

WATERBURY DEVELOPMENT REVIEW BOARD
Approved General Minutes—May 18, 2022

Attending: Board members present: David Frothingham (Chair), David Rogers, Tom Kinley, Bud Wilson, Patrick Farrell, Harry Shepard, Joe Wurtzbacher

Staff: Stephen Lotspeich (Planning & Zoning Director), Neal Leitner (Asst. Planning & Zoning Administrator)

Public: Joan Liggett

David Frothingham, Chair, opened the public meeting at 6:30 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) #21-22: Ivy Ventures, Inc. (owner/applicant)

Continuation of the Conditional Use and Site Plan Review to construct a two-story office building with an 11,000 square foot footprint, and 23,000 square feet of interior space at 2933 Waterbury-Stowe Rd. (RT100 zoning district). (Applicant has requested that the review be continued to June 1, 2022 at 6:30 p.m.)

The public hearing was continued to June 1, 2022 at 6:30 p.m.

2) #031-22: Holli Kenyon / Gary Kenyon II (owner/applicant)

The continuation of the public hearing started at 6:35 p.m. for the Waiver and Conditional Use review to replace the existing garage with a new garage in the same general footprint with a home occupation office on the first floor and an accessory dwelling unit on the second floor, within the front, side and rear setbacks at 84 Grove Lane (LDR zoning district)

Present and sworn in:
Gary Kenyon, applicant

Testimony:

Gary Kenyon presented the project and testified that the existing garage is in poor condition. There will be downcast sconce lights for the doorways into the garage. The home office will move from the house to the new garage. There will be no employees working on site other than family members.

The public hearing was closed at 6:42 p.m. The Board approved the project with conditions and will issue the written decision within 45 days.

3) #035-22: Furst Management Ventures / Brian Leven (owner/applicant)

At 6:43 p.m. the Chair opened the Site Plan and Downtown Design Review for the addition of a block retaining wall at the back of lot, expansion of deck for previously approved restaurant, and location of utility units on roof located at 14 South Main Street

(DWN/DDR zoning/overlay districts)

Present and sworn in:
Brian Leven

Testimony:

1. The project has three elements, the block retaining wall that is needed due to the buried propane tanks on the bank, the extension of the deck for an additional 10' with no increased seating capacity, and the placement of new utility units on the roof of the one-story portion of the building.
2. Concern was raised by the DRB members regarding the need for screening for the utility units on the roof since they will be partially visible from the ground level.
3. Concern was also raised by the DRB members regarding the smoke from the proposed outdoor wood burning fireplace.
4. The DRB requested that the following information be submitted a minimum of one week prior to the continuation of the review: Details for screening for the utility units on the roof including materials and color, an alternative to the wood burning fireplace such as a propane stove or fire pit, details for the lighting for the deck including cut sheets, and a landscape planting for the bank above the retaining wall in the vicinity of the propane tanks.

At 7:04 p.m. the review was continued to June 15, 2022 at 6:30 p.m.

- 4) **#038-22: Justin & Nusi Brown (owner/applicant)**
The public hearing was opened at 7:05 p.m. for Ridgelines/Hillsides/Steep Slopes (RHS) and Conditional Use review for the construction of a single-family dwelling located on Lot #12, 561 Bear Creek Ln. (CNS/RHS zoning/overlay districts)

Present and sworn in:
Justin & Nusi Brown, owners/applicants
George McCain, P.E., engineer
Ericka Dodge, architect

Testimony:

George McCain presented the project and discussed the proposed re-vegetation areas. These will all be native species. The retaining wall near the garage results in all grading work taking place below the elevation of 1,500 FIE. The building height, proposed building elevations and the cut and fill for the building was discussed.

The public hearing was closed at 7:24 p.m. The Board approved the project with conditions and will issue the written decision within 45 days.

- 5) **#039-22: Grant & Heather Begley / John Lupien (owner/applicant)**
The public hearing was opened at 7:26 p.m. for the Ridgelines/Hillsides/Steep Slopes (RHS) and Conditional Use review for the construction of a single-family dwelling located at 545 Stagecoach Lane (CNS/RHS zoning/overlay districts)

Present and sworn in:
John Lupien, applicant

Testimony:

John Lupien presented the project discussing the building materials and color that will be an earth tone reddish brown. Exterior lighting was discussed including the downcast spot lights that will be on motion detectors. There will be a boulder retaining wall in the yard to the west of the house that will create a more level yard between the house and the wall.

The public hearing was closed at 7:43 p.m. The Board approved the project with conditions and will issue the written decision within 45 days.

Agenda items to be scheduled by the Chair:

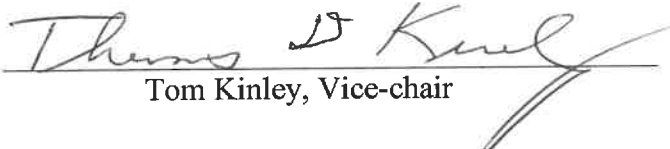
- Public comment / Other business: There was none.
- Review prior meeting minutes and decisions (5/4/22):

MOTION:

Bud Wilson moved and Alex Tolstoi seconded the motion to approve the general meeting minutes for May 4, 2022 and the decisions for applications #017-22, and #027-22.

VOTE: The motion was approved 7 - 0.

Adjournment: There being no other business, the meeting was adjourned at 7:55 p.m.

Approved:  Date: June 1, 2022
Tom Kinley, Vice-chair

Next meeting:

Wednesday, May 18, 2022, 6:30 p.m.

- #021-22, Ivy Ventures, Continuation of Site Plan and Conditional Use review for the construction of a 11,000 sq. ft. (footprint) two-story office building (RT100)
- #048-22, Chila Russell, Waiver and Conditional Use review for a shed (RT100)
- #049-22, Lowe Family Trust, Waiver and Conditional Use review re-build a garage (LDR)
- #051-22, Mutchler, Ridgelines/Hillsides/Steep Slopes (RHS) and Conditional Use review for the construction of a single-family dwelling Lot #4, at the intersection of Sweet Rd. and Ripley Rd., (MDR&CNS/RHS zoning/overlay districts)

**Town of Waterbury
Development Review Board
Approved Decision #031-21 ■ May 18, 2022**

Present: Board members: David Frothingham (Chair), David Rogers, Tom Kinley, Bud Wilson, Patrick Farrell, Harry Shepard, Joe Wurtzbacher

Staff: Steve Lotspeich (Planning & Zoning Director), Neal Leitner (Assistant Planning and Zoning Administrator)

STAFF REPORT

Owner/Applicant:	Holli Kenyon/Gary Kenyon II	
Address/Location:	84 Grove Lane., Waterbury	
Zoning District(s):	Low-Density Residential (LDR)	
Application #	031-22	Tax Map #14-073.000

Applicant Request:

The Applicant seeks a setback waiver to replace the existing garage with a new garage in the same general footprint with a home occupation office on the first floor and an accessory dwelling unit on the second floor, within the front, side and rear setbacks at 84 Grove Lane in the Low-Density Residential (LDR) zoning district.

Present and sworn in:

Gary Kenyon II, applicant

Exhibits:

- A1-3: Application #031-22 (3 pages: zoning, conditional use) submitted 4/7/22.
- B: Site plan prepared by Applicant, (1 page) submitted 4/7/22.
- C1-2: Building Elevations submitted 4/7/22.
- D1-4: Building Floor Plans submitted 4/7/22.
- E: Orthophoto of parcel (staff).
- F: Letter from Tailwater Engineering, LLC re. wastewater capacity dated 4/12/22
- G: Notice sent to abutting property owners dated 4/27/22

Project Description:

1. Existing conditions: Holli Kenyon owns a 1.62± acre parcel at 84 Grove Lane in the Low-Density Residential (LDR) zoning district. The property is developed with an existing single-family dwelling and detached garage of approximately 768 square feet. Also, there is a previously approved detached garage that has not been constructed yet. The lot is served by an on-site private wastewater system and well.
2. Project: To replace the existing garage with a new garage in the same general footprint with a home occupation office on the first floor and an accessory dwelling unit on the second floor with 1 bedroom and two bathrooms. The proposed garage will measure 24' x 32' (768 sq. ft. footprint), be 1,536 sq. ft. of

floor area on two floors, and is proposed to be 24' tall. The home occupation (office) will occupy 360 sq. ft. and the accessory apartment on the second floor of the garage will occupy 768 sq ft. as shown on Exhibit D.

The detached garage will be located in the Low-Density Residential (LDR) zoning district. The proposed garage will not meet the side, front or rear setbacks (Exhibit B). The placement of the detached garage is constrained by the existing driveway that serves the existing dwelling and garage. It is also constrained by the location of the well head, which is located between the garage and the existing house. If the location of the proposed garage was shifted to meet all setbacks, it would be located generally where the existing-family house is currently. Any exterior lighting proposed for the detached garage shall be downcast and shielded.

3. LDR Dimensional Requirements, Table 5.2: Minimum setbacks for LDR: 70' front, 75' sides/rear. The lot does not meet the minimum 5-acre lot size for the LDR zoning district. The lot is a legal, non-conforming lot. The proposed detached garage will not meet the minimum setback requirements for the LDR zoning district where it will be located.
4. Waiver Request, Section 309: The proposed detached garage will be 45' from the front property line at the closest corner (Exhibit B). The setback waiver request is to encroach on the front yard setback by 25 feet (70' minus 45'), encroach on the side yard setback by 60 feet (75' minus 15'), and to encroach on the rear yard setback by 14 feet (75' minus 61').
5. Conditional Use/Waiver criteria: As set forth in Section 309, the DRB may grant a waiver of building setbacks as a conditional use review in accordance with Section 303, provided that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties. The Board must find that the proposal conforms to the following general and specific standards:
 - (a) Section 303(e)(1) Community facilities: The project will not change the residential use as a detached garage with an accessory dwelling unit on the second floor and a home occupation office on the first floor. The project will not increase the occupancy, unduly increase traffic, burden the school capacity, or increase the demand for fire protection. The application states: "The current structure does not have an impact on existing properties."
 - (b) Section 303(e)(2)(A-E) Character of the area: The use of the property will remain residential. The style and dimensions of the detached garage will similar to the existing detached garage in terms of footprint and location. The application states: "The project will be in the same footprint as the current building, not blocking views or impacting the neighborhood." The Board concludes that the project *will/will not* have an undue adverse impact on the character of the area.
 - (c) Section 303(e)(3) Municipal bylaws in effect: The use of the property will remain residential. The proposed use is within the zoning regulations in the LDR zoning district, aside from setback. This project application *presents/does not present* compliance with the conditional use criteria.

- (d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: No change to the residential use is proposed; the project will not create the above-named nuisances.
- (e) Section 303(h) Removal of earth or mineral products conditions: The project does not include 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 project proposed by Gary Kenyon II and Holli Kenyon for a detached garage within the front, side and rear setbacks at 84 Grove Lane, as presented in application #031-22 and supporting materials, *meets/does not meet* the Waivers and Conditional Use criteria set forth in Sections 309 and 303.

Decision Motion:

On behalf of the Waterbury Development Review Board, David Rogers moved and Tom Kinley seconded the motion to approve application #031-22 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) Any future additions to the proposed garage shall require further review by the Development Review Board and the issuance of an additional zoning permit.

Vote: The motion was approved 7-0.

 _____, Approved: June 1, 2022
Tom Kinley, Vice-chair (date)

Additional state permits may be required for this project. *Please note:* State permits may be required. The landowner/applicant is advised to visit <https://dec.vermont.gov/permitnavigator> 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.

**Town of Waterbury
Development Review Board
Approved Decision #038-22 ■ May 18, 2022**

In Attendance: Board members present: Board members: David Frothingham (Chair), David Rogers, Tom Kinley, Bud Wilson, Patrick Farrell, Harry Shepard, Joe Wurtzbacher

Staff present: Steve Lotspeich (Planning & Zoning Director) and Neal Leitner (Asst. Planning & Zoning Administrator).

Owner/Applicant:	Justin & Nusi Brown
Address/Location:	561 Bear Creek Lane
Zones:	Conservation (CNS) and Ridgelines/Hillsides/Steep Slopes (RHS) overlay district
Application #	038-22 Tax Map #14-065.012

Applicant Request

The applicant seeks approval to construct a single-family dwelling on a 10.2-acre lot at 561 Bear Creek Lane, Lot 12, Conservation zoning district and Ridgelines/Hillsides/Steep Slopes overlay district.

Present and sworn in:

Justin & Nusi Brown, owners
George McCain, engineer
Erika Didge, architect

Exhibits:

- A1-6: Application #038-22 (6 pp: Zoning, Overlay District), submitted 4/15/22
- B1-2: Conditional Use Criteria and Response to Conditional Use Criteria.
- C1: Site Plan with house, driveway location and previously approved thinning zone per permit 67-16 by McCain Consulting, Inc. dated 4/15/22.
- C2: Landscape Plan
- D1: Cover Sheet submitted 4/15/22
- D2: Building Model Images submitted 4/15/22
- D3: First Floor Overall Plan submitted 4/15/22
- D4: Basement Floor Plan submitted 4/15/22
- D5: First Floor Plan submitted 4/15/22
- D6: First Floor Plan Garage submitted 4/15/22
- D7: Second Floor Plan submitted 4/15/22
- D8: Overall building elevation submitted 4/15/22
- D9: Building Elevations A3.2 submitted 4/15/22
- D10: Building Elevations A3.3 submitted 4/15/22
- E1: Exterior Lighting Plan submitted 4/15/22
- E2-11: Lighting Cut Sheets
- F1-2: Brown Property Aerial Map & Zoning Map

G1-5: Prior DRB decision for App. #001-21 dated 3/3/21 & Administrative Zoning Permit #027-20 dated 4/24/20 & related site plans.

H: Notice sent to abutting property owners dated 4/28/22.

Project Description:

1. Existing conditions: Justin and Nusi Brown own a 10.2± acre parcel on Bear Creek Lane. The parcel obtained approval for pre-development site preparation for a house site in 2016 during a 2-lot subdivision per permit #67-16-T. The parcel is in the Conservation (CNS) zoning district and the Ridgelines/Hillsides/Steep Slopes (RHS) overlay district.

Zoning permit history: (applicable recent permits)

December 2016, DRB approved pre-development site preparation for lots #12 & #13 (#67-16-T).

Permit #027-20 for the installation of a yurt was issued administratively on 4/24/20.

March 3, 2021, DRB approved a revision of the building zone and renew the previously-approved thinning envelope (#001-21) dated 3/3/21.

2. Proposal: Construct a single-family dwelling with associated clearing and re-vegetation areas on previously approved Lot #12, Bear Creek Lane (CNS/RHS zoning/overlay districts). The location of the proposed dwelling is at an existing elevation of between 1,470' and 1,480' therefore it is considered Minor Development.
 - (a) CNS Dimensional Requirements, Table 5.2: Minimum lot area; 10 acres; minimum setbacks: 100' front-sides-rear. Maximum building height: 35'. The 10.2-acre lot meets the minimum lot area. The proposed dwelling meets the minimum setbacks. The building height will be approximately 30' as shown on Exhibit D10.
 - (b) The driveway access construction has already occurred as well as additional clearing for the house site as shown on Exhibit C. Additional clearing and grading for the house site and septic system, and related work, will occur as previously approved under Applications #67-16-T, #001-21, #027-20 and the associated DRB decisions that is Exhibits G.
 - (c) The site work that has already occurred includes the following:
 - a. The driveway access – the proposed driveway enters the property from Bear Creek Lane.
 - b. Clearing the house site – the proposed house site is located between 1,470 FIE and 1,480 FIE. Additional clearing below the house site was completed that was not in conformance with the approved plans as part of permit #67-16T, #001-21, #027-20. The site plan indicates the required re-vegetation areas in green shades, re-vegetation Zone A and Zone B respectively, in exhibit D1.
 - c. Installing septic system – some additional clearing will be required for the construction of the leach field which is located in the western portion of the lot as shown on Exhibit C.
 - (d) Erosion and storm water control measures consistent with State standards will be implemented during construction.
 - (e) All construction shall adhere to the standards set forth in the Vermont Low Risk Handbook.

3. Section 303 Conditional Use criteria: Development of lands within the RHS overlay district shall comply with the following conditional use review standards:
- a) Section 303(e)(1) Community facilities: The Board must find that the proposal will not have an undue adverse impact on the following: The capacity of community facilities: The dwelling will not be connected to municipal water or sewer systems. The proposal to construct a dwelling on the residential lot will not exceed the school system capacity, or cause an undue adverse impact to traffic volumes, or create an unmanageable burden on fire protection services.
 - b) Section 303(e)(2)(A-E) Character of the area: The existing uses in area are residential with large areas of existing forest. Light and noise impacts will be typical of standard residential use, which will not cause danger of fire, explosion, or electrical hazard, or in any other way jeopardize the health and safety of the area. According to the findings of fact in the approved decision #67-16, the DRB found that *“The proposed clearings will maintain screening from view due to the forested cover to be preserved in the foreground of the proposed building zones. The future building sites are not overly steep the proposed access drive has been designed with an average grade of 8-10%+/-.”* Exhibit B in the current application states: *“We are aware of no historic sites or rare or irreplaceable natural areas on the parcel. The State of Vermont does not identify any rare, threatened, or endangered species or deer wintering areas on the parcel.”* Areas of re-vegetation are proposed to achieve compliance with the prior approvals and to meet these criteria.
 - c) Section 303(e)(3) Municipal bylaws in effect: Residential dwellings are a permitted use within the CNS zoning district and are a conditional use when they are located within the RHS overlay district. The application *represents/does not represent* compliance with the conditional use bylaws.
 - d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The proposed residential use will not typically create the above-named nuisances and therefore no devices or special methods are required to control these impacts.
 - e) Section 303(h) Removal of earth or mineral products conditions: The project does not include 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 Justin and Nusi Brown to construct a single-family dwelling and thin additional wooded areas on Lot 12 per permit #67-16-T on Bear Creek Lane, in the CNS zoning district and RHS overlay district, as presented in application #038-22 and supporting materials, *meets/does not meet* the Conditional Use and Ridgelines/Hillsides/Steep Slopes criteria as set forth in Sections 303 and 1004.

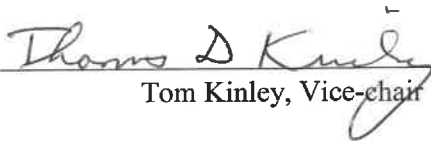
Decision Motion:

On behalf of the Waterbury Development Review Board, Harry Shepard moved and Tom Kinley seconded the motion to approve application #038-22 with the following conditions:

- (1) 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) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in zoning permit approvals #67-16-T, #027-20, and #001-21.
- (4) The areas to be re-vegetated shall be allowed to grow up in native trees and all invasive species shall be removed.
- (5) The applicant shall comply with the latest edition of the State of Vermont Low Risk Site Handbook for Erosion and Sediment Control, when development commences on the lot (as per zoning permit approval #104-18).

Vote: The motion was approved 7-0.



Tom Kinley, Vice-chair

Approved: _____
June 1, 2022

Additional state permits may be required for this project. Please note: State permits may be required. The landowner/applicant is advised to visit <https://dec.vermont.gov/permitnavigator> 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.*

**Town of Waterbury
Development Review Board
Approved Decision #039-22 ▪ May 18, 2022**

In Attendance: Board members present: Board members: David Frothingham (Chair), David Rogers, Tom Kinley, Bud Wilson, Patrick Farrell, Harry Shepard, Joe Wurtzbacher

Staff present: Steve Lotspeich (Planning & Zoning Director) and Neal Leitner (Assistant Zoning Administrator).

Owner/Applicant:	Grant and Heather Begley/John Lupien
Address/Location:	545 Stagecoach Lane
Zones:	Conservation (CNS) and Ridgelines/Hillsides/Steep Slopes (RHS) overlay district
Application #	039-22 Tax Map #14-084.100

Applicant Request

The applicant seeks approval to construct a single-family dwelling on a 10.55-acre lot at 545 Stagecoach Lane, Conservation zoning district and Ridgelines/Hillsides/Steep Slopes overlay district.

Present and sworn in:

John Lupien, applicant

Exhibits:

- A1-5: Application #039-22 (5 pp: Zoning, Overlay District), submitted 4/18/22
- B1-2: Conditional Use Criteria and Response to Conditional Use Criteria.
- C1-2: Site Plan with house, driveway location and cleared areas submitted 4/18/22.
- D1-5: Building models submitted 4/18/22
- E1-4: Elevations submitted 4/18/22
- F1-4: Floor plans submitted 4/18/22
- G1-3: Lighting cut sheets submitted 4/18/22
- H1-2: Begley Property Aerial Map & Begley Property Zoning Map (staff)
- I: Notice sent to abutting property owners dated 5/2/22.

Project Description:

1. Existing conditions: Grant & Heather Begley own a 10.55± acre parcel at 545 Stagecoach Lane. The parcel is in the Conservation (CNS) zoning district and the Ridgelines/Hillsides/Steep Slopes (RHS) overlay district.
2. Proposal: Construct a single-family dwelling and associated clearing at Stagecoach Lane. (CNS/RHS zoning/overlay districts) The location of the proposed dwelling is at an existing elevation of between 1,300' and 1,315' therefore it is considered Minor Development. Exhibit C2 shows a proposed boulder retaining wall to the southwest of the dwelling to retain a portion of the

proposed lawn area.

- (a) CNS Dimensional Requirements, Table 5.2: Minimum lot area; 10 acres; minimum setbacks: 100' front-sides-rear. The 10.55-acre lot meets the minimum lot area. The proposed dwelling meets the minimum setbacks.
 - (b) The site work that has already occurred includes the following:
 - a. The driveway access – the proposed driveway enters the property from Stagecoach Lane.
 - b. Clearing the house site – the proposed house site is located between 1,300 FIE and 1,315 FIE. A plan indicating the clearing area is shown on Exhibit C2.
 - c. The site has been cleared downhill to the southwest to an intermittent stream that is shown on Exhibit C1 with a 50' wide buffer. A portion of that buffer has been cleared and the stumps have been removed.
 - (c) Erosion and storm water control measures consistent with State standards will be implemented during construction.
 - (d) All construction shall adhere to the standards set forth in the Vermont Low Risk Handbook.
3. Section 303 Conditional Use criteria: Development of lands within the RHS overlay district shall comply with the following conditional use review standards:
- (a) Section 303(e)(1) Community facilities: The Board must find that the proposal will not have an undue adverse impact on the following: The capacity of community facilities: The dwelling will not be connected to municipal water or sewer systems. The proposal to construct a dwelling on the residential lot will not exceed the school system capacity, or cause an undue adverse impact to traffic volumes, or create an unmanageable burden on fire protection services.
 - (b) Section 303(e)(2)(A–E) Character of the area: The existing uses in area are residential with large areas of existing forest. Light and noise impacts will be typical of standard residential use, which will not cause danger of fire, explosion, or electrical hazard, or in any other way jeopardize the health and safety of the area.
 - (c) Section 303(e)(3) Municipal bylaws in effect: Residential dwellings are a permitted use within the CNS zoning district and are a conditional use when they are located within the RHS overlay district. The application *represents/does not represent* compliance with the conditional use bylaws.
 - (d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The proposed residential use will not typically create the above-named nuisances and therefore no devices or special methods are required to control these impacts.
 - (e) Section 303(h) Removal of earth or mineral products conditions: The project does not include earth removal activities. The application states “*No material is expected to be removed from the property. Normal and accepted excavation practices will be adhered to. All existing site materials will be used for back-filling, top soil will be reused, seeded and mulched for lawn growth.*”

Conclusion:

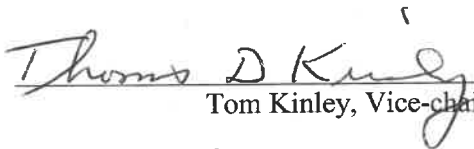
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Grant & Heather Begley to construct a single-family dwelling at 545 Stagecoach Lane, in the CNS zoning district and RHS overlay district, as presented in application #039-22 and supporting materials, *meets/does not meet* the Conditional Use and Ridgelines/Hillsides/Steep Slopes criteria as set forth in Sections 303 and 1004.

Decision Motion:

On behalf of the Waterbury Development Review Board, David Rogers moved and Tom Kinley seconded the motion to approve application #039-22 with the following conditions:

- (1) 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) All areas within the 50’ riparian buffer from the stream shall remain vegetated with native vegetation. Any cleared areas within the riparian buffer shall be revegetated with native vegetation and all invasive species shall be removed.
- (4) The applicant shall comply with the latest edition of the State of Vermont Low Risk Site Handbook for Erosion and Sediment Control, when development commences on the lot.

Vote: the motion was approved 7-0.



 Tom Kinley, Vice-chair

Approved: June 1, 2022
 (date)

Additional state permits may be required for this project. *Please note:* State permits may be required. The landowner/applicant is advised to visit <https://dec.vermont.gov/permitnavigator> 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.*