

WATERBURY DEVELOPMENT REVIEW BOARD
General Meeting Minutes
Wednesday, December 21, 2016

In Attendance: Board members present: Dave Rogers (Chair), Nathaniel Fish, Rob Dombrowski, Martha Staskus, and Tom Kinley. Staff present: Steve Lotspeich (Community Planner), Dina Bookmyer-Baker (ZA), and Patti Spence (Secretary).

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

The agenda was approved.

6:30 p.m.

#75-16-T: Shawn & Melissa Semprebon (applicant/owner)

Setback waiver request to construct a residential shed within the side yard setback at 570 S. Pinnacle Ridge Rd., Waterbury, VT (CNS zoning district).

Present and sworn in:

Shawn Semprebon, owner/applicant

Chris Austin, applicant representative

Testimony

- There is a ledge between the Semprebon's and the Gannon's property. This divides and screens the two properties.
- A photo was presented showing the shed site – the ledge ridge and wooded area screens the shed site from the view from the Gannon's house.
- A note from the Gannons was circulated and entered as Exhibit H. They have no objection to the shed in the proposed location. The remainder of the property is sloped and not suitable for a shed location that is accessible from the driveway.
- The character of the area will not be changed as a result of constructing the shed in the proposed location.

Motion by Tom Kinley, seconded by Rob Dombrowski: To approve application 75-16-T with conditions.

Vote: Passed unanimously, 5-0.

The Board will issue the final written decision within 45 days.

6:50 p.m.

#30-16-V: Amy Leventhal (applicant), **Quinland Properties II** (owner)

Site Plan and Conditional Use Review to change the use of a portion of the existing building from retail store/service to recreation/amusement facilities at 53 North Main St., Waterbury, VT (VNC zoning district).

Present and sworn in:

James Quinn, Landowner

Jeffrey Foley, representing business owner

Motion by Rob Dombroski, seconded by Tom Kinley: To approve application #30-16-V with conditions.

Vote: Passed unanimously, 5-0.

The Board will issue the final written decision within 45 days.

Approval of prior meeting minutes and decisions:

Motion by Tom Kinley and seconded by Rob Dombrowski: To approve the general minutes of December 7, 2016 and the decisions for applications #72-16-T and #63-16-T, as amended.

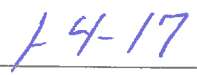
Vote: Passed unanimously, 5-0.

Next meeting: Wednesday, January 4, 2017.

Adjournment: The meeting was adjourned at 8:30 p.m.



(Chair) (Vice-Chair) (Acting Chair)



(date)

These minutes were approved: January 4, 2017

**Town & Village of Waterbury
Development Review Board
Decision #75-16-T
December 21, 2016**

In Attendance: Board members present: Dave Rogers (Chair), Nathaniel Fish, Rob Dombrowski, Martha Staskus, and Tom Kinley. Staff present: Steve Lotspeich (Community Planner), Dina Bookmyer-Baker (ZA), and Patti Spence (Secretary)

Owner/Applicant:	Shawn and Melissa Semprebon	
Address/Location:	570 South Pinnacle Ridge Road Waterbury, VT	
Zoning District:	Conservation (CNS)	
Application #	75-16-T	Tax Map #12-061.300

Applicant Request

The applicant seeks approval to construct a residential shed within the side yard setback at 570 South Pinnacle Ridge Road.

Present and sworn in:

Shawn Semprebon Applicant

Chris Austin, Representing Applicant

Exhibits

- A: Application #75-16-T (3 pages: Zoning Permit, Conditional Use), 11/18/16.
- B: Project summary, prepared by Grenier Engineering, dated 11/18/16.
- C: Lot Line Adjustment Site plan, prepared by Grenier Engineering, dated 11/18/2016, revised 12/16/16.
- D: Aerial photo of the property and neighboring properties (parcel polygon might be misaligned). (staff)
- E: Email correspondence from Chris Austin with representative photo of shed style attached, 12/16/16.
- F: Letter to adjoining landowners, sent certified 12/5/16.
- G: Photos of site & aerial views.
- H: Note from the neighbors, the Gannons.

Findings of Fact

1. Existing conditions: Shawn and Melissa Semprebon own an 11.66± acre parcel located at 570 South Pinnacle Ridge Road. The property is developed with an existing one-story single-family dwelling with an attached garage. The parcel includes 131± feet of frontage on and has access to South Pinnacle Ridge Road, a private road, and is served by a drilled well and on-site septic system. The parcel is located in the Conservation (CNS) zoning district.

Background: The existing dwelling was constructed in 2006 (zoning permit #29-06T, issued to Semprebon). In 2016, a boundary-line adjustment (BLA) of equal area, exchanged between Gannon and Semprebon, was approved (zoning permit #74-16T). As a result of the BLA, the existing dwelling is located ≥100' from the side property line to the east.

2. CNS dimensional requirements: In the CNS zoning district, the minimum lot size is 10 acres and the minimum setbacks are 100' for the front, sides, and rear. The lot meets the minimum lot size. The lot is triangular in shape and the existing dwelling meets the setbacks.
3. Waiver Request: The applicant proposes to construct a 16'x16' (256 SF) residential shed, 15'± in height. The nearest portion of the shed will be located 11'± from the side property line to the east. The setback waiver request is to encroach into the side yard setback by 89'.
4. Conditional Use/Waiver criteria: In accordance with Section 309, the DRB may grant a waiver of building setbacks as a conditional use reviewed in accordance with Section 303; provided that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties from which the setback waiver is sought.
 - a. Section 303(e)(1) Community facilities: No change in the residential use of the property and no increase in occupancy is proposed. The proposed shed is intended for storage of common yard equipment (Exhibit A3). The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities.
 - b. Section 303(e)(2)(A-E) Character of the area: No change of use is proposed; the use of the property will remain residential. The character of the area is defined by large residential lots within the CNS zoning district. There is a ledge between the Sembreon's and the Gannon's property. This divides and screens the two properties. The remainder of the property is sloped and not suitable for a shed location that is accessible from the driveway. The proposed shed will not include exterior lighting and is appropriate in scale and design (Exhibit E2) in relation to existing uses and structures in the district. The character of the area will not be changed as a result of constructing the shed in the proposed location.
 - c. Section 303(e)(3) Municipal bylaws in effect: The project application presents compliance with the conditional use criteria. The project will not violate any municipal bylaws and ordinances
 - d. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: No change in the existing residential use of the property is proposed. The shed is for residential storage only, will not be heated, will not have electricity, and no work that will create fumes, gas, dust, smoke, odor, noise, or vibration will be done inside the shed. No devices or methods are necessary to prevent or control these impacts.
 - e. Section 303(h) Removal of earth or mineral products conditions: The proposed project does not include earth removal activities. This provision does not apply.

Conclusion/Decision:

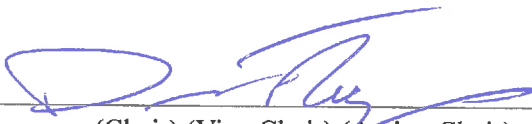
Based upon these findings, and subject to the conditions set forth below, the Board concludes that Shawn and Melissa Semprebon's request for a setback waiver to construct a residential shed 89' within the side yard setback at 570 South Pinnacle Ridge Road, as presented in application #75-16-T and supporting materials, meets the Waivers and Conditional Use criteria set forth in Sections 309 and 303.

Motion

On behalf of the Waterbury Development Review Board, Tom Kinley moved and Rob Dobrowski seconded to approve application #75-16-T 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.

Vote: Passed unanimously, 5 to 0.



(Chair) (Vice-Chair) (Acting Chair)

1-4-17

(date)

This decision was approved on January 4, 2017

***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
Decision #30-16-V
December 21, 2016**

In Attendance: Board members present: Dave Rogers (Chair), Nathaniel Fish, Rob Dombrowski, Martha Staskus, and Tom Kinley. Staff present: Steve Lotspeich (Community Planner), Dina Bookmyer-Baker (ZA), and Patti Spence (Secretary).

Applicant:	Amy Leventhal	
Owner:	James Quinn, Quinland Properties Two LLC	
Address/Location:	53 North Main Street, Waterbury, VT	
Zoning District:	Village Neighborhood Commercial (VNC)	
Application #	30-16-V	Tax Map # 19-022.000

Applicant Request

The applicant seeks approval to change the use of a portion of an existing commercial structure to a fitness facility at 53 North Main Street.

Present and sworn in: James Quinn, Landowner; Jeffrey Foley, Representing business owner.

Exhibits

- A: Application #30-16-V (4 pp: Zoning Permit, Site Plan, Conditional Use), submitted 11/21/16; 12/5/16.
- B: Site Plan, prepared by James Quinn.
- C: Lister card, floor plan sketch, and photos.
- D: Aerial photo of parcel in its neighborhood and Google Street View photos. (staff)
- E: Copy of decision and site plan for zoning permit #15-13V for reference. (staff)
- F: Letter to adjoining landowners, mailed certified on: December 5, 2016.

Findings of Fact

1. Existing conditions: Quinland Properties Two LLC owns a 0.48± acre parcel located at 53 North Main Street, on the corner of N. Main Street and Butler Street. The property is developed with an existing one and two-story commercial building, access drives, and parking areas. The property is served by municipal water and septic, includes 230± feet of frontage on and access to North Main Street, and 124± feet of frontage on and access to Butler Street. The parcel is located in the Village Neighborhood Commercial (VNC) zoning district.

Background: The existing commercial building of 7,719± SF was previously used for a car dealership, which was converted to retail and shop area for a rental commercial building. In 2014 a portion of the building (the garage/shop area) was approved to be used for a gym/fitness facility (#15-13-V, Exhibit E).

Project scope: The proposal makes no change to the building exterior, but proposes to change the use of 1,454 SF of floor area from retail to fitness facility and reconfigure the previously approved parking area layout. (Exhibits A2, E4).

2. Table of Uses, Section 503: A fitness facility is defined as a recreation/amusement facility, which includes, but is not limited to: *“bowling alleys, miniature golf, theater, table tennis or pool halls, indoor skating rinks, gymnasiums, indoor swimming pools, indoor tennis courts, stadiums, and similar places of commercial recreation.”* A recreation/amusement facility is a conditional use in the VNC zoning district.
3. Site Plan Review and Approval, Section 301: No change in the pedestrian access to, or the exterior dimensions of, the existing structure is proposed; the project involves a change of use and reconfiguring the parking layout. The Board considered the following:
 - a. Traffic access, Section 301(f)(1) (A-D): Vehicular access will continue to be via the existing curb cuts on North Main Street and Butler Street. No change is proposed to the existing pedestrian entrances to the building.
 - b. Circulation and parking, Section 301(f)(2) (A-G): Vehicular circulation to and within the site will be via the aisles and existing curb cuts. Sidewalks exist on the property boundaries on N. Main Street and Butler Street. Twenty-five parking spaces are proposed. See compliance with the parking regulations in Section 414, below. No change is proposed to the paved surface of the parking areas. (Exhibit B).

No dumpster or refuse container is shown; Owner states that none is provided as the property has permission to use the dumpster across the street (Crossroads Deli). Provisions for snow-storage are not shown; Owner states that snow will be stored in the green spaces (in the northerly corner next to Butler Street and the north-easterly corner closest to the neighboring apartment building).

- c. Landscaping, screening, and lighting, Section 301(f)(3) (A-F): The site is developed; the parking layout is proposed to be reconfigured but does not expand the existing parking area. Green space, landscaping, and raised planters exist on the site.
 - d. Special considerations for property bordering Route 2, Section 301(j): North Main Street is also U.S Route 2. The property is developed with existing structures, parking areas, and landscaping. These provisions do not apply.
4. Parking Regulations, Section 414(b): The previous approval for Crossfit in 2014 (Exhibit E) allocated 14 parking spaces to the fitness facility to occupy 2,300 SF of floor area for a maximum class size of 12 with 2 employees. Four parking spaces were allocated to the existing retail space, Valley Rental All, which included the rear storage area. The site plan submitted with this application shows 3,200 SF of floor area that is now allocated to Crossfit. The class size and number of staff has not increased as a result of Crossfit occupying more floor space (900± SF) than what was approved in 2014 (Landowner testimony).

Applicant’s fitness facility, Studio Zenith, will occupy 1,454 SF of floor area and hold classes for 9–12 participants (Exhibit A4) plus one instructor. The facility currently has 10 fitness bicycles, for a maximum class size of 10, including the instructor (Applicant testimony). The Parking Regulations do not include a specific parking requirement for a fitness facility use. The parking requirement applied to previous fitness facilities was one parking space for each attendee plus one for the instructor or staff.

Studio Zenith will require 10–13 parking spaces. The storage facility (Pack and Park), which includes 17 indoor storage units, should be allocated at least one parking space.

Parking requirement summary: Crossfit has been allocated 14 spaces; Studio Zenith requires 13 spaces, and Pack and Park requires 1 space, for a total of 28 parking spaces required. The site plan shows 24 parking spaces, including one handicapped-access space. The parking spaces measure to be at least 9' by 18' and all have unobstructed access. Four additional spaces are required to meet the needs for the uses in the building.

5. Conditional Use criteria, Section 303: The proposed fitness facility is a conditional use in the VNC zoning district. The Board found that the proposed use complies with the general and specific standards as follows:
 - a. Section 303(e)(1) Community facilities: The proposed use will not unduly increase the traffic, does not require addition municipal water or sewer allocation, does not include a single-family dwelling, and does not increase the 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: No exterior changes are proposed to the existing building. The Studio Zenith fitness facility is proposed to be open from 7 a.m. to 6:30 p.m. (Exhibit A4), which are similar hours of operation to the existing fitness facility that shares the building. The proposed use will not have an undue adverse impact on the character of the area.
 - c. Section 303(e)(3) Municipal bylaws in effect: This application represents compliance with the Zoning Regulations. The proposed change of use 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: Fitness classes will be conducted indoors to music. No undue noise levels will occur. The hours of operation are daytime into early evening. No devices or special methods are required 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.

Conclusion:


Based upon these findings, and subject to the conditions set forth below, the Board concludes that Amy Leventhal’s request to change the use of a portion of an existing commercial structure from retail to a fitness facility at 53 North Main Street, as presented in application #30-16-V and supporting materials, meets the Site Plan and Conditional Use criteria set forth in Sections 301 and 303. However, the proposal falls short by four spaces of the 28 parking spaces required. This application will be referred to the Village Trustees to allocate public parking spaces to meet the parking requirement, as per the Parking Regulations, Section 414.

Motion

On behalf of the Waterbury Development Review Board, Rob Dombrowski moved and Tom Kinley seconded to approve application #30-16-V 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. The applicant will obtain approval from the Village Trustees to use four on-street parking spaces to fulfill the parking needs for the uses in the building.

Vote: Passed unanimously, 5 to 0.


 _____,
 (Chair) (Vice-Chair) (Acting Chair)

1/18-17

 (date)

This decision was approved on January 18, 2017

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.*