lot size for one family is 5 acres and the minimum setbacks are: front: 70', sides/rear: 75'. The lot does not meet the minimum lot size. The lot is on the corner of Twin Peaks Road and Wilder Lane. The Zoning Regulations (Regulations) state that in the case of a corner lot, the required front yard dimension shall apply on all streets. [Section 401(c)] Therefore, for zoning purposes, the lot has two front setbacks and two side setbacks. The existing dwelling does not meet the side yard setback.

3. Waiver Request: The applicant proposes to construct a 320 SF shed measuring 16' by 20'. The existing dwelling is 25' from the side yard property line to the south where the shed will be located. The shed will be located 15' from the nearest side property line to the south, and 55' from the front setback to the west that is to Twin Peaks Rd. The Setback Waiver request is to encroach into the side yard setback by 60' and from the Twin Peaks Rd. front setback by 15'.

4. Conditional Use/Waiver criteria:

In accordance with Section 309, the DRB may grant a waiver of building setbacks as a conditional use reviewed in accordance with Section 303; provided 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.

- a. Section 303(e)(1) Community facilities: No change in the residential use and no increase in occupancy is proposed. The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities.
- b. Section 303(e)(2) Character of the area: No change of use is proposed; the use of the property will remain residential. The proposed shed is appropriate in scale and design in relation to the dwelling and others in the area based on Exhibit E, the Photo of Proposed Shed Design.
- c. Section 303(e)(3) Municipal bylaws in effect: The project application presents compliance with the conditional use criteria. The existing dwelling will continue to be for single-family occupancy and will not violate any municipal bylaws and ordinances.
- d. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: No change in the existing residential use of the property is proposed. The shed is for residential storage. This provision does not apply.
- e. Section 303(h) Removal of earth or mineral products conditions: The proposed project does not include earth removal activities. This provision does not apply.

Staff comment: In accordance with Section 303, the Applicant has demonstrated that the proposed residential accessory structure will not have an undue adverse impact on the use and enjoyment of adjoining properties from which the setback waiver is sought.

Staff referral

This project was referred to the DRB for Setback Waiver Request under Article III.

Guiding ordinance sections

Section 309—Waivers

Section 303—Conditional Uses

Table 5.2—Dimensional Requirements by District

Conclusion:

Based upon the findings and subject to the conditions set forth below, the Board hereby concludes application #57-16-T, to construct a residential accessory structure (shed) at 28 Wilder Lane, for a setback

waiver of 60' to the side property line and 15' to the westerly front property line meets the standards of Section 309, Waiver; Section 303, Conditional Use; and Table 5.2, Dimensional Requirements by District.

Motion:

On behalf of the Waterbury Development Review Board, Mike Bard moved and Dave Frothingham seconded to approve application # 57-16-T with the following conditions:

1. The applicant shall complete the project in accordance 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.

 Chair

Date: 10-5-16

THESE MINUTES WERE APPROVED ON October 5, 2016

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.