

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: March 18, 2015**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Dave Rogers, Mike Bard, Martha Staskus, Nat Fish

Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

6:30 p.m. Application #04-15-T, Albert Fougel Revocable Trust

The chair continued the hearing to April 1st at 7:00 p.m.

Action items:

The applicant needs to request a letter from the Waterbury Historical Society and the Cemetery Commission to address Article III, Section 303(2)(C).

And, the boundary line dispute needs to be resolved to the satisfaction of the applicant and the adjacent property owners, Jarret and Catherine Emert.

7:15 p.m. Application #06-15-T, Gristmill Builders, LLC

Reviewed and approved under separate hearing minutes.

8:00 p.m. Continued Hearing for Application #02-15-T, Robert Aughey

Reviewed and approved under separate hearing minutes.

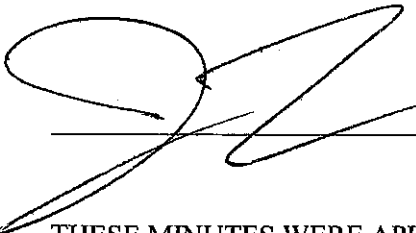
APPROVAL OF MINUTES:

MOTION:

Nat Fish moved and Dave Rogers seconded the motion to approve the DRB general minutes of March 4, 2015.

Vote: Passed unanimously.

The meeting was adjourned at 8:25 pm.


_____, Chair

Date: 4.1.15

THESE MINUTES WERE APPROVED ON

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Hearing Minutes, #04-15-T
March 18, 2015**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Dave Rogers, Nat Fish, Mike Bard, Martha Staskus

Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

Present and sworn in:

George McCain, representing applicant

Michael Woodard

James Abair

Jeff Kilgore

Catherine & Jarett Emert, Adjoining landowners

Application for a 2-lot Subdivision in the Medium Density Residential Zoning District and Ridgeline, Hillside, Steep Slope Overlay District.

Permit Application #: 04-15-T
Applicant: Albert Fougel Revocable Trust
Landowner: SAME
Location of Project: SE corner of Loomis Hill Rd. and Shaw Mansion Rd.,
Waterbury Center, VT

EXHIBIT LIST:

- Exhibit A Permit Application # 04-15-T
- Exhibit B Site Plan, dated December 1, 2014
- Exhibit C ANR Atlas map of property
- Exhibit D Notice of Public Hearing, dated February 18, 2015
- Exhibit E Notice to Adjacent Landowners, dated March 2, 2015
- Exhibit F Letter from adjacent property owner, J Emert, dated March 18, 2015

Testimony:

1. Mike Woodard expressed concern with the wells and septic in the area and how the subdivision on this property would affect the neighboring properties.
2. It was stated that there will be no site preparation work done prior to a building application is approved.
3. Exhibit A, strike #4 in the response to the conditional use criteria.
4. It was discussed that this hearing is only to approve the subdivision.
5. The adjacent landowners, the Emert's, raised some concerns
 - a. there is a boundary dispute
 - b. concern with the adjacent historic sites - Loomis Hill Cemetery, Old Notch Road
 - c. concerns with the wildlife corridor in this area

6. Jeff Kilgore, who manages the property for the trust, pointed out that the Perrault's have a right of way on the Old Notch Road. The deeded access to the cemetery is from Loomis Hill Road. The cemetery abuts this Loomis Hill Road property. The proposed septic does not encroach on the cemetery property.
7. Michael Woodard commented that another right-of-way to the cemetery is on the Hoar property but you have to walk up the driveway on that property for access.

At 7:30 p.m. the hearing was continues to April 1, 2015 at 7:00 p.m.

Description of Project:

The applicant is seeking approval for a 2-lot subdivision of a 5.5 acre property, located at the SE corner of the Loomis Hill Road and Shaw Mansion Road intersection, Waterbury Center, VT (Tax map # 10-027.000)

1. The existing 5.5+/- parcel is located at the SE corner of the Loomis Hill Road and Shaw Mansion Road intersection, and lies within the Medium Density Residential (MDR) Zoning District and the Ridgeline, Hillside, Steep Slope (RHS) Overlay Zoning District.
2. The applicant proposes to subdivide the property into 2 lots. Lot 1 will be 2.3+/- acres in size and Lot 2 will be 3.2+/- acres in size.
3. The MDR Zoning District has a minimum lot size requirement of 2 acres and a minimum lot frontage requirement of 200 feet. Both lots will conform to the minimum lot size requirement and minimum lot frontage requirement.
4. The property lies entirely within the Ridgeline, Hillside, Steep Slope Overlay District. The property has an approximate elevation range of 1,200 to 1,260 feet.
5. Section 1203(b) requires any subdivision of property lying in the RHS Overlay District to be reviewed under Section 1202 by the Development Review Board.
6. Development at or above 1,200 feet in elevation (FIE), but below 1,500 FIE shall be considered "minor" development.
7. "Development" is defined in the Waterbury Zoning Regulations as "*The division of a parcel into two or more parcels...*" The applicant is only applying to subdivide the property at this time.
8. Subdivisions in the RHS Overlay Zoning District are subject to review by the Development Review Board.
9. Below are excerpts of the Subdivision Review Criteria, RHS Review Criteria for 'minor' projects:

Minutes Approved:


 _____, Chair

Date: 4.1.15

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes, #06-15-T
Date: March 18, 2015**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Dave Rogers, Nat Fish, Mike Bard, Martha Staskus

Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

Present and sworn in:

Brendan O'Reilly, Applicant

Darrow Mansfield, Applicant

Application for Zoning Permit, Site Plan Review and Conditional Use Permit to construct a two-story, 11,600 sq ft light industrial/commercial building at 5430 Waterbury-Stowe Road, Waterbury Center, VT 05677, in the Route 100 (RT100) Zoning District.

Permit Application #: 06-15-T

Applicant: Gristmill Builders, LLC

Property Owner: Gristmill Properties, LLC

Tax Map #: 09-048.000

Location of Project: 5430 Waterbury-Stowe Road, Waterbury Center, VT

INTRODUCTION

The applicant proposes to construct a two-story, 11,600 sq ft light industrial/commercial building on a 5.1 acre property that currently has a 2-story multi-use building and associated infrastructure. The proposal was previously approved in 2010, and has expired.

TESTIMONY

1. Based on square footage 61 parking spaces are required and have been identified on exhibit B.
2. The applicant testified that all of the criteria from the previously approved permit from 2010 will be met.

EXHIBITS

- Exhibit A: Application # 06-15-T
Exhibit B: Site Plan, dated January 12, 2012
Exhibit C: Master Plan, dated January 5, 2010
Exhibit D: Septic System Details, dated January 12, 2012
Exhibit E: Landscape Plan, dated April 3, 2010
Exhibit F: Elevation Drawing
Exhibit G: Floor Plans

- Exhibit H: ANR Atlas Maps of property
- Exhibit I: Planning Commission Minutes of July 21, 2010
- Exhibit J: Zoning Board of Adjustment Minutes of September 27, 2010
- Exhibit K: Wastewater Permit WW-5-0988-4
- Exhibit L: Notice of Construction General Permit, dated June 29, 2012
- Exhibit M: VT ENCON Permit 4276-9015.A1, dated October 16, 2012
- Exhibit N: Notice of Public Hearing, dated February 19, 2015
- Exhibit O: Letter to Adjoining landowners, dated February 25, 2015

FINDINGS OF FACT

1. The 5.1 acre property lies within the Route 100 (RT100) Zoning District. The RT100 Zoning District has a minimum lot size requirement of 5 acres for non-residential uses.
2. The subject property is Lot 1 of the 5-lot Alley Subdivision PUD approved in 1998. Lot 5 of the PUD separates the subject property from Waterbury-Stowe Road, and is reserved in permanent open space. The subject property is approximately 225' from Waterbury-Stowe Road, and is served by an access drive that cuts through Lot 5.
3. The proposed structure was previously approved in July, 2010. Uses proposed within the structure included office space and a restaurant.
4. The property currently contains a 35' tall building that houses Gristmill Builders, SunCommon, and other general office space. In total, the two-story building totals 12,600+/- sq ft in area. In addition to the existing parking areas and infrastructure, the property also has 10 solar panels
5. The current project proposes a two-story structure consisting of connected Buildings 2A and 2B (Exhibit B), with a combined footprint of approximately 5,800 sf, and an overall area of 11,600 sf for both stories.
6. The RT100 Zoning District lists "light industry" and numerous types commercial uses as Conditional Uses. Some examples of conditionally permitted commercial uses include retail establishments, restaurants, motels, medical/professional offices, and commercial schools.
7. "Light industry" is defined as *"An enterprise engaged in the manufacture, assembly, or handling of goods that does not result in the emission of pollutants into the air or water, noise discernible from outside a building, heavy truck traffic, the use of water in the manufacturing process, the production of waste other than from employee's toilets, outside storage of goods or materials, or other similar impacts."*
8. According to the application, the proposed structure will be 35' in height, which is the maximum height allowance of the RT100 Zoning District.
9. The application does not provide a clear breakdown of the specific uses that will operate within the building. As a result, the parking requirements cannot be calculated at this time. Once specific uses are identified, the applicant will be responsible for complying with the Waterbury parking regulations.

10. Based on communication with the applicant, the following uses have been identified as possible uses to occur within the proposed mixed-use building (includes Section 414 parking requirements):
 - Light Industrial – 1 space for every person employed at peak times
 - Office Space – 1 space for every 300 sq ft of floor area
 - Retail/showroom – 1 space for every 300 sq ft of floor area
11. The site plan (Exhibit B) identifies 61 parking spaces for the whole property.
12. Section 414(e)(1) allows parking requirements to be reduced by up to 25% provided that space be dedicated as lawn or landscaping and have the potential of future conversion to parking should it be determined that more parking spaces are necessary.
13. Landscaping will be provided as identified on the landscape planting plan (Exhibit E).
14. Lot 5 also acts as a vegetative buffer between Waterbury-Stowe Road and the subject property.
15. The property will continue to utilize a private well and septic system.
16. Section 301(g) requires any use located in the RT100 Zoning District to also be reviewed under the standards set forth for planned unit developments in Section 705(c)-(l), and Subsections 705(m)(1)-(3).
17. The proposed use is required to obtain Site Plan Review and Conditional Use approval from the Development Review Board.
18. Below are excerpts of the Site Plan Review criteria, Conditional Use criteria, and PUD criteria.

CONCLUSION

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #06-15-T to construct a 2-story 11,600 sq ft light industrial/commercial building at 5430 Waterbury-Stowe Road, Waterbury Center, VT (tax map #09-048.000) meets the conditional use standards in sections 301, 303 and 705 of the Waterbury Zoning Bylaws.

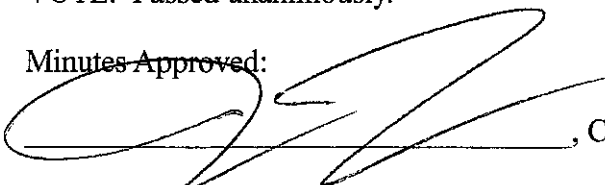
MOTION

On behalf of the Waterbury Development Review Board, Dave Rogers moved and Mike Bard seconded the motion to approve application #06-15-T, Gristmill Builders, LLC 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. Any exterior lighting will be downcast and shielded.

VOTE: Passed unanimously.

Minutes Approved:

 , Chair

Date: 4.1.15

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes 02-15-T
Date: March 18, 2015**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Nat Fish, Mike Bard, Dave Rogers, Martha Staskus

Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

Application for a Zoning Permit, Site Plan and Conditional Use for the construction of 5 mini-storage buildings for a property located in the Town Commercial (TCOM) Zoning District.

Permit Application #: 02-15-T

Applicant: Robert Aughey

Property Owner: SAME

Tax Map #: 09-284.000

Location of Project: 3595 Waterbury-Stowe Road, Waterbury Center, VT

PRESENT AND SWORN IN:

Chris Austin, Consultant

John Grenier, Consultant

Bob Aughey, Property Owner

Brenda Altman, friend

Also present at Feb. 18th hearing:

Steven & Angela Salls, Adjacent Landowner

INTRODUCTION

The applicant proposes to construct 5 mini-storage buildings (44 self-storage units total) on an existing 1.18 acre property that contains an existing mixed-use building (residence & commercial) and a detached, one-bedroom apartment.

EXHIBITS

Exhibit A: Application # 02-15-T

Exhibit B: Letter from Chris Austin, dated January 22, 2015

Exhibit C: Site Plan, rev, March 18, 2015

Exhibit D: ANR Atlas Map of Property

Exhibit E: Photo example of proposed structures

Exhibit F: Photo example of proposed landscaping/screening

Exhibit G: Photo of existing freestanding sign structure

- Exhibit H: Lighting cut sheet
- Exhibit I: Email from Gary Dillon, Fire Chief, dated January 25, 2015
- Exhibit J: Notice of Public Hearing, dated January 22, 2015
- Exhibit K: Letter to Adjoining landowners, dated February 6, 2015
- Exhibit L: Letter from Marie Flatow, dated February 18, 2015
- Exhibit M: Letter from Richard & Barbara Woodard, dated February 18, 2015
- Exhibit N: Stormwater narrative
- Exhibit O: Rental Agreement for storage units
- Exhibit P: Stormwater Plan, dated March 18, 2015

TESTIMONY:

1. The lights (Exhibit H) only cast light to 25 feet and there is no adjacent property which is with 25 feet of any proposed lights.
2. A prospective well would be a drilled well.
3. There would be no hazardous material stored at the site, per the rental agreement on the units that the tenants would sign.
4. There is no plumbing in any of the buildings.
5. There are 3 or 4 designated spots for infiltration for keeping stormwater drainage on the property as best as possible. There is another flat area that could be considered and will be researched by GrenierEngineering.
6. The existing boundary survey was used for this property, from Chase & Chase, dated from 1994.
7. Snow is planned to be plowed and dispersed to several locations on the property vs. a single area of snow storage.

Testimony remains open and the hearing is continued to March 18, 2015 at 8 p.m.

Testimony added March 18, 2015

8. Based on the review of the drive at the front southern side of the property this drive will not be closed off.
9. The infiltration was addressed and presented as Exhibit N.
10. The rental agreement was presented and added as Exhibit O.

FINDINGS OF FACT:

1. The 1.18 acre property lies within the Town Commercial Zoning (TCOM).
2. The TCOM District requires a minimum lot size of 1 acre, maximum lot coverage of 25%, and building setbacks of: 50' front, 25' side and rear.
3. The property currently contains a residential/commercial mixed-use building, a 1-bedroom apartment, and 5 parking spaces. Most recently, Good Stuff Variety Store occupied the existing commercial space. It has since relocated. The remaining property is open yard. Private water and septic systems serve the property.

4. Access to the property is served by an existing curb cut on Waterbury-Stowe Road.
5. The proposal is for the construction of 5 mini-storage buildings (44 self-storage units total).
 - Storage Building A – 1,200 sq ft
 - Storage Building B – 1,200 sq ft
 - Storage Building C – 1,600 sq ft
 - Storage Building D – 2,000 sq ft
 - Storage Building E – 2,500 sq ft
6. “Mini self-storage facility” is listed as a conditional use within the TCOM Zoning District.
7. Conditional Use permits require review by the Development Review Board. Conditional Use review criteria are contained within Section 303 of the Waterbury Zoning Regulations.
8. The Waterbury Zoning Regulations do not specify parking requirements for storage facilities.
9. The applicant states that the existing driveway serving the property will be extended and a gravel lot will be constructed for access to the storage buildings. The gravel lot will include a drainage plan to control site runoff and prevent any adverse impact to neighboring properties.
10. The proposed buildings will be constructed of metal with 3:12 pitched roofs. The siding will be tan, while the roofs and doors will be green
11. The applicant intends to install an American Arborvitae landscape/screen along the south property line. American Arborvitae can reach heights of between 15 and 40 feet.
12. The applicant states that lighting for the buildings will be provided by building mounted LED fixtures that will be cutoff and downcast. (Exhibit H)
13. The mini-storage facility will utilize the existing freestanding sign frame that is located in the front of the property (Exhibit G). A separate sign permit will be required before new signage can be installed within this frame.
14. Vehicular access will continue to utilize the existing access off Waterbury-Stowe Road.
15. Below are excerpts of the Site Plan Review criteria and Conditional Use criteria:

Action Items:

1. Copy of the rental agreement.
2. More detailed stormwater information and investigate moving the infiltration to the level area to the west vs where it is currently on the plan.
3. Closing off the drive located on the front southern side of the site.

CONCLUSION:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Application 02-15-T to construct 5 mini-storage buildings (44 self-storage units total) on an existing 1.18 acre property that contains an existing

mixed-use building (residence & commercial) and a detached, one-bedroom apartment.meets the criteria in Sections 301 and 303 of the Waterbury Zoning Bylaws.

MOTION:

On behalf of the Waterbury Development Review Board, Mike Bard moved and Dave Rogers seconded the motion to approve Application #02-15-T, 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. Exterior lights will be downcast and shielded.

VOTE: Passed unanimously.

Decision Approved,


_____, Chair

Date: 4-1-15

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