

WATERBURY DEVELOPMENT REVIEW BOARD
Approved General Minutes—June 15, 2022

Attending: Board members present: Dave Frothingham (Chair), Dave Rogers, Tom Kinley, Bud Wilson, Patrick Farrell, Alex Tolstoi, Joe Wurtzbacher

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

Dave 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) **#052-22: Joanne Wells** (owner/appellant)
Appeal of a Zoning Administrator's denial of application #033-22 to construct a 12' x 24' shed within the side yard setbacks at 587 Maple St. (TMR zoning district)

Present and sworn in:

Joanne Wells, appellant
RJ Farnsworth, friend of applicant
Laura Levering, adjoining property owner
Stephen Lotspeich, Zoning Administrator

The public hearing was opened at 6:34 p.m.

Testimony:

Joanne Wells presented her appeal of the denial of the permit application for the shed that has been constructed within the side yard setback. She stated that the shed was placed in the current location to provide screening from the neighbor's pool since large evergreen trees and a rabbit hutch in that location have been removed. She stated that the shed has been constructed approximately 20' from the side property line. The location is constrained by a nearby wastewater line that goes from the house to the leach field. Stephen Lotspeich presented the reason that the application was denied including the fact that the site plan for the shed that is part of the application shows that it is 30' from the side property line. He stated that he and Neal Leitner met with Joanne Wells at the property when the shed was first under construction and measured the shed being approximately 15' from the side property line.

The public hearing was closed at 6:55 p.m. The Board upheld the denial of application #033-22. A written decision will be issued within 45 days.

- 2) **#035-22: Furst Management Ventures / Brian Leven** (owner/applicant)
Continuation of the Site Plan and Downtown Design Review for an addition of a block retaining wall at the rear of the lot, expansion of deck for previously approved restaurant, locate utility units on roof located at 14 South Main Street (DWN/DDR zoning/overlay)

districts) (continued from May 18, 2022)

Present and sworn in:
Brian Leven

The public hearing was opened at 6:57 p.m.

Testimony:

Brian Leven presented the revised plans for the project including screening for the utilities on the roof of the one-story portion of the building, landscaping on the bank to the rear of the new retaining wall, and details for the lighting for the deck including cut sheets. The color of the metal screening for the utilities was discussed and the DRB was in agreement with the choice of dark gray. The bank to the rear of the retaining wall where the underground propane tanks are located will remain in grass. The outdoor woodburning fireplace will be used for cooking for the restaurant and the use will be limited to an average of one time per month.

The public hear was closed at 7:19 p.m. The Board approved the project with conditions and will issue the written decision within 45 days.

- 3) **#051-22: John Mutchler** (owner/applicant)
Continuation of the Ridgelines/Hillsides/Steep Slopes (RHS) and Conditional Use review for the construction of a single-family house and accessory dwelling (ADU) located on Lot #4 in the Honeysuckle Hill PUD, at the intersection of Sweet Rd. and Ripley Rd., (MDR&CNS/RHS zoning/overlay districts) (continued from June 1, 2022)

Present and previously sworn in:
John Mutchler, owner/applicant
Perrin Williams, owner/applicant

The continued public hearing was opened at 7:21 p.m.

Testimony:

The revised elevations and perspective views of the main house and accessory dwelling were discussed. The garage/carport is no longer part of the project. The clearing for the lot and the proposed stormwater facilities was discussed.

The public hear was closed at 7:36 p.m. The Board approved the project with conditions and will issue the written decision within 45 days.

- 4) **#045-22: Henry Parro/Michael Sullivan (The Mud Studio)** (owner/applicant)
Site Plan review of a change of use from a former gun shop (retail store/service) to a pottery studio (craft production) located at 95 U.S. Route 2. (IND zoning district)

Present and sworn in:
Mike Sullivan, owner/applicant The Mud Studio

The public hearing was opened at 7:40 p.m.

Testimony:

Mike Sullivan presented the project. There will be a small retail gallery space in the studio. The use of the western portion of the building is an additional studio space with a sole artist. The parking need for the building was discussed.

The public hear was closed at 7:58 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 (6/01/22):

MOTION:

Tom Kinley moved and Patrick Farrell seconded the motion to approve the general meeting minutes for June 1, 2022 and the decisions for applications #021-22, #-48-22 and #049-22, as amended.

VOTE: The motion was approved 7 - 0.

Adjournment: There being no other business, the meeting was adjourned at 8:15 p.m.

Approved:  Date: July 6, 2022
Tom Kinley, Vice-chair

Next meeting:

Wednesday, July 6, 2022, 6:30 p.m.

- #056-22: Kyler Star (owner/applicant)
Waiver and Conditional Use review to construct an addition for an accessory dwelling unit (ADU) on the existing detached garage located at 1019 Maple Street. (TMR zoning district)
- #058-22: Waterbury Masonic Building Assoc./Revitalizing Waterbury (owner/applicant)
Site Plan and Downtown Design Review for the renovation of the Stowe Street Alley, including enclosures for stairs and utilities.
- Informal Review: Jamie Carpenter/Scott Carpenter (owner/applicant)
Demolition of one or more buildings in order to construct a new building for auto repair at 71 McNeil Road.

**Town & Village of Waterbury
Development Review Board
Mutchler, Honeysuckle Hill Development, LLC
Approved Decision #051-22 ▪ June 1, 2022 and June 15, 2022**

Present (June 1, 2022): Board members: Tom Kinley (Acting Chair), Bud Wilson, Patrick Farrell, Harry Shepard, Joe Wurtzbacher

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

Present (June 15, 2022): Board members: David Frothingham (Chair), David Rogers, Tom Kinley, Bud Wilson, Patrick Farrell, Alex Tolstoi, Joe Wurtzbacher

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

Owner/Applicant:	John Mutchler, Honeysuckle Hill Development, LLC	
Address/Location:	Corner of Sweet Rd. & Ripley Rd., Waterbury Center, VT	
Zones:	Medium Density Residential (MDR), Conservation (CNS)	
Application #	051-22	Tax Map # 10-023.900

Applicant Request:

The applicant seeks approval for the construction of a single-family dwelling and detached accessory dwelling unit located on lot #4 in the Honeysuckle Hill Planned Unit Development (PUD), at the corner of Sweet Rd. and Ripley Rd. in the Medium Density Residential (MDR) and Conservation (CNS) zoning districts under the Ridgelines/Hillsides/Steep Slopes (RHS) overlay district.

Present and sworn in (June 1, 2022):

John Mutchler, owner/applicant
Perrin Williams, owner/applicant
Hayden Barile, purchaser of Lot #4

Present and sworn in (June 15, 2022):

John Mutchler, owner/applicant
Perrin Williams, owner/applicant

Exhibits:

- A1-4: Application #051-22 (11 pp: Zoning, Conditional Use), submitted 5/2/22.
- B1-2: Site Plan including proposed house & ADU locations with setbacks for Lot #4, submitted 6/7/22.
- B3: Pre-development clearing plan for Honeysuckle P.U.D., submitted 5/2/22.
- B4: Wetland Plan for P.U.D. with Lot 4 insert (upper left corner), submitted 6/7/22.
- B5: Access Plan, submitted 6/7/22.
- C1-6: Floor plans, elevations and architectural renderings of the main house, submitted 6/7/22.

- D1-5: Floor Plans, elevations and architectural renderings of the ADU, submitted 6/7/22.
- E1-4: Honeysuckle Hill P.U.D. subdivision plans, submitted 5/22/22.
- F: Pre-Development Clearing Plan for Lot #4, submitted 5/22/22.
- G: Zoning Map (staff)
- H: Abutter notice and certified mail receipts dated May 11, 2022

Findings of Fact:

1. Existing conditions: John Mutchler/Honeysuckle Hill Development, LLC own an undeveloped 1.29-acre parcel, Lot #4 located in the vicinity of the intersection of Sweet Rd. and Ripley Rd. in the Medium Density Residential (MDR), Low Density Residential (LDR), and Conservation (CNS) zoning districts. Lot 4 is a wooded parcel along Honeysuckle Hill Road, which is an improved woods road extending off of Sweet Road, near the intersection with Ripley Road.
2. Proposal: John Mutchler is applying for the construction of a single-family dwelling and detached accessory dwelling unit located on lot #4 in the Honeysuckle Hill PUD. Lot 4 has an elevation of approximately 1,350' to 1,380', so it is considered Minor Development in the RHS zoning district.

Applicable Articles and Sections: This application is to be reviewed under the following Articles and Sections:

- Section 303 — Conditional Uses
- Section 401 — Dimensional requirements
- Section 504 — General Dimension, Location, and Height Requirements
- Article VII — Planned Unit Development (PUD)
- Article X — Ridgelines, Hillsides, Steep Slopes

3. Prior Approval
The 109.4-acre PUD. was approved in September 2020 in Application #082-20 which created 9-lots, of which lots 3, 4, 6, 7, 8 and 9 are building lots. The 109.4-acre parcel that was the subject of the prior PUD. application was created in Application #075-19. Prior DRB Decision for App. #075-19, Callan 2-lot subdivision, was reviewed on August 7, 2019 and approved by the DRB on August 21, 2019. In June, 2021 a revision to the PUD was approved in Application #141-20. This application included removing Lot 3 and the revised subdivision became an 8-lot PUD.
4. Section 504 General Dimension Requirements: Note that the minimum lot sizes and frontage requirements for a given zoning district do not apply in the case of a PUD.
5. Section 702 Permitted Densities

(b) Along the outside boundary of the PUD project, setbacks shall be twice the dimensions established for the district in which the project, or applicable portion of the project, is located. Other than this setback, no other setbacks apply to PUDs.

6. Setbacks and the double setback: Based on the double setback requirement per Section 702, a minimum of 100' is required from the nearest outside boundary for Lot #4. The nearest proposed development on Lot #4 (main house) would be located approximately 137' from the outside PUD line in the MDR zoning district. There are no other interior setback requirements for this lot, therefore the other setback requirements are met. It should be noted that the application includes a 10' setback from the interior property lines on Lot 4, which is described as the building envelope. The proposed house and ADU would be constructed within the building envelope, so all structures would remain a minimum 10' away from interior property lines. Exhibit B2 illustrates the proposed setbacks to the nearest outside PUD boundary.

Section 303 Conditional Use criteria: Development of lands within the RHS overlay district shall comply with the following conditional use review standards:

1. Section 303(e)(1) Community facilities: The application will not have an undue adverse impact on the capacity of existing or planned community facilities to accommodate it. The applicant states "*The project will not burden the municipal water or sewer services as they will not be utilized. The addition of a single-family home will not reduce the level of service on the local road network. The project will not overburden the school system as additional capacity exists. The project will not place an unreasonable burden on fire protection services as the area is currently served.*"
2. Section 303(e)(2)(A-E) Character of the area: The existing uses in the immediate area are residential. 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. The application materials did not specify any 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. Clearing of the lot shall be no greater than as shown on Exhibit G and is consistent with other recently approved development in the RHS overlay district for minor development. The area on Lot #4 between the Honeysuckle Hill Rd. and the northerly property line including the areas along the existing stream shall remain undisturbed as shown on Exhibit G.
3. Section 303(e)(3) Municipal bylaws in effect: Residential lots are a permitted use within the MDR, and CNS zoning districts and are a conditional use when they are located within the RHS overlay district. The application represents compliance with the zoning bylaws.
4. 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.
5. Section 303(h) Removal of earth or mineral products conditions: The project does not include earth removal activities. This provision does not apply.

Conclusion:

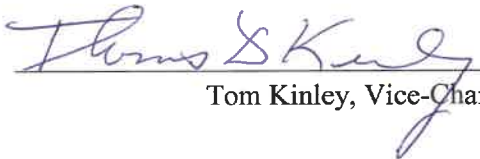
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by John Mutchler, Honeysuckle Hill Development, LLC for the construction of a single-family dwelling and detached accessory dwelling unit located on lot #4 in the Honeysuckle Hill PUD in the Medium Density Residential (MDR) and Conservation (CNS) zoning districts under the RHS overlay as presented in application #051-22 and supporting materials, meets the Conditional Use, Ridgelines/Hillsides/Steep Slopes, and PUD criteria as set forth in Sections 303, 702, 1004, and 1202.

Motion:

On behalf of the Waterbury Development Review Board, Dave Rogers moved and Patrick Farrell seconded the motion to approve application #051-22 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) 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.
- (4) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in zoning permit approvals #075-19, #082-20, and #141-20.

Vote: The motion was approved 7 – 0.



Tom Kinley, Vice-Chair

July 6, 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.*

**Town & Village of Waterbury
Development Review Board
Approved Decision #035-22 ■ May 18, 2022 and June 15, 2022**

Present (May 18, 2022): Board members: David Frothingham (Chair), David Rogers, Tom Kinley, Bud Wilson, Patrick Farrell, Harry Shepard, Joe Wurtzbacher

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

Present (June 15, 2022): Board members: David Frothingham (Chair), David Rogers, Tom Kinley, Bud Wilson, Patrick Farrell, Alex Tolstoi, Joe Wurtzbacher

Staff: Steve Lotspeich (Planning & Zoning Director – Zoning Administrator); Neal Leitner (Assistant Planning and Zoning Administrator); Patti Martin (Secretary)

Applicant/Owner:	Brian Leven / Furst Management Ventures LLC
Address/Location:	14 South Main Street, Waterbury, VT
Zones:	Downtown Zoning District (DWN), Downtown Design Review Overlay(DDR)
Application #	035-22 Tax Map # 19-350.000

Applicant Request:

The applicant seeks Site Plan and Downtown Design Review approval for a block retaining wall at the back of lot, an expansion of existing deck for the previously approved restaurant and to locate utility units on roof at 14 S. Main Street.

Present and sworn in (May 18, 2022):

Brian Leven, applicant

Present and sworn in (June 15, 2022):

Brian Leven, applicant

Exhibits:

- A1-5: Application #035-22 (4 pp: Site Plan, Downtown Design Review), dated 4/12/22
- B1: Site Grading Plan for Furst, Inc., prepared by Grenier Engineering, submitted 4/12/22
- B2: Site Plan of outdoor dining deck, submitted 4/12/22
- C1: Street Elevation, submitted 4/12/22
- C2: East Elevation, submitted 4/12/22
- D1-7: Deck details and renderings, submitted 4/12/22
- E1-2: Elevations and details of 7.2 RIB panel used for roof screening, submitted 6/8/22.
- F: Exterior Deck Lighting Plan, submitted 6/8/22.
- G1-16: Exterior Lighting Details, submitted 6/8/22.
- H1: Orthophoto of parcel (staff)
- H2: Orthophoto of parcel showing the Special Flood Hazard Area (staff)

Findings of Fact:

1. Existing conditions: Furst Management Ventures LLC owns a 0.81± acre lot located at 14 South Main Street. The property is developed with a 10,024 SF two-story building and parking areas. The property is served by municipal water and sewer, includes frontage on and access drives to South Main Street and Bidwell Lane. The parcel is in the Downtown (DWN) zoning district, Downtown Design Review (DDR) overlay district, and portions of the parking area lie in the Special Flood Hazard Area (SFHA) overlay, but not the structures, as shown on Exhibit E2.

Background: In April 2020, permit #025-20: Brian Leven (applicant), Furst Management Ventures LLC (owner) received DRB approval for Site Plan, Conditional Use, and Downtown Design Review to change the use of two floors from office to a 100-seat restaurant and construct an outdoor dining deck at 14 South Main Street. (DWN/DDR zoning and overlay districts)

2. Proposal: The project is to install a block retaining wall at the back of lot, an expansion of an existing deck with a wooden screening enclosure and overhead shade structure for the previously approved 100-seat restaurant, and to locate replacement and new utility units on the roof at 14 S. Main Street. Screening of the roof-mounted utility units is proposed. Exhibits E1-2 illustrate the type of screening material and show how it would appear on the east elevation and street elevation. The expansion of the deck on the rear of the building will be for seasonal restaurant seating and to accommodate a reconfigured design that includes an outdoor wood stove.
3. Historic Register Designation: The building is listed as contributing structure #75 to the Waterbury Village Historic District. The portions of the west and south facades were reconstructed as part of a non-historic addition to the building that was constructed in 1958 for use as a bank with the drive-through. These facades were re-constructed with large display style windows that are more similar to the historic display windows in the existing buildings located at 23 South Main St. and 3 Elm St after permit #025-20 was approved. The historic portions of all the building facades will be retained in their existing design. The wooden screening enclosure and overhead wooden shade structure for the deck shall be constructed as shown on Exhibit D and is intended to be complimentary to the non-historic single-story portion of the building.
4. Site Plan Review and Approval, Section 301:

(f)(1) Adequacy of traffic access.

There will be no changes to the traffic access to the site.

(f)(2) Adequacy of circulation and parking.

There will be no changes to the traffic access to the site. The changes to the seasonal outdoor dining deck will not increase the number of seats or occupancy. One of the parking spaced directly to the rear or northeast of the deck will be shifted to the southeast side of the deck as shown on Exhibit B1. The two handicap parking spaces are now in the front portion of the parking area, also as shown on Exhibit B1.

(f)(3) Adequacy of landscaping and screening:

All existing landscape plantings will be retained as previously approved. There are no proposed changes to the exterior lighting as previously approved. There will be an approximately 7' tall gray rib metal panel screen wall on the roof of the one-story portion of the building to screen the roof top utility units as shown on Exhibits E1-2

Article XI Downtown Design Review Overlay District

Section 1108 Design Review Standards

(a) Prior to granting design approval, the Development Review Board shall find that the proposed development meets the following standards, where applicable:

(1) Historic Structures (applying to all structures listed on the National Register of Historic Places):

- (A) Original materials or materials typical of the architectural style of the structures shall be preserved or replaced with like materials to the extent feasible and appropriate.
- (B) Historic building features shall be preserved or replicated to the extent feasible and appropriate.

(2) Historic/Commercial Sub-District:

- (A) New building designs shall reinforce historic streetscape patterns, including orientation and setbacks. Building sites, including road and pedestrian networks, shall be designed in a manner that is integrated and compatible with adjoining parcels and areas.
- (B) New buildings shall maintain overall height, size, massing, scale, and proportions compatible with those of buildings in the vicinity. New buildings shall incorporate building forms, lines, roof shapes, features, and materials compatible with those of buildings in the vicinity, but are not required to conform to a particular architectural style.
- (C) New additions should be designed to complement and be compatible with, rather than detract from or obscure, the original structure.
- (D) Project design shall reinforce a pedestrian streetscape through the provision, where appropriate, of such features as connecting walkways, landscaping and street trees, the incorporation of architectural features such as porches, store fronts and windows, and pedestrian-scaled street furniture and lighting.

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Brian Leven and Furst Management Ventures LLC for a block retaining wall at the back of lot, an expansion of existing deck for the previously approved 100-seat restaurant and screened utility units on

roof at 14 S. Main Street as presented in application #035-22 and supporting materials meets the Site Plan and Downtown Design Review criteria as set forth in Sections 301 and Article XI.

Decision Motion:

On behalf of the Waterbury Development Review Board, Patrick Farrell moved and Tom Kinley seconded the motion to approve application #035-22 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) All utilities mounted on roof shall not be visible from view from the street level and shall be adequately screened from view from the street level.
- (4) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in zoning permit approval #025-20.
- (5) The wood fired cooking apparatus shall be used a maximum of 12 times per year.

Vote: The motion was approved 7 – 0.



Tom Kinley, Vice-Chair

Approved: July 6, 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.*

**Town & Village of Waterbury
Development Review Board
Approved Decision #045-22 ▪ June 15, 2022**

Present (June 15, 2022): Board members: David Frothingham (Chair), David Rogers, Tom Kinley, Bud Wilson, Patrick Farrell, Alex Tolstoi, Joe Wurtzbacher

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

Applicant/Owner:	Michael Sullivan / Henry Parro	
Address/Location:	95 U.S. Route 2, Waterbury, VT	
Zones:	Industrial zoning district (IND)	
Application #	045-22	Tax Map # 12-050.100

Applicant Request:

The applicant seeks Site Plan Review approval for a change of use from the former retail location (gun shop) to craft production (a pottery studio) at 95 U.S. Route 2.

Present and sworn in (June 15, 2022):

Michael Sullivan, applicant

Exhibits:

- A1-4: Application #045-22 (4 pp: Site Plan Review information), dated 4/22/22
- B1-3: Photo of existing exterior, kiln and interior, dated 4/22/22
- C1: Existing Site Plan, submitted 4/22/22
- C2: Existing Elevations, submitted 4/22/22
- E1: Orthophoto of parcel (staff)
- E2: Zoning Map (staff)
- F: Letter to adjoining landowners, mailed certified on 6/2/22

Findings of Fact:

1. Existing conditions: Henry Parro owns a 0.55± acre parcel developed with a building that previously housed a retail gun shop. The property is located at 95 U.S. Route 2. The property is served by municipal water and sewer, includes frontage on and access drives to U.S. Route 2. The parcel is in the Industrial (IND) zoning district, as shown on Exhibit E2.
2. Proposal: The applicant, Michael Sullivan, owns an existing pottery studio in the building called “The Mud Studio”. The change of use is from the former retail use (Parro’s Gun Shop) to a pottery studio that falls under the “Craft Production” use, which is a permitted use in the Industrial zoning district. The remainder of the western portion of the building will remain as art studio (craft production use) that is rented to one artist.

3. Site Plan Review and Approval, Section 301:

(f)(1) Adequacy of traffic access.

There will be no changes to the traffic access to the site.

(f)(2) Adequacy of circulation and parking.

There will be no changes to the existing circulation and parking on the site as shown on Exhibit C1.

(f)(3) Adequacy of landscaping and screening:

All existing landscape plantings will be retained as previously approved. There are no proposed changes to the exterior lighting as previously approved.

Section 414 Parking Regulations

(a) Prior to granting design approval, the Development Review Board shall find that the proposed development meets the following standards, where applicable:

(6) Industrial plants, wholesale establishments, warehouses, and similar facilities: one (1) space for every person employed at peak times.

There are currently 20 parking spaces provided. The applicant states that the busiest times at the studio would be when classes are held. *“The classes have 10-12 students, an instructor and depending on the time of day, an additional staff member. Leaving at minimum 6 open spaces.”*

According to Section 414(6), one parking space shall be provided per employee. While there may only be one or two employees on-site, each class member would require a parking spot. Using this method, the total required parking spaces would be 16. The remainder of the western portion of the building that is an art studio (craft production use) and is rented to one artist requires one parking space. As 20 parking spaces are provided on-site, the parking is determined to be adequate.

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Michael Sullivan and Henry Parro for a change of use from retail to an existing pottery studio (craft production) at 95 U.S. Route 2 as presented in application #045-22 and supporting materials, meets the Site Plan and Downtown Design Review criteria as set forth in Sections 301 and Section 414.

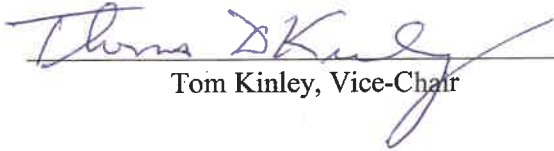
Decision Motion:

On behalf of the Waterbury Development Review Board, Joe Wurtzbacher moved and Patrick Farrell seconded the motion to approve application #045-22 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) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in zoning permit approval #045-22.
- (4) The applicant shall confirm with Waterbury Public Works that no additional water allocation is required or shall obtain any additional allocation that is necessary for the new use.
- (5) The applicant shall submit a sketch of the building showing the additional art studio in the western portion of the building.

Vote: The motion was approved 7 - 0.



Tom Kinley, Vice-Chair

Approved: July 6, 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.*