

WATERBURY DEVELOPMENT REVIEW BOARD

Approved General Minutes Wednesday, November 15, 2017

In Attendance: Board members present: Dave Frothingham, Chair; Mike Bard, Tom Kinley, Rob Dombrowski, Bud Wilson

Staff present: Dina Bookmyer-Baker, Zoning Administrator; Patti Spence, Secretary

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

- 1) #102-17: Superior Development LTD & Malone 109 Demeritt Place Properties LLC (landowner/applicant), Site Plan and Conditional Use review for a change of use for existing commercial buildings at 81 and 109 Demeritt Place. (IND zoning district)

Hearing decision is filed separately.

Next meetings:

Wednesday, December 6, 2017, 6:30 p.m. (Final order TBD)

- 42-17: Aaron Flint Builders, SP/DR to rebuild historic bldg, 11 N. Main St. (VMR/DDR-HC)
- #105-17: John Farr, Boundary adjustment/Setback waiver for barn, 530 Farr's Landing. (CNS)
- #106-17: Green Mtn Club, FHA review to replace culvert, 4715 Waterbury-Stowe Rd. (RT100/CNS/SFHA)

Wednesday, December 20, 2017, 6:30 p.m.

Approved:

Dave Frothingham, Chair Date: 12/6/17

Town & Village of Waterbury
Development Review Board
Approved Decision #102-17 — November 15, 2017

In Attendance: Board members present: Dave Frothingham (Chair), Mike Bard, Tom Kinley, Rob Dombrowski, and Bud Wilson. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary). Public present: Alyssa Johnson.

Owner/ Applicant:	Superior Development LTD & Malone 109 Demeritt Place Properties LLC	
Address/Location:	81 & 109 Demeritt Place, Waterbury, VT	
Zoning District:	Industrial (IND)	
Application #	102-17	Tax Map # 19-458.100

Applicant Request

The applicant seeks approval to change the use for existing commercial buildings at 81 and 109 Demeritt Place.

Present and sworn in: Wayne Lamberton (Owner/ Applicant), Chris Austin (Consultant to Applicant).

Exhibits

- A: Application #102-17 (3 pages: zoning permit, site plan, conditional use), 10/16/17.
- B: Project narrative, prepared by Grenier Engineering, dated 10/16/17.
- C: (C1) Parking Designation Plan, 109 Demeritt Place, prepared by Grenier Engineering, dated 2/27/17, revised 10/30/17;
(C2) Parking Designation Plan, 152 South Main Street, prepared by Grenier Engineering, dated 2/27/17.
- D: Letter from Grenier Engineering to Superior Development re: septic capacity, dated 10/9/17.
- E: Letter from Waterbury Municipal Manager William Shepeluk to Wayne Lamberton re: Village water and sewer capacity, dated 10/18/17.
- F: Orthophoto of parcel and Floodplain overlay.
- G: Letter to adjoining landowners, mailed certified on: 10/30/17

Findings of Fact

1. Existing conditions: Superior Development LTD and Malone 109 Demeritt Place Properties LLC own a 4.7 acre parcel located at 109 Demeritt Place, in the Industrial (IND) zoning district. The property is currently developed with two commercial buildings and a storage warehouse. The property is served by municipal water and sewer systems, has driveway access to Demeritt Place, a Class 3 Town Road. The parcel also includes a private road along its south-westerly property line to serve Lot 2 (Grenier, 155 and 159 Demeritt Place) and to Batchelder Street/Pilgrim Park Road.

Superior and Malone also own an adjoining parcel, located at 152 South Main Street, which is developed and includes an outdoor parking area that can serve as parking for 109 Demeritt Place. The parcel is located in the Industrial (IND) zoning district with some land within the Special Flood Hazard Area (SFHA) overlay district.

2. Project: The two commercial buildings, 81 Demeritt Place, of 10,000 SF, and 109 Demeritt Place, of 12,000 SF were built around 1988-1991 as industrial buildings. Over the years each building was renovated inside for various combinations of office use and light industry. However, the previous owners did not apply for a change of use or development review.

The parcel at 152 South Main Street is tangentially involved in this project, as one parking lot will provide parking for the project. This review limited to that area of the parcel. Other development on the 152 South Main Street parcel is not included in this review.

The proposal includes a mix of professional office and light industry uses in the two buildings at 81 and 109 Demeritt Place with on-site parking and additional parking located off-site on the adjacent parcel at 152 South Main Street, which is under the same ownership.

3. Site Plan Review and Approval, Section 301: The Board will take into consideration the following objectives:
 - a. Section 301(f)(1) (A-D), Traffic access and pedestrian safety: The property has access to Demeritt Place. No changes are proposed to the existing pedestrian access to the building. Sidewalks and crosswalks are provided on the 81-109 Demeritt Place parcel. A pedestrian walkway is painted across the railroad tracks for travel to and from the external parking area located on the adjacent parcel, 152 S. Main Street.
 - b. Section 301(f)(2) (A-G), Circulation and parking, loading, refuse, and service areas: The proposal does not include constructing or enlarging a parking area. The access, circulation, and parking layout is mainly unchanged from the layout that has been in place for the past 20 years or so. Tractor-trailer trips loop through and around both parking lots and 81 Demeritt includes a loading dock. The project makes no change to the vehicular circulation, parking, or surfacing.
 - c. Section 301(f)(3) (A-F), Landscaping, screening, and lighting: At least 20 trees exist adjacent to the parking areas. The proposal does not include additional exterior lighting.
4. Parking Regulations, Section 414: Exhibit C1 includes a parking table. For the 12,000 square feet of office space for 109 Demeritt Place, 40 parking spaces are required, and 40 (38 plus 2 handicapped-accessible) on-site spaces are provided. For the 10,000 square foot building located at 81 Demeritt Place, 6,000 square feet will be used for office space, which requires 20 parking spaces. The remaining 4,000 square feet of space will be used for light industry and include 15 employees, which will require 15 spaces. For 81 Demeritt Pl., 35 parking spaces are required, of which 27 (25 plus 2 handicapped-accessible) on-site spaces are provided, plus an additional 8 spaces are provided off site at 152 S. Main Street. (Exhibit C). All parking spaces measure at least 9' x 18' with unobstructed access as shown on Exhibit C1.
5. Conditional Use criteria, Section 303:

The proposed light industry use is a conditional use in the IND zoning district. Prior to granting approval for conditional use, the Board must find that the proposed use conforms to the following general and

specific standards:

- a. Section 303(e)(1) Community facilities: The proposed use will not unduly impact the roads, is served by private water and wastewater systems, does not include a single-family dwelling, and does not increase demand for fire protection. 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: The adjacent properties include commercial uses. The existing structures are appropriate in scale and design with the district and no changes are proposed to the exterior dimensions of the structures. The proposed use will not have an undue adverse impact on the character of the area affected.
- c. Section 303(e)(3) Municipal bylaws in effect: The office and light industry uses 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: The proposed use will not require any devices or special methods to control these impacts.
- 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 Site Plan and Conditional Use review (Article III).

Guiding ordinance sections

Section 301—Site Plan Review

Section 303—Conditional Uses

Section 414—Parking Regulations

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Superior Development LTD & Malone 109 Demeritt Place Properties LLC to change the use for the existing commercial buildings at 81 and 109 Demeritt Place, as presented in application #102-17 and supporting materials, meets the Site Plan and Conditional Use criteria set forth in Sections 301 and 303.

Motion:

On behalf of the Waterbury Development Review Board, Mike Bard moved and Tom Kinley seconded the motion to approve application #102-17 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) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in zoning permit approvals #13-88-V, #36-09-V, and #43-09-V

Vote: The motion passed 5 – 0.

 , Chair Date: 12/6/17

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.

THIS DECISION WAS APPROVED ON * December 6, 2017.*