

WATERBURY DEVELOPMENT REVIEW BOARD
Approved General Minutes—August 4, 2021

Attending: Board members: Tom Kinley (Acting Chair), David Rogers (Vice Chair), Bud Wilson, Alex Tolstoi, Patrick Farrell, Harry Shepard, George Lester (Alternate - participating), Joe Wurtzbacher (Alternate – not participating).

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

Public: Joan Liggett,

Tom Kinley Vice-Chair, opened the public meeting at 6:33 p.m. and made the following introductory remarks: He let the participants know that the remote meeting will be recorded. Applicants and consultants will be given the option to be contacted when their hearing is ready to commence. 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) **#063-21: Amy Anderson and Mike Merchant** (owner/appellant)
Appeal of the Zoning Administrator's denial of zoning permit #047-21 to add a fourth dwelling unit to the existing dwelling with two apartments at 25 North Main Street.
(VMR/DDR zoning/overlay districts)

Present and sworn in:

Amy Anderson & Mike Merchant (Appellants)
Lauren Kolich (Attorney for appellants)
Stephen Lotspeich (Acting Zoning Administrator)

Tom Kinley, Vice-chair opened the public hearing on the appeal at 6:37 p.m.

Amy Anderson, the appellant, provided testimony on behalf of the appeal stating that various sections of the Zoning Regulations including Section 504(c) allow a fourth apartment to be added to the existing three dwelling unit building. She stated that the two one-bedroom apartments in the house should only be counted as one dwelling unit. She stated that there are other multi-family dwelling buildings on N. Main St. in the same zoning district that have been permitted. She stated that the project should be reviewed by the Development Review Board and the zoning permit for the fourth dwelling unit should be approved.

Stephen Lotspeich, the Acting Zoning Administrator, stated that Section 504(c) applies only to how the allowable density for multi-family dwellings is calculated and does not affect the total number of dwelling units allowed. He stated that the additional dwelling unit would create a four unit building and the lot size is less than the required minimum of 20,000 sq. ft. that is required for any multi-family use in the Village Mixed Residential zoning district. He said that the fact that there are other multi-family dwellings in the same zoning district does not change the determination that Dina Bookmyer-Baker, the former Zoning Administrator, made when she denied the application for the fourth dwelling unit.

Tom Kinley closed the public hearing at 6:57 p.m.

The Development Review Board agreed to deliberate on the appeal at a later time and make a decision within 45 days of the close of the public hearing.

2) **#046-21: Amy Anderson and Mike Merchant** (owner/applicant)

The Chair opened the continuation of the Downtown Design review, after-the-fact, for a new second-floor entrance and exterior stair at 25 N. Main Street. (VMR/DDR zoning/overlay districts), at 6:48 p.m. This review was continued from 6/16/21.

Present and previously sworn in:

Amy Anderson and Mike Merchant, Owners/applicants

Testimony:

1. Amy Anderson and Mike Merchant presented the floor plan for the second floor and photo of the interior stair and stated that there is no feasible way to create an interior stair to serve the second floor at the front of the building that is a safe egress. The reconstruction of the interior stair would make the downstairs dining room non-functional and a new stairway would be too steep to be safe. That is why the exterior stair is necessary.
2. Amy and Mike discussed the comparison of the options that were considered and why this was the solution chosen. They stated that it is not feasible to place the exterior stair further back on the northwest side of the building due to the very narrow strip of their property that exists along that side of the building.
3. Bud Wilson expressed concerns regarding the design of the exterior stair and whether there had been any input by the State Fire Marshall, Stan Baronowski, regarding the design and whether it meets the state fire safety code. Amy stated that she has been unable to reach the Fire Marshall. The DRB members agreed that the Fire Marshall needs to be consulted and that a report on the design and safety of the stair needs to be obtained to address the fire safety issue for residents in the home.

At 7:17 p.m. the hearing was continued to September 1, 2021 at 6:30 p.m.

3) **#041-21: Gristmill Properties** (owner), **Brendan O'Reilly** (applicant)

The Chair opened the continuation of the Site Plan/Conditional Use review to construct a mixed-use building for equipment/tool storage and parking on the ground- & first-floors, accessory to the business offices in the existing building, and two dwelling units on the 2nd floor, in the existing PUD at 5430 Waterbury-Stowe Rd. (RT100 zoning district), at 7:40 p.m. This review was continued from 6/16/21, due to the lack of proper notice time at that date.

Present and sworn in:

Bud Wilson, Architect/Consultant

Due to the delay in getting the site plan revised to show the proposed parking layout and other information previously requested by the DRB, at 7:20 p.m. the hearing was continued to September 1, 2021 at 6:30 p.m.

4) **Agenda items to be scheduled by the Chair:**

- Final Plat Review ref: Permit #141-20: John Mutchler and Perrin Williams (applicant), Callan Revocable Trust (owner), revision to previously-approved 8-lot Planned Unit Development of lands on the corner of Ripley and Sweet Roads.

Motion: Patrick Farrell moved and David Rogers seconded the motion to approve the final plat for Permit #141-21, John Mutchler and Perrin Williams (applicant), Callan Revocable Trust (owner), for the Honeysuckle Hill 8-lot Planned Unit Development.

Vote: The motion was approved 7-0.

• Public comment / Other business:

Joan Liggett commented that she has been participating in the DRB meetings to learn about the Ridgeline/Hillside/Steep Slope (RHS) overlay area and also learn about the review of the proposed developments in that area. She asked the DRB to please continue to make decisions on the RHS reviews that will hold up in court if they are appealed. If there have been mistakes in the past, we shouldn't repeat them. She asked that the DRB keep making solid decisions.

• Review prior meeting minutes and decisions (7/21/21):

Motion: Harry Shepard moved and Alex Tolstoi seconded the motion to approve the general minutes for the meeting held on July 21, 2021 and the decisions for Applications #049-21 and #062-21.

Vote: The motion was approved 7-0.

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

Approved:  Date: August 25, 2021
Tom Kinley, Chair

Next meetings:

Wednesday, August 25, 2021, 6:30 p.m. (Applications due: Mon. 7/19/21)

- Whitman / Fossiano, Waiver request, garage & mudroom, 2824 Gregg Hill Rd. (LDR)
- Frechette, RHS review, single-family dwelling off Woodard Hill Ext. (CNS/RHS)
- Edwards, Waiver request, deck for existing dwelling, 109 Maple St. (TMR)
- Huff, Waiver for two storage sheds and relocate shed, 1337 Ripley Rd. (LDR)

Wednesday, September 1, 2021, 6:30 p.m. (Applications due: Mon. 8/2/21) Motion: