

WATERBURY DEVELOPMENT REVIEW BOARD
Approved General Minutes—March 16, 2022

Attending: Board members present: David Frothingham, Chair, Dave Rogers, Tom Kinley, Bud Wilson, Patrick Farrell, Alex Tolstoi, Harry Shepard.

Staff: Stephen Lotspeich (Planning & Zoning Director and Zoning Administrator).

David Frothingham, Chair, opened the public meeting at 6:33 p.m. and made the following introductory remarks: Applicants should have one spokesperson. Staff will give an overview of the project. The Applicant/Spokesperson will present any new information to the Board. The DRB members will ask questions, followed by staff questions and comments. The hearing will then be opened to the public for comments and questions. Note that the DRB is a seven-member Board, seven members are present; an approval requires at least four votes in the affirmative.

1) #010-22: Nick Waringa (owner/applicant)

Waiver and Conditional Use review for the construction of a 1,260 sq. ft. two-story garage within the front setback at 1504 Loomis Hill Rd. (MDR zoning district)

Present and sworn in:

Nick and North Waringa, owners/applicants

Nick Waringa presented a waiver request for the proposed two-story garage. The project will include a slab for a future addition to the garage. Solar access for panels that will be mounted on the garage roof is important and limits where the garage can be placed on the parcel. The siding will be hemlock or pine board and batten. The roof will be standing seam metal.

Submitting a revised plan to be in keeping with these comments at least one week prior to the next DRB meeting on April 6th was recommended.

At 7:10 p.m. the hearing was continued to Wednesday, April 6th at 6:30 p.m.

2) #011-22: Kurt Kellett (owner/applicant)

Ridgelines, Hillside, and Steep Slopes (RHS) and Conditional Use review for the construction of an 1,848 sq. ft. two-story barn at 91 Moose Run Ln. (MDR/RHS zoning/overlay districts)

Present and sworn in:

Kurt Kellett, owner/applicant

George McCain, engineer for the applicant

Kurt Kellett presented the project to construct a two-story barn with an open sided, roofed addition on the east side. The site has already been graded and a stormwater facility has been installed. No additional clearing of existing trees will be done. The siding will be pine shiplap stained in a dark grey. The roof will be matt black standing seam metal. The building will be 26' tall and the upstairs will be utilized for storage. Exterior lighting will consist of lantern type downcast wall-mounted lights on the front of the building.

3) Agenda items to be scheduled by the Chair:

- Public comment / Other business: There was none.

- Review prior meeting minutes and decisions (3/2/22):

Tom Kinley moved and David Rogers seconded the motion to approve the DRB general meeting minutes of 3/2/22 and the decisions for Applications #006-22, #007-22, #101-21.

VOTE: The motion passed 7 – 0.

Adjournment: There being no other business, the meeting was adjourned at 7:40 p.m.

Approved:  Date: April 6, 2022
David Rogers, Vice-chair

Next meeting:

Wednesday, April 6, 2022, 6:30 p.m.

- #131-20, Jeremy Ayers / Ayers Family Legacy LLC, SFHA for the Ice House at 18 Elm St. (DWN/VR/SFHA)
- #015-22, Bataille & Stern, WR for garage addition, 14 Hillcrest Terrace (VR)
- #018-22, Konietzko & Wahlander, RHS for dwelling and studio, 557 Bear Creek Ln. (CNS/RHS)

**Town of Waterbury
Development Review Board
Approved Decision
Application #006-22 ▪ March 16, 2022**

Attending: Board members present: David Frothingham, Chair, Dave Rogers, Tom Kinley, Bud Wilson, Patrick Farrell, Alex Tolstoi, Harry Shepard.

Staff: Stephen Lotspeich (Planning & Zoning Director and Zoning Administrator).

Owner/Applicant:	Kurt Kellett (owner/applicant)	
Address/Location:	91 Moose Run Lane, Waterbury Center, VT	
Zones:	Medium Density Residential (MDR), and Ridgelines/Hillsides/Steep Slopes (RHS) overlay district.	
Application #	011-22	Tax Map # 10-023.040

Applicant Request:

The applicant seeks ridgeline, hillside, steep slope (RHS) and conditional use approval to construct a 32 x 44' barn with a 10' overhang at 91 Moose Run Lane in the Medium Density Residential (MDR) zoning district and Ridgeline/Hillside/Steep Slopes (RHS) overlay district.

Present and sworn in:

Kurt Kellett, owner/applicant
George McCain, engineer for the applicant

Exhibits:

- A: Application #011-22 (7 pp: Zoning, Site Plan Info, Conditional Use, Overlay District) submitted 2/18/22.
- B: Narrative response to Conditional Use criteria submitted 2/18/22
- C: Site Plan prepared by McCain Consulting, Inc. dated 1/7/22.
- D: Isometric views, floor plans and elevations of proposed barn prepared by Kim Brown, dated 1/13/22.
- E: Orthophotos and parcel map of the lot and zoning districts. (staff).
- F: Letter to adjoining landowners, mailed certified on: 1/17/19.

Project Description:

1. Existing conditions: Kurt Kellett owns a parcel, located at 91 Moose Run Lane in the Medium Density Residential (MDR) zoning district and the Ridgelines/Hillsides/Steep Slopes (RHS) overlay district. The lot is 6.95 acres in area and is developed with a single-family dwelling. The lot has direct access to Moose Run, a private road. The upper part of the lot has been cleared and is mostly an open field. The lot is part of a four-lot subdivision that was approved under Permit #60-05-T. This subdivision was approved prior to the enactment of the Ridgeline, Hillside, Steep Slope zoning bylaws. The lot is served by a private well and an on-site septic system.

2. Proposal: No new clearing is proposed. The lot is proposed for a 32 x 44' two-story barn with a 10' wide overhang roof as shown on Exhibit D. the barn will have dark reddish-brown siding and a dark grey roof. Exterior lighting will consist of lantern type downcast wall-mounted lights on the front of the building.
3. The lot is in the RHS overlay district below 1500 FIE, which makes this a minor development application. Exhibit B, the Narrative response to Conditional Use criteria detail the applicant's response to the criteria. The following is how the project addresses these conditional use standards specifically:
 1. Conditional Use/Waiver criteria, Section 303: As set forth in Section 1001(c), uses that are permitted in the underlying zoning district shall be treated as conditional uses in the RHS overlay district. The Board considered the following general and specific standards:
 - a. Community facilities, Section 303(e)(1): The project proposes a residential accessory barn which is a permitted use. The development will be served by private well and septic. The project will not unduly increase the traffic, does not require additional municipal water or sewer allocation, will not burden the school capacity, and will not unduly increase the demand for fire protection. The Board concludes that the proposal will not have an undue adverse impact on the capacity of existing or planned community facilities.
 - b. Character of the area, Section 303(e)(2)(A-E): The use of the property will be residential. All exterior lighting will be downcast and shielded. Exhibit C shows that the existing meadow and trees on the property will remain unchanged. The proposed two-story barn with a 1,848 SF footprint has been designed in consideration of the character of the MDR zoning district and the surrounding neighborhood. The structure will be finished in earth-tone colors with a dark grey roof. See Applicant's Exhibit D for the building isometric (perspective) views. The Board concludes that the project is appropriate in scale and design relative to the MDR/RHS districts and will not have an adverse impact on the character of the area.
 - c. Municipal bylaws in effect, Section 303(e)(3): The proposal is for residential use. This project application presents compliance with the conditional use criteria. The Board concludes that the proposal will not violate any municipal bylaws and ordinances.
 - d. Methods to control fumes, gas, dust, smoke, odor, noise, or vibration; Section 303(f)(2): The proposed residential use will not typically create the above-named nuisances and therefore no devices or special methods are proposed to control these impacts. The Board concludes that no devices or special methods are necessary to prevent or control these impacts.
 - Removal of earth or mineral products, Section 303(h): The project does not involve earth-removal activities. This provision does not apply.

Conclusion:


Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Kurt Kellett (owner/applicant) to construct a 32 x 44' barn with a 10' overhang at 91 Moose Run Lane in the Medium Density Residential (MDR) zoning district and Ridgeline/Hillside/Steep Slopes (RHS) overlay district, as presented in application #011-22 and supporting materials, meets the Conditional Use and RHS Overlay District standards as set forth in Sections 303 and 1004.

Decision Motion:

On behalf of the Waterbury Development Review Board, David Rogers moved and Patrick Farrell seconded the motion to approve Application #011-22 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 shall be downcast and shielded.
- (3) The barn shall be used for personal use and storage only and shall not be used for any commercial purposes.

Vote: The motion was approved 7-0.



David Rogers, Vice-chair

Approved: April 6, 2022
(date)

Additional state permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367 or pete.kopsco@vermont.gov, and the appropriate state agencies to determine what permits must be obtained.

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.