

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
July 6, 2016**

In Attendance:

Board members present: Dave Frothingham (Vice-Chair), Martha Staskus, Mike Bard, Rob Dombrowski

Staff Present: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), Patti Spence (Secretary)

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

6:30 p.m. #24-16-T: Averill and Joan Laundon (appellant),
Alice and Kyle Canton (landowner/appellee)
Appeal of the zoning administrator's issuance of zoning permit #24-16-T for a residential accessory structure (garage) with an accessory apartment with a deck, located at 112 Windlestrae Lane, Waterbury, VT (LDR zoning district).

Hearing minutes will be prepared under separate cover. Deliberation will resume at a later date.

7:15 p.m. #39-16-T: Chris Parsons/ Redneck Acres LLC (applicant),
Richard Mindell/Penny Lane at Waterbury Inc. (owner)
Site plan and conditional use review to construct a new office/residential building on the undeveloped parcel located at the NE corner of Route 100 and Guptil Road, Waterbury, VT (RT100 zoning district).

Hearing minutes and decision prepared under separate cover.

8:00 p.m. #13-16-V: Brian and Beth Reilly (owner/applicant)
Setback waiver request to construct front entrance and relocate garage at 61 Stowe Street, Waterbury, VT (VMR zoning district).

Hearing minutes and decision prepared under separate cover.

8:30 p.m. #40-16-T: Peter Holm (applicant), Grange Hall Cultural Center LLC (owner)
Site plan review and waiver request to construct front and rear entrances and re-establish parking areas at 317 Howard Avenue, Waterbury Center , VT (TMR zoning district)

The hearing was continued to 7:30 p.m. on July 20, 2016, with a site walk at 5:45 p.m. on the same evening.

Approval of Minutes and Decisions for June 15, 2016:

Mike Bard moved and Rob Dombrowski seconded the motion to approve the general minutes of 6/15/16 and the hearing minutes for applications #33-16-T; #07-16-V and #29-16-T, as amended


Vote: Passed unanimously.

Adjournment:

The meeting was adjourned at 10:12 p.m.



(Chair) (Vice Chair) (Acting Chair)



(date)

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes & Decision, #39-16-T
Date: July 6, 2016**

In Attendance:

Board members present: Dave Frothingham (Vice-Chair), Martha Staskus, Mike Bard, Rob Dombrowski

Staff Present: Dina Bookmyer-Baker (Zoning Administrator), Steve Lotspeich (Community Planner), Patti Spence (Secretary)

Application #39-16-T: Chris Parsons / Redneck Acres LLC (applicant), **Richard Mindell / Penny Lane at Waterbury Inc.** (owner), Site plan and conditional use review to construct a new 4,500 sq. ft. office/residential building on the undeveloped parcel located at the NE corner of Route 100 and Guptil Road, Waterbury, VT (RT100 Zoning District).

INTRODUCTION

This project is the construction of a 4,500 sq. ft. mixed use commercial/residential building with a 1,500 sq. ft. footprint. The first floor will be 1,500 sq. ft. of office space, the lower basement level will be storage and work space for the offices, and the second floor will be a two-bedroom apartment. The 12+/- acre site is located at the northeast corner of Waterbury-Stowe Rd. (Route 100) and Guptil Rd. in the Route 100 Zoning District. The site has two previous zoning permits: Permit #97-06-T for a two-lot subdivision and Permit #60-07-T for a duplex.

PRESENT AND SWORN IN

Chris Parson, Applicant

John Pitrowski, PE

Chris & LeeAnne Viens, Adjoining Landowners

EXHIBITS

- Exhibit A: Application #39-16-T
- Exhibit B: Overall Site Plan dated 5-27-2016
- Exhibit C: Detailed Site Plan dated 5-27-2016
- Exhibit D: Building Floor Plans & Elevations dated 4-13-2015
- Exhibit E: Recorded plat of two-lot subdivision dated July, 2007
- Exhibit F: Cut Sheet for Exterior Lights
- Exhibit G: Notice of Public Hearing, published 6-16-2016
- Exhibit H: Letter to Adjoining Landowners, dated 6-17-2016

TESTIMONY

1. Approximately 10 acres of the site will remain undeveloped and a significant amount of this area is Class 2 wetlands.
2. The driveway will be widened to 16' of gravel and be two lanes.
3. There will be six parking spaces for the business and two for the apartment.
4. Chris Viens requested that the right-of-way through his property be moved further from his leach field, and the applicant agreed.
5. Chris Viens also requested that the utilities be located away from the right-of-way.
6. Steve Lotspeich stated that Exhibit B would need to be revised to reflect these changes.
7. Any lighting on the outside of the building will be downcast and shielded (Exhibit F). There will be no additional lighting for the parking area.
8. A condition will need to be made so that a revised plat be submitted removing the subdivision and marking the final right-of-way location.
9. The buffer that is shown on the Exhibit B will remain as presented. There will be no cutting outside of the area identified on the plan.
10. The color for the building is intended to be cedar. The roof is proposed to be a silver that matches the roof of the adjacent landowners barn/s.

FINDINGS OF FACT

1. This project is located in the Route 100 Zoning District. The business professional office is a conditional use requiring review under the conditional use and site plan review criteria. In addition to the standard criteria, the special criteria for projects in the Route 100 Zoning District in Sections 301 (g) and (h) and the Special Considerations for projects bordering Route 100 in Section 301 (j) apply. The apartment is a permitted use requiring administrative review.
2. The two-story building will have a maximum height of 35'. The siding will be shiplap and the roof will be standing seam metal.
3. The vehicular access to the site is via the existing curb cut on Waterbury-Stowe Rd. The access point will be reconstructed to meet the Vermont Agency of Transportation's (VTrans) B-71 standard to accommodate larger vehicles. The existing gravel access drive into the site will be widened to be a 16' side gravel surfaced driveway to accommodate limited two-way traffic.
4. The widening of the driveway and the associated fill will require 1,095 sq. ft. of impact to the existing Class II wetlands and a 3,625 sq. ft. impact to the wetland buffer. A state permit is being obtained to allow for this impact.
5. There is a 50' side right-of-way that provides access from Waterbury-Stowe Rd. to the Viens property at the rear of the Mindell property. This right-of-way includes the main driveway into the site.
6. Vehicular circulation through the site will be via the aisles in the gravel surface parking areas. One gravel drive will access the lower level for vehicular use. There will be a

gravel or paver surface sidewalk connecting the upper parking area to the main door into the first floor of the building.

7. There are eight proposed parking spaces on the site. The parking requirement for the 1,500 sq. ft. of net business professional space on the first floor requires a minimum of five spaces. The apartment on the second floor requires two parking spaces. The storage and workshop space on the lower / basement level will not have additional employees working exclusively in that space therefore that space not require additional parking spaces. There will be six employees working in the building. The total minimum parking requirement for the proposed building is seven spaces.
8. Existing wooded areas on all sides of the property will remain wooded as shown on Exhibit B, the Overall Site Plan, and Exhibit C, the Detailed Site Plan with the exception of the use of the right-of-way to the Viens property.
9. There is no dumpster shown on Exhibit B, the Detailed Site Plan. There is no dumpster planned. There will be an enclosed area for trash receptacles.
10. Exterior lighting will consist of two downcast and shielded fixtures as shown on Exhibit F, Cut Sheet for Exterior Lights. These lights will be located at the main door into the first floor and the double door for the lower / basement level.
11. The property is located in the Route 100 Zoning District and the criteria in Sections 300(g) and 300(h) apply. A minimum of 25% of the road frontage along Waterbury-Stowe Rd. will remain undeveloped for a depth of 250' as shown on Exhibit B, the Overall Site Plan. There is an extensive area of Class II wetlands shown on Exhibit B, the Overall Site Plan that will remain as undeveloped open space. Approximately 10 out of the total of 12+/- acres on the site will remain undeveloped, far exceeding the requirement that a minimum of 50% of the site remain undeveloped.
12. The building will be served by an on-site septic system and drilled well as shown on Exhibits B and C.
13. The 12+/- acre parcel was previously subdivided into two parcels as shown on Exhibit E, the Recorded Plat of Two-lot Subdivision dated July, 2007. Exhibits B and C show the subdivision line as a "previous lot line." A new plat will be recorded that will show the entire 12+/- acre parcel as one lot. The plat will also show the final location of the 50' wide right-of-way that will serve the Viens property from Waterbury-Stowe Rd. (Route 100).

Conclusion

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 39-16-T , Chris Parsons/Redneck Acres, LLC with Richard Mindell/Penny Lane Waterbury, Inc. for site plan and conditional use review to construct a new 4,500 sq. ft. office/residential building on the undeveloped parcel located at the NE corner of Route 100 and Guptil Road, Waterbury, VT (RT100 Zoning District). Waterbury, VT meets the standards of section 301 and section 303 of the Waterbury Zoning Regulations.

Motion

On behalf of the Waterbury Development Review Board, Mike Bard moved and Rob Dombrowski seconded to approve application 39-16-T 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 submit a new plat merging the 2 lots and define the right-of-way accessing the Viens property from Waterbury-Stowe Rd. (Route 100);
4. Prior to the issuance of the permit a revised Exhibit B will be submitted to and be approved by the Zoning Administrator. Exhibit B revisions will include the revised right-of-way location and location of a trash enclosure.

Vote: The motion passed unanimously.

 Chair

Date: 7-20-16

THESE MINUTES WERE APPROVED ON July 20, 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.*

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes & Decision #13-16-V
July 6, 2016**

In Attendance:

Board members present: Dave Frothingham (Vice-Chair), Martha Staskus, Mike Bard, Rob Dombrowski

Staff Present: Dina Bookmyer-Baker (Zoning Administrator), Steve Lotspeich (Community Planner), Patti Spence (Secretary)

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|-------------------|---------------------------------|----------------------|
| Owner/Applicant: | Brian and Beth Reilly | |
| Address/Location: | 61 Stowe Street, Waterbury VT | |
| Zones: | Village Mixed Residential (VMR) | |
| Application # | 13-16-V | Tax Map # 19-141.000 |

Applicant Request

The applicant seeks setback waiver approval to construct a front entrance and relocate a garage within the front and side yard setback at 61 Stowe Street.

Present and Sworn in:

Brian Reilly, Applicant

EXHIBITS

- A: Application #13-16-V (Zoning Permit, Conditional Use), submitted June 6, 2016.
- B: Site plan and elevation of relocated garage.
- C: Aerial photo of the parcel.
- D: Letters to adjoining landowners, dated June 21, 2016

TESTIMONY

1. The location being proposed for the garage was discussed.
2. The distance from the garage to the edge of the street right-of-way was discussed.
3. The applicant agreed to move the garage back to line up with the front of the adjacent house at 59 Stowe Street.
4. The center of the front of the garage will align with the center line of the existing curb cut to allow vehicular access.
5. The adjacent landowners at 59 Stowe Street were notified and did not provide any comments.

FINDINGS OF FACT

1. Existing conditions: Brian and Beth Reilly own a 0.18± acre (8,000 sf) parcel located at 61 Stowe Street. The property is developed with an existing dwelling and garage. The parcel includes frontage on and has access to Stowe Street. The parcel is located in the Village Mixed Residential (VMR) zoning district.

2. VMR dimensional requirements: In the VMR zoning district, the minimum lot size is 10,000 sf; and the minimum setbacks are: front and rear 30', sides 10'. The lot does not meet the minimum lot size. The existing dwelling and garage do not meet the front and side yard setbacks.

3. Waiver Request: The applicant proposes to construct a covered entrance on the front of the house and move the existing garage toward the front of the lot. The Setback Waiver request for the garage is to encroach into the front yard setback by approximately 15' and the side yard by approximately 6'. The front setback waiver request for the porch is 21'.

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.
- b. Section 303(e)(2) Character of the area: No change of use is proposed; the use of the property will remain residential. The proposal is appropriate in scale and design.
- c. Section 303(e)(3) Municipal bylaws in effect: The proposed dwelling will continue to be for single-family occupancy and will not violate any municipal bylaws and ordinances in effect.
- d. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: No change in the existing residential use is proposed. This provision does not apply.
- e. Section 303(h) Removal of earth or mineral products conditions: The proposed use does not include earth removal activities. This provision does not apply.

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 these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 13-16-V, Brian and Beth Reilly at 61 Stowe Street, Waterbury, VT, tax map ID to construct a 4 x 4 porch on the existing dwelling requiring a setback waiver of 21' and to relocate a garage to align with 59 Stowe Street requiring a front setback waiver of 15' and a side setback waiver of 6', meets the Conditional Use review standards in Section 303 and Section 309, Waivers.

Motion

On behalf of the Waterbury Development Review Board, Mike Bard moved and Rob Dombrowski seconded the motion to approve application 13-16-V 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.

 Chair

Date: 7-20-16

THESE MINUTES WERE APPROVED ON July 20, 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.*