

Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: May 6, 2015

IN ATTENDANCE:

Board Members Present: Dave Rogers, Acting-Chair; Tom Kinley, Mike Bard, David Frothingham

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

6:30 p.m. Application #07-15-V, J Patrick Householder, for a Zoning Permit and setback waiver to construct an addition to the existing residence within required setbacks at 12 Adams Court, Waterbury, VT 05676 (Tax Map #19-267.000).

Approved, see hearing minutes.

7:00 p.m. Application #16-15-T, William & Ingrid Shepeluk, for a Zoning Permit and setback waiver to rebuild the existing detached garage within required setbacks at 743 Ripley Road, Waterbury Center, VT 05677 (Tax Map #14-083.500).

Approved, see hearing minutes.

7:30 p.m. Application #17-15-T, JJJ, LLC, for a Zoning Permit, Site Plan Review, and Special Flood Hazard Area Overlay District Permit to convert the vacant field into a space for a flea market, farmer's market, and a community garden at 1901 US Route 2, Waterbury, VT 05676 (Tax Map #12-020.000).

Approved, see hearing minutes.

8:15 p.m. Application #13-15-V, Malone Superior, LLC, request for a waiver to the full Site Plan Review process for a parking lot at 59 Railroad Street, Waterbury, VT 05676 (Tax Map #19-384.000).

The applicant requests a waiver. They indicate that they will continue to use the property as a parking lot and no additional lighting will be added. The DRB discussed the existing lighting and the need for a sidewalk for pedestrian safety. It was discussed that a lighting plan and a stormwater plan was needed.

The DRB concluded a site plan review was necessary.

APPROVAL OF MINUTES:

MOTION:

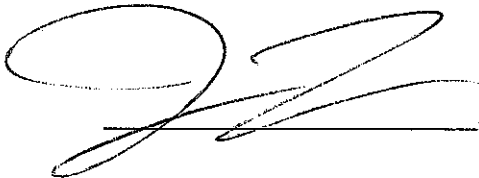
Dave Frothingham moved and Mike Bard seconded the motion to approve the DRB general minutes of April 15, 2015 and the hearing minutes #06-15-V, #12-15-T, #13-15-T, #14-15-T of April 15, 2015, as amended.

Vote: Passed unanimously.

OTHER BUSINESS

The color of the Ladd Hall building project was discussed and it was determined that no action was required.

The meeting was adjourned at 8:30 p.m.

 _____, Chair

Date: 5-20-15

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 * 5-20-15 .*

Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes #07-15-V
Date: May 6, 2015

IN ATTENDANCE:

Board Members Present: Dave Rogers, Acting-Chair; Tom Kinley, Mike Bard, David Frothingham

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 #: 07-15-V

Applicant: J Patrick Householder

Property Owner: Same

Tax Map #: 19-267.000

Location of Project: 12 Adams Court, Waterbury, VT

Present and sworn in:

J Patrick Householder, Applicant

INTRODUCTION

The applicant seeks to build a new deck within rear setbacks, between the existing house and garage, and a 16'8" x 20' sf addition on the east side of the house - within the property's side and rear yard setbacks.

EXHIBITS

- Exhibit A: Application # 07-15-V
- Exhibit B: Building Footprint Plans
- Exhibit C: Site Plan from 02-14-V
- Exhibit D: Elevation Drawings
- Exhibit E: Photographs of Existing Structure
- Exhibit F: ANR Atlas map of property
- Exhibit G: Notice of Public Hearing, dated April 2, 2015
- Exhibit H: Letter to Adjoining landowners, dated April 16, 2015

PROJECT DESCRIPTION

1. *The 0.22 acre property is located within the VR Zoning District where the minimum lot size requirement is 10,000 sq ft for a single-family residential lot. The property is considered an existing, small lot.*
2. *The property currently has an existing single-family residence and detached garage, both of which lie within side and rear yard building setbacks.*
3. *In April, 2014, the applicant received a setback waiver (Application # 02-14-V) for the construction of an attached sunroom and replacement garage (Exhibit C).*
4. *The current proposal is to: 1) construct a new deck that will connect the residence to the garage, while maintaining the existing rear yard setback; and to 2) remove the existing 3-season porch and deck on the NE/SE side of the house and replace with a 16'8"x20' heated addition. With the removal of the 3-season porch and deck on this side of the house, the new heated addition will actually increase the building's setback to the rear property line (SE), while maintaining the existing 5' setback to the side yard property line (NE).*
5. *The district's setback requirements are: Front 30', Sides 10', Rear 30'*
6. *For the new heated addition, the applicant is seeking a Waiver from the side and rear yard setback requirements, and proposes the following setbacks: Side (NE) 5', Rear (SE) 14'.*
7. *For the new deck between the house and the garage, the applicant is seeking a Waiver from the rear setback requirement, and proposes the following setback: Rear (SE) 5'.*
8. *The proposed structure will meet/exceed the other setback requirements (front and other side).*
9. *The setback Waiver request for the new heated addition is: Rear (SE) setback waiver of 16' and Side (NE) setback waiver of 5'.*
10. *The setback Waiver request for the new deck between the house and the garage is: Rear (SE) setback waiver of 25'.*
11. *A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.*
12. *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 # 07-15-V, J Patrick Householder for a Zoning Permit and setback waiver to construct an addition to the existing residence within required setbacks at 12 Adams Court, Waterbury, VT 05676 (Tax Map #19-267.000).meets the standards of section 303 conditional uses and 309 waivers.

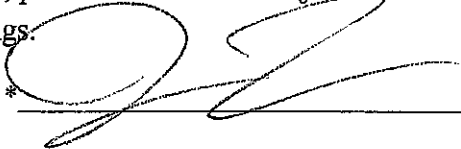
Motion

On behalf of the Waterbury Development Review Board Mike Bard moved and Tom Kinley seconded the motion to approve application 07-15-V for a rear setback waiver of 25' and a side setback waiver of 5', 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.

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 *  * 5-20-15

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 * 5-20-15 *

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes #16-15-T
Date: May 6, 2015**

IN ATTENDANCE:

Board Members Present: Dave Rogers, Acting-Chair; Tom Kinley, Mike Bard, David Frothingham

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

Application for a setback Waiver for a replacement garage located within the Low Density Residential (LDR) Zoning District.

Permit Application #: 16-15-T

Applicant: William & Ingrid Shepeluk

Property Owner: Same

Tax Map #: 14-083.500

Location of Project: 743 Ripley Road, Waterbury Center, VT

INTRODUCTION

The applicant seeks to rebuild an existing garage within the property's front and side yard setbacks.

PRESENT AND SWORN IN:

William and Ingrid Shepeluk, Applicants

EXHIBITS

Exhibit A: Application # 16-15-T

Exhibit B: Site Plan

Exhibit C: ANR Atlas map of property

Exhibit D: Notice of Public Hearing, dated April 2, 2015

Exhibit E: Letter to Adjoining landowners, dated April 13, 2015

TESTIMONY:

1. The orientation of the garage is such so that the turn in to the garage is safer.
2. The existing landscaping is the flat area that would be encroached on if the orientation were different.

FINDINGS OF FACT

1. *The 5.05 acre property is located within the LDR Zoning District where the minimum lot size requirement for a single-family use is 5 acres.*
2. *The property currently has an existing single-family residence, and a 20'x24' (480 sf garage, both of which lie within required front yard setbacks, and the side yard setback (garage).*
3. *The applicant is proposing to remove the existing garage and rebuild with a larger, 24'x28' (672 sf) garage. The replacement garage will still be within front (east) and side (north) yard setbacks.*
4. *The district's setback requirements are: Front 70', Sides 75', Rear 75'*
5. *For the project, the applicant is seeking a Waiver from the side and front yard setback requirements, and proposes the following setbacks: Front (east) 34', Side (north) 67'*
6. *The replacement garage will meet/exceed the other setback requirements (rear and other side).*
7. *The setback Waiver request is: Front (east) setback waiver of 36', Side (north) setback waiver of 8'*
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 # 16-15-T William and Ingrid Shepeluk for a Zoning Permit and setback waiver to rebuild the existing detached garage, 24' x 20', within required setbacks at 743 Ripley Road, Waterbury Center, VT 05677 (Tax Map #14-083.500) meets the standards of sections 303 Conditional Uses and 309 Waivers.

Motion

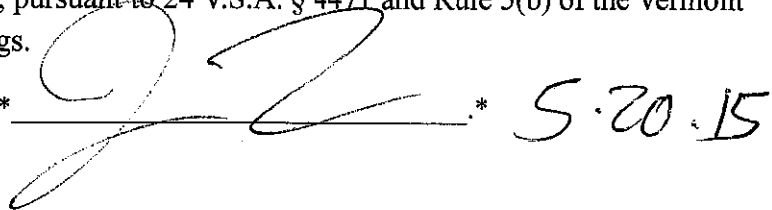
On behalf of the Waterbury Development Review Board, Mike Bard moved and Tom Kinley seconded the motion to approve application 16-15-T, to replace the existing detached garage with a Front (east) setback waiver of 36', Side (north) setback waiver of 8', with the following conditions:

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.

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 *



A handwritten signature in black ink is written over a horizontal line. To the right of the signature, the date "5.20.15" is handwritten in black ink.

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes #17-15-T
Date: May 6, 2015**

IN ATTENDANCE:

Board Members Present: Dave Rogers, Acting-Chair; Tom Kinley, Mike Bard, David Frothingham

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

Application for Site Plan Review and Special Flood Hazard Area Review to convert the vacant field into a space for a flea market, farmer's market and a community garden within the Medium Density Residential (MDR) Zoning District and Special Flood Hazard Area (SFHA) Overlay District.

Permit Application #:17-15-T
Applicant: JTJ, LLC
Property Owner: SAME
Tax Map #12-020.000
Location of Project: 1901 US Route 2

INTRODUCTION

This project is for a flea market, farmer's market and community garden located in the 100-year floodplain near the Winooski River.

PRESENT AND SWORN IN

JOHN FARR, OWNER
JOHN PITROWSKI, PE
LAURA STEBBINS, NEIGHBOR

EXHIBITS

Exhibit A: Application #17-15-T
Exhibit B: Letter from John Pitrowiski, dated March 30, 2015
Exhibit C: Site Plan, dated March 30, 2015
Exhibit D: NFIP FIRM Map
Exhibit E: Letter to Rebecca Pfeiffer, dated April 30, 2015
Exhibit F: ANR Atlas Maps of Property
Exhibit G: Notice of Public Hearing, dated April 2, 2015
Exhibit H: Email from Laura Stebbins, dated May 4, 2015
Exhibit I: Letter to Adjoining landowners, dated April 13, 2015

TESTIMONY

1. A VTrans permit may be needed for the road leading in to the property.
2. Laura Stebbins, neighbor, asked that the port-a-lets be located further from her property.
3. The port-a-lets will be anchored and remain on site.
4. Vendors will be required to leave and remove all of their property by end of schedule of the flea market. The owner will enforce this requirement.
5. Laura Stebbins, neighbor, requested some screening, which was agreed to.
6. The dust on the road will be controlled by using calcium chloride.
7. Newly planted trees will be interspersed among the vendor spaces, and along the east property line to act as a buffer between the market and the Hardie property.
8. There will be no lighting.

PROJECT DESCRIPTION

1. The 46.7 acre property located on the south side of US Route 2 lies within the MDR Zoning District and Special Flood Hazard Area Overlay District.
2. Approximately half of the property lies in the floodway, and the other half lies within the SFHA (See Exhibits C & D).
3. The property currently contains two sheds and a small sugar house.
4. Over the years, special events such as 4th of July festivals and motorcycle rallies have taken place on the property.
5. Flea markets, farmer's markets or community gardens are not specified uses within the Waterbury Zoning Regulations.
6. Section 305 – Temporary Uses and Structures – states *“Uses and temporary structures, such as commercial tents, flea markets, and auctions, which occur or are expected to occur in the same location more than 7 days in any three-month period, shall require the issuance of a permit from the Zoning Administrator before the activity commences.”*
7. The applicant proposes to run a flea market and farmer's market on weekends and holidays, from 7:00 a.m. to 6:00 p.m., May through November. Community garden space (a 586'x34' area) will also be provided between the market area and US Route 2.
8. The letter from John Pitrowiski dated March 30, 2015 (Exhibit B) explains that the project will entail 8 rows of space designated for the temporary use of flea market vendors, allowing for a total of 120 vendors. Each vendor site will be 24'x25'.
9. The project will utilize the existing access off of US Route 2. Internal vehicular circulation will utilize a new 24' access drive off the existing driveway, and from there, a network of 14' wide travel lanes will circulate throughout. Parking will be located in grass around the exterior access loop. (Exhibit B)
10. The applicant proposes to provide portable toilets that will be removed when the market is not in operation. The applicant further explains that all evidence of the market will be removed when it is not in use. (Exhibit B)

11. While approximately half of the property lies within the Floodway, the entirety of the proposed project will lie within the SFHA. According to the NFIP FIRM Map (Exhibit D), the area has a flood zone designation of AE, with a base flood elevation of 412' above sea level.
12. The Table of Section 603 lists uses that can be permitted within the Floodway and SFHA, and those that are prohibited. While at-grade parking is permissible in the Floodway through DRB approval, new structures, storage, small appurtenant structures, fill, etc. is prohibited.
13. The Table of Section 603 gives the DRB the ability to permit, among other things, new structures, storage, fill, grading/excavation within the SFHA. Small appurtenant structures and at-grade parking is permissible in the SFHA through administrative review.
14. The site plan (Exhibit C) shows the boundary of the Floodway and the SFHA. The site plan also shows the proposed market area as being entirely within the SFHA.
15. John Pitrowski states that the entirety of the project is within the SFHA Overlay District, and that no new construction is proposed within the SFHA or the Floodway. Mr. Pitrowski further adds that there will be no mining, dredging, filling, grading, paving, excavation, drilling, channel improvement, storage of materials, water supply or permanent sanitation facilities, utilities, signs, landscaping or lighting proposed with the project.
16. The project was referred to the DRB for Flood Hazard Area Review under Article VI and Site Plan Review under Article III.
17. Excerpts from *Site Plan Review and Approval (Section 301)*, *Temporary Uses and Structures (Section 305)*, and *Interim Flood Hazard Area Regulations and Overlay District (Article VI)*, are listed below.

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.*

Section 305 Temporary Uses and Structures

(a) *Uses and temporary structures, such as commercial tents, flea markets, and auctions, which occur or are expected to occur in the same location more than 7 days in any three-month period, shall require the issuance of a permit from the Zoning Administrator before the activity commences.*

Section 605 Development Standards

(a) Special Flood Hazard Areas

(1) *All development within the Special Flood Hazard Area shall be:*

(A) *Reasonably safe from flooding; and*

(B) *Recreational vehicles placed on sites within Zones A1-30, AH and AE must either: (1) be onsite for fewer than 180 consecutive days; (2) be fully licensed and ready for highway use; or (3) meet the elevation and anchoring requirements in Section 605(a)(2)(H); and*

(C) *All fuel storage tanks shall meet the requirements set forth in Sections 605(a)(2)(A) through (D) and shall be either elevated or floodproofed.*

(2) *All substantial improvements and new construction (including fuel storage tanks) within the Special Flood Hazard Area shall meet the following criteria:*

(A) *Be designed, operated, maintained, modified and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;*

(B) *Be constructed with materials resistant to flood damage;*

(C) *Be constructed by methods and practices that minimize flood damage;*

(D) *Be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent*

water from entering or accumulating within the components during conditions of flooding;

(E) New and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters in the systems;

(F) New and replacement sanitary sewer systems and onsite waste disposal systems must obtain a permit from the Agency of Natural Resources prior to commencement of construction.

(I) A non-residential, appurtenant structure of 500 square feet or less that represents a minimal investment need not be elevated to or above the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in Section 605(a)(6).

Conclusion

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 17-15-T, JTJ LLC, for Site Plan Review and Special Flood Hazard Area Review to convert the vacant field at 1901 US Rt 2, tax map ID 12-020.000 into a space for a flea market, farmer's market and a community garden within the Medium Density Residential (MDR) Zoning District and Special Flood Hazard Area (SFHA) Overlay District meets section 301 Site Plan Review, section 305 Temporary Uses and Structures, and section 605 (a) *Special Flood Hazard Areas*.

Motion

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Tom Kinley seconded to approve application 17-15-T for JTJ, LLC with the following conditions:

Standard 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;
3. The applicant will provide a letter of intent to issue a permit from VTrans for indication that one is not required;
4. The port-a-lets will be placed at the western end of the flea market;
5. All flea market structures and vendor property shall be removed at the end of each weekly market; and

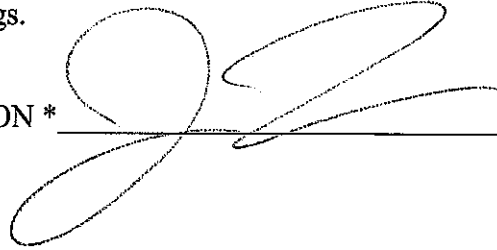
6. A detail will be provided of the anchoring methods and floatation specifics for the port-a-lets.

Vote

Passed unanimously.

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 *

 * 5.20.15