

WATERBURY DEVELOPMENT REVIEW BOARD
SPECIAL MEETING
APPROVED MINUTES, FINDINGS OF FACT & DECISIONS
Tuesday, August 7, 2012

Board Members Present: Jeff Larkin, Chair; Dave Rogers; Rick Boyle; Jeff Whalen

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

The meeting was called to order by Jeff Larkin at 6:35 p.m.

The following applications were warned and presented. The minutes and decisions are documented separately:

Application #46-12-V, Waterbury-Duxbury Union 45

Application #49-12-V, Mark W. Martin

Application #41-12-T, Barbara Blauvelt

Application #50-12-V, Hands Off My Cheese, LLC

Application #52-12-V, Clock Tower Building, LLC, Thomas Amatulli

REVIEW OF MEETING MINUTES

The minutes, findings of fact, and decisions from July 17, 2012, were reviewed for the following applications:

Application #40-12-V, Corey and Kelley Hackett

Application #35-12-V, Little River State Park

Application #32-12-V, F.O.R.E., LLC

General Minutes of July 17, 2012

MOTION:

Dave Rogers moved and Rick Boyle seconded to approve the minutes, findings of fact, and decisions from July 17, 2012 as listed above and as amended.

VOTE:

The motion passed unanimously.

APPLICATION #50-12-V, HANDS OFF MY CHEESE, LLC

See attached Minutes. The site plan review was continued to August 23rd, 2012 at 8:20 p.m.

APPLICATION #52-12-V, CLOCK TOWER BUILDING, LLC, THOMAS AMATULLI

This is a request for an exemption from Site Plan Review for changing the use of the second (top) floor of the building located at 1024 Waterbury-Stowe Rd. from a permitted apartment to retail sales/service. Tax Map #13-089.000

Phil Amatulli, representing the applicant. was sworn in.

The findings and conclusion for Permit #02-09-V for commercial use of the second (top) were discussed.

Dave Rogers moved and Jeff Whalen seconded the motion to exempt application #52-12-V for the Clock Tower Building, LLC located at 1024 Waterbury-Stowe Rd. from site plan review for the change of use on the top floor from apartment to retail sales and service with reference to permit #02-09-V and in accordance Section 301(a)(5).

OTHER BUSINESS

Planned Unit Developments (PUD) were discussed. Lots are on a condensed portion of the site; a minimum of 50% of the entire parcel is open/common land; the houses are clustered; must have at least 3 lots on at least three acres. In order to reduce the impact of the higher density of houses there is a double set back requirement around the perimeter of the entire site. There is a proposed PUD application that will be discussed at the next meeting.

ADJOURNMENT

The meeting was adjourned by the Chair at 9:10 p.m.

Minutes and Decisions Approved:


_____, Chair

Date: 8-23-17

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.

THESE MINUTES WERE APPROVED ON 8-23-17

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
SPECIAL MEETING
APPROVED MINUTES, FINDINGS & DECISION
Date: August 7, 2012**

Board Members Present: Jeff Larkin, Chair; Dave Rogers, Jeff Whalen, Rick Boyle

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

First order of Business: Application for Variance, Findings and Decision

Permit #: 46-12-V

Applicant: Brad Gresham, Thatcher Brook Primary School

Landowner: Waterbury-Duxbury Union 45

Location of Project: 47 Stowe Street, Waterbury, VT

Description of Project: Applicant proposes to construct roof over delivery ramp.

The following interested parties were present and sworn in:

Brad Gresham, Applicant

EXHIBIT LIST:

Exhibit A	Zoning Permit Application
Exhibit B	Site Plan
Exhibit C	Building Elevation Drawing
Exhibit D	15-day warning to Waterbury Record
Exhibit E	Notice to adjacent landowners

TESTIMONY:

1. The current overhang does not protect the walking area below and in the winter the ice buildup and melting ice create a hazardous walking surface. The cafeteria also floods due to runoff that flows down the ramp, overwhelms the outside drain, and runs into the building through the doorway.

FINDINGS OF FACT:

Based on the application, testimony, exhibits, and other evidence the Town of Waterbury Zoning Development Review Board makes the following findings:

1. The applicant seeks to construct a roof over the delivery ramp which provides access to the school cafeteria on High Street, Waterbury, VT. Tax Map #19-138.000.
2. The roof structure over the ramp will be 35' long, 6' wide and 105" tall, and will be located within the municipal right-of-way for High St.
3. The total footprint of the ramp will be 210 sq. ft.
4. The property is located in the Village Mixed Residential Zoning District as described on the Village of Waterbury Zoning Map where the setback requirements are as follows:

- a. Setbacks: Front = 40ft, Side = 25ft, Rear = 50ft
5. The school building pre-exists zoning and the existing roof over the entrance into the cafeteria on High St. is located within the right-of-way for High St. and has a front setback of 0 ft.
 6. The ramp proposes a south-side front setback on High St. of 0 ft.
 7. The applicant seeks a 40 ft. south-side front variance for the roof structure over the ramp.

VARIANCE CRITERIA (Section 308)

1. The following unique physical circumstances or conditions peculiar to the subject property are found: The property is a pre-existing school building that was built to the edge of the road right-of-way.
2. Because of these unique circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaw and authorization of a variance is necessary to enable the reasonable development of the property.[Refers to Section 308 (2) of Waterbury Zoning Bylaws] . same as #1
3. An unnecessary hardship *has not* been created by the applicant. [Refers to Section 308 (3) of Waterbury Zoning Bylaws]
4. For the following reasons, the variance will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare. [Refers to Section 308 (4) of Waterbury Zoning Bylaws] The property is located within a residential neighborhood. The school has been in this location since the early 1900's.
5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan. [Refers to Section 308 (5) of Waterbury Zoning Bylaws]

DECISION AND CONDITIONS

MOTION:

Jeff Whalen moved and Dave Rogers seconded the motion to approve Application #46-12-V, Waterbury-Duxbury Union 45, for a 40' front yard variance for a roof over the delivery ramp into the cafeteria for the Thatcher Brook Primary School, located at 47 Stowe Street, Waterbury, VT, with the following condition:

1. This permit is granted on the condition that the applicant complete the project consistent with the Board's findings and conclusions and the approved plans and exhibits.

VOTE: The motion passed unanimously.

Decision approved,


_____, Chair

Date: 9.6.12

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 September 6, 2012.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
SPECIAL MEETING
APPROVED FINDINGS & DECISION
Date: August 7, 2012**

Board Members Present: Jeff Larkin, Chair; Dave Rogers; Jeff Whalen; Rick Boyle

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Second order of Business: Application for Variance and Flood Hazard Area Review, Findings and Decision

Application #49-12-V

Applicant: Mark Martin

Landowner: SAME

Location of Project: 6 O'Hear Court, Waterbury, VT

Description of Project: Applicant proposes to re-construct a garage/accessory structure.

The following interested parties were present and sworn in:

Mark Martin, Applicant

Chris Austin, Consultant

EXHIBIT LIST:

- Exhibit A Zoning Permit Application
 - Exhibit B Sketch Plan, revised August 7, 2012
 - Exhibit C Letter from Grenier Engineering with construction info, dated July 3, 2012
 - Exhibit D 15-day warning to Waterbury Record
 - Exhibit E Notice to adjacent landowners dated July 19, 2012
-

TESTIMONY:

1. The property lawn is graded to drain towards the brook.

FINDINGS OF FACT:

Based on the application, testimony, exhibits, and other evidence the Town of Waterbury Zoning Development Review Board makes the following findings:

1. The applicant seeks to re-construct a garage on at 6 O'Hear Court, Waterbury. Tax Map #19-236.000.
2. The property is located in the Village Residential Zoning District as described on the Village of Waterbury Zoning Map and within the Special Flood Hazard Area (SFHA) / 100-year floodplain (NFIP).
3. The proposed garage will be 20' x 24' (480 sf.)
4. The additional square footage will be added to the eastern edge of the garage.

5. Within the Village Residential Zoning District dimensional requirements are as follows:
 - a. Minimum Lot Area = 10,000 sf
 - b. Setbacks: Front = 30ft, Side = 10ft, Rear = 30ft
6. The project is located on a pre-existing non-conforming lot (approx. 7,405 +/- sf) lot proposes the following west setback:
 - a. Side = 4 ft
7. The applicant seeks the following:
 - a. 6 ft side setback Variance
8. The property is located within the Special Flood Hard Area (SFHA) / 100-year floodplain where additional development standards apply. See below for excerpt of Article VI SFHA Regulations and Overlay District)
9. The garage requires Board review due to the size of the appurtenant structure is larger than 200 square feet and is a replacement of a non-conforming structure.
10. The garage is a residential accessory, appurtenant structure of more than 500 sf. (Regulations state that: a non-residential, appurtenant structure of less than 500 sf and therefore represents a minimal investment and need not be elevated and an elevation certificate is not required.)
11. The applicant proposes to include three 18"x12" flood openings.

VARIANCE CRITERIA (Section 308)

1. The following unique physical circumstances or conditions peculiar to the subject property are found [Refers to Section 308 (1) of Waterbury Zoning Bylaws] *[Describe the irregularity, narrowness, or shallowness of lot size or shape, exceptional topographic or other physical conditions that were found.]*
 This is a pre-existing small lot with a pre-existing structure that is being replaced.
2. Because of these unique circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaw and authorization of a variance is necessary to enable the reasonable development of the property.[Refers to Section 308 (2) of Waterbury Zoning Bylaws]
 Same as #1.
3. An unnecessary hardship *has not* been created by the applicant. [Refers to Section 308 (3) of Waterbury Zoning Bylaws]
4. For the following reasons, the variance will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare. [Refers to Section 308 (4) of Waterbury Zoning Bylaws] The property is located within a residential neighborhood. *[Describe the character of the neighborhood, the adjacent property, etc.]*
 The garage is being replaced.
5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan. [Refers to Section 308 (5) of Waterbury Zoning Bylaws]
 Replacing a pre-existing non-conforming garage.

SFHA DEVELOPMENT STANDARDS (Section 605)

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;
- (H) The fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above the finished floor elevation. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (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).

(6) Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.

DECISION AND CONDITIONS

CONCLUSION: The Development Review Board concludes that the variance criteria and the flood hazard area criteria have been met.

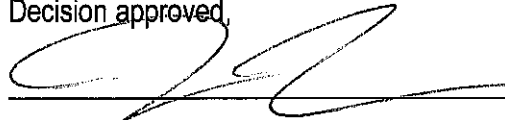
MOTION:

Jeff Whalen moved and Rick Boyle seconded the motion to approve Application #49-12-V, Mark Martin, for a 6' side yard variance and flood hazard area review for a re-constructed garage/accessory structure located at 6 O'Hear Court, Waterbury, VT, subject to the following conditions:

1. *This permit is granted on the condition that the applicant completes the project consistent with the Development Review Board's findings and conclusions and the approved plans and exhibits that have been submitted.*
2. *That the revised dimensions, Exhibit B, as changed and submitted on August 7th, 2012, are accurate.*

VOTE: The motion passed unanimously.

Decision approved,

 , Chair

Date: 8-23-12

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THESE MINUTES WERE APPROVED ON 8-23-12

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
SPECIAL MEETING
FINDINGS & DECISION
Date: August 7, 2012**

Board Members Present: Jeff Larkin, Chair; Jeff Whalen, David Rogers, Rick Boyle
Staff Present: Steve Lotspeich; Clare Rock; Patti Spence

Third Order of Business: Application for Subdivision Review, Findings and Decision
The public hearing was opened at 7:20 p.m.

Permit Application #: 41-12-T
Applicant: Barbara Blauvelt
Landowner: SAME
Location of Project: 924 Loomis Hill Road, Waterbury Center, VT

The following interested parties were present and sworn in:
Barbara Blauvelt, applicant
Gunner McCain, consultant

TESTIMONY:

1. The existing home stays the same on Lot #1.
 2. All applicable permits have been applied for.
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EXHIBIT LIST:

Exhibit A Zoning Permit Application #41-12-T dated 6/5/2012
Exhibit B Letter from McCain Consulting, dated 6/4/2012
Exhibit C List of Adjoining Landowners provided by the consultant
Exhibit D Town/Village of Waterbury Curb Cut Application
Exhibit E Site Plan dated 5/8/2012
Exhibit F 15-day Notice of Public Hearing dated June 21, 2012
Exhibit G Notice sent to Adjacent Landowners dated July 17, 2012

FINDINGS OF FACT:

Description of Project

This proposed project is to subdivide a 23.5 acre parcel (Tax Map #10-061.000) into 2 lots. The property is located at 924 Loomis Hill Road, Waterbury Center, VT.

Development Review Board approved Minutes, 41-12-T Blauvelt Subdivision

1. The lot (Tax Map #10-061.000) is located within the Medium Density Residential District, where the dimensional requirements are:
 - a. Minimum lot size: 2 acres
 - b. Frontage: 200'
2. Lot #1 will be 8.2+/- acres with the existing House/Clinic (Waterbury Veterinary Clinic) structure.
3. Lot #2 will be 15.3+/- acres and has received a wastewater permit for a single-family dwelling with a one-bedroom apartment.
4. The Applicant has applied to the municipality for a new curb cut to access proposed Lot #2.

CONCLUSION

The Development Review Board concludes that all applicable dimensional requirements are met for a 2-lot subdivision for application #41-12-T.

DECISION AND CONDITIONS

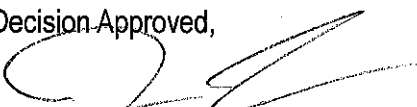
MOTION:

Rick Boyle moved and *Jeff Whalen* seconded the motion to approve application # 41-12-T for *Barbara Blauvelt* for a 2-lot subdivision located at 924 Loomis Hill Road with the following conditions:

1. This permit is granted on the condition that the applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits.
2. The applicant brings a copy of the Final Plat to Zoning Administrator within 150 days so that the Development Review Board can review, approve, and sign off on the Final Plat and meet the 180 day timeline for recording the plat that is required by 24 V.S.A., Section 4463.

VOTE: Passed Unanimously.

Decision Approved,

 _____, Chair Date: 8-23-12

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THESE MINUTES WERE APPROVED ON 8-23-12

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
SPECIAL MEETING
APPROVED MINUTES
August 7, 2012**

Board Members Present: Jeff Larkin, Chair; Jeff Whalen; Rick Boyle, David Rogers

Staff Present: Steve Lotspeich; Clare Rock; Patti Spence

Fifth Order of Business: Application for Site Plan Review

Permit Application #50-12-V:

Applicant: Hands Off My Cheese, LLC

Landowner: SAME

Location of Project: 1 South Main St.

The following interested parties were present and sworn in:

Mark Frier, Applicant

Val and John Vincent

Bob Murray

TESTIMONY:

1. Bob Murray expressed concern regarding available parking and use of his lot by patrons and employees of the Reservoir Restaurant.
2. The Vincent's expressed objection to use of the upstairs space due to possible noise impact on their adjacent 2nd floor apartment. Parking and noise are the main concerns.
3. The applicant said the walls will be insulated and some sound barrier would be created.

EXHIBITS:

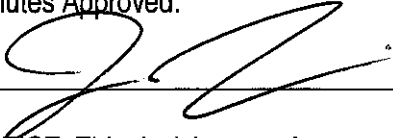
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|-----------|--|
| Exhibit A | Zoning Permit Application |
| Exhibit B | Site Plan |
| Exhibit C | Floor Plans |
| Exhibit D | Notice Sent to Adjacent Landowners dated July 26, 2012 |
| Exhibit E | Photos of the apartment in the adjacent building |

This hearing was continued to August 23, 2012 at 8:15 p.m.

Action items:

1. The applicant will find out what the fire code maximum capacity is for the proposed event room on the second floor.
2. S. Lotspeich will seek further information on the sewer and water allocation for the proposed room.

Minutes Approved:


_____, Chair

Date: 9-6-12

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 September 6, 2012.