

**WATERBURY DEVELOPMENT REVIEW BOARD**  
**General Meeting Minutes**  
**Wednesday, February 1, 2017**

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

The public meeting convened at 6:40 p.m. in the Steele Community Room in the Municipal Center at 28 North Main Street, Waterbury, VT.

The agenda was approved.

**6:45 p.m. #002-17-T: Jon Boudreau** (owner/applicant)

Flood Hazard Area review to construct a new single-family dwelling with attached garage at 1638 US Route 2, Waterbury, VT (MDR/SFHA zoning and overlay districts)

**Present and sworn in:**

Jon Boudreau, owner/applicant

Gunner McCain, Consultant to owner/applicant

**Motion:** by Rob Dombrowski, seconded by Nat Fish: To approve application #002-17-T with conditions.

**Vote:** Passed unanimously, 4-0.

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

**7:10 p.m. #001-17-T: Jeffery Atwood** (owner/applicant)

Proposed PUD at 3250 Waterbury-Stowe Road, Waterbury Center, VT (TNC/RT100 zoning districts)

**Present and sworn in:**

Jeff Atwood, Landowner/applicant

John Pitrowski, Project Consultant

Becky Lively, Adjoining Landowner

Treg Boerger, Neighbor

Sherry Knudsen, Neighbor

Nancy Patterson, Adjoining Landowner

**Testimony**

- An email from Jeff Lively was discussed. The issue of a "mill" is part of lot 6 which is not part of tonight's review.

**Motion:** by Nat Fish, seconded by Rob Dombrowski: To approve application #001-17-T with conditions.

**Vote:** Passed unanimously, 4-0.

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

**8:10 p.m. #74-16-: Gristmill Properties (owner/applicant)**

Site plan and conditional use review to construct a new commercial building and greenhouse and change the use of a portion of an existing commercial building at 5430 Waterbury-Stowe Road, Waterbury Center, VT. (RT100 zoning district) This application is continued from December 7, 2016.

**Present and sworn in**

Brendan O'Reilly, Owner/Applicant  
Dave Lachtrupp, Interested party  
Steve James, Adjoining Landowner

**Motion:** by Rob Dombrowski, seconded by Nat Fish: To approve application #74-16-T with conditions.

**Vote:** Passed unanimously, 4-0.

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


**Approval of prior meeting minutes and decisions:**

**Motion** by Nat Fish, seconded by Rob Dombrowski: To approve the general minutes of January 18, 2017 and the decisions for applications #77-16-T and #79-16-T, as amended.

**Vote:** Passed unanimously, 4-0.

**Next meeting:** Wednesday, February 15, 2017.

**Adjournment:** The public meeting was adjourned at 10:10 p.m.

  
\_\_\_\_\_  
(Chair) (Vice-Chair) (Acting Chair)

These minutes were approved: February 15, 2017

**Town & Village of Waterbury  
Development Review Board  
Decision #002-17 – February 1, 2017**

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

---

Owner/Applicant:	Jon Boudreau
Address/Location:	1638 US Route 2, Waterbury, VT
Zones:	Medium-Density Residential (MDR), Special Flood Hazard Area (SFHA)
Application #	002-17- <span style="float:right">Tax Map # 12-025.000</span>

---

**Applicant Request**

The applicant seeks approval to construct a single-family dwelling with associated retaining walls and fill within the flood hazard area, at 1638 US Route 2.

**Present and sworn in:** Jon Boudreau, owner/applicant; George McCain, Consultant to owner/applicant.

**Exhibits**

- A: Application #002-17-V (5 pp: Zoning Permit, Overlay District), submitted 1/5/17
- B: Cover letter from Britney Tenney with McCain Consulting, Inc. dated 1/4/17
- C: Site plan of the parcel and proposed house, dated 12/21/16, revised 1/31/17
- D: Aerial photo of the parcel showing the Special Flood Hazard Area overlay.
- E: Base Flood Elevation Certification letter from Thomas Barnard, Ph.D., P.E. with McCain Consulting, Inc. dated 12/4/17
- F: E-mail to Rebecca Pfeiffer, requesting comments on the proposal, dated 12/12/16.
- G: Letters to adjoining landowners, dated 1/10/17

**Findings of Fact**

1. **Existing conditions:** Jon Boudreau owns a 2.2± acre parcel located at 1638 US Route 2. The property previously included a mobile home and garage that were destroyed by Tropical Storm Irene in 2011. The property is served by a drilled well and existing septic system. The parcel includes approximately 381' of frontage on US Route 2, and also has frontage on Interstate 89. The parcel has an existing driveway that is served by a curb cut on U.S. Route 2 that is bisected by the eastern property line and is shared with the adjacent parcel to the east. The parcel is located in the Medium-Density Residential (MDR) zoning district and lies mostly in the Special Flood Hazard Area (SFHA) overlay district (Exhibit D2).
2. **Dimensional requirements:** In the MDR zoning district, the minimum lot size is 2 acres; minimum frontage: 200'; maximum height: 35'; and the minimum setbacks are: front 60', sides and rear 50'. The lot meets the minimum lot size and frontage requirement. The proposed house meets all minimum setback requirements.

3. Flood Hazard Area: Most of the parcel lies within the Special Flood Hazard Area (SFHA) (Exhibit D) including the site for the proposed house. The Base Flood Elevation (BFE) at the house site is 412.4' (Exhibit C). The house will be built on a slab without a crawl space or basement. The Finish Floor Elevation (FFE) for the house will be 414.4' in elevation, which meets the requirements of the Flood Hazard Area Regulations that the FFE, which is also the lowest floor, be at least two-feet above the BFE.
4. Fill and compensatory storage: The fill for the proposed house and driveway will total 522± cubic yards (Exhibit C). The proposed compensatory cut areas along the northeast border of the parcel will total 530± cubic yards and is designated on Exhibit C as the "Borrow Area". The Base Flood Elevation Certification letter from Thomas Barnard, Ph.D., P.E. with McCain Consulting, Inc. (Exhibit E) references the "Specifications for Compensatory Cut and Fill to Address Floodplain Requirements" that address the requirements in the Waterbury Flood Hazard Area Regulations. The letter also states that: "The compensatory cut and fill procedure, as outlined, ensures that the BFE will have zero net increase." Comments from the state Floodplain Manager, Rebecca Pfeiffer, are pending a response to Exhibit F.

### Conclusion

Based upon these findings and subject to the conditions set forth below, the Waterbury Development Review Board concludes that application #002-17, Jon Boudreau applicant/landowner, for the construction of a single-family dwelling at 1638 US Route 2, Waterbury, VT meets the standards of Article VI Flood Hazard Area Regulations and Overlay District, including the requirements for compensatory storage in Section 604(a)(11).

### Motion

On behalf of the Waterbury Development Review Board, Rob Dombrowski moved and Nat Fish seconded the motion to approve application #002-17 with the following conditions:

- (A) The applicant shall complete the project in accordance with the Board's findings and conclusions and the approved plans and exhibits;
- (B) All exterior lighting will be downcast and shielded;
- (C) The applicant shall submit an application for a Certificate of Completion, including a copy of the Elevation Certificate and all other submittal requirements, when the house and related site work is completed.

**Vote:** Passed unanimously, 4-0.

  
 \_\_\_\_\_  
 (Chair) (Vice-Chair) (Acting Chair)

This decision was approved on: 2-15-17  
 \_\_\_\_\_  
 (date)

**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 #001-17 – February 1, 2017**

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

---

Owner/Applicant:	Jeff Atwood	
Address/Location:	3250 Waterbury-Stowe Road, Waterbury Center, VT	
Zones:	Town Neighborhood Commercial (TNC), Route 100 (RT100).	
Application #	001-17-T	Tax Map # 09-311.000

---

**Applicant Request**

The applicant seeks approval to create a Planned Unit Development (PUD) of five lots for six dwelling units at 3250 Waterbury-Stowe Road.

**Present and sworn in:**

Jeff Atwood, Landowner/applicant  
John Pitrowiski, Project Consultant  
Becky Lively, Adjoining Landowner  
Treg Boerger, Neighbor  
Sherry Knudsen, Neighbor  
Nancy Patterson, Adjoining Landowner

**Exhibits**

- A: Application #001-17-T (4 pp: Zoning, Subdivision/PUD/BLA), submitted January 3, 2017.
- B: Project narrative, prepared by John Pitrowiski, TCE, dated January 3, 2017.
- C: Planned Unit Development Plat (dated 1/3/17) and site plans, prepared by Trudell Consulting Engineers.
- D: Municipal water allocation approval letter from Alec Tuscany, dated August 20, 2015.
- E: Declaration of Covenants for Vista Meadows Subdivision, dated January 16, 2017.
- F: Bylaws of Vista Meadows Homeowners Association, dated January 11, 2017.
- G: Aerial photo of parcel with tax map boundary, and parcel with zoning districts (staff)
- H: Natural Resources Map, prepared by Trudell Consulting Engineers, dated 12/16/16
- I: State of Vermont Wastewater System and Potable Water Supply Permit, issued 10/18/2016.
- J: State of Vermont permit to work within the State Highway, issued 9/28/2015.
- K: Letter to adjoining landowners, sent certified January 13, 2017
- L: Email correspondence from Jeff Lively, dated 1/31/17, and reply from Steve Lotspeich, dated 2/1/17.

**Findings of Fact**

1. Existing conditions: Jeffrey Atwood owns a 6.3± acre parcel located at 3250 Waterbury-Stowe Road that is divided by Route 100. The two parcels are designated on the PUD Plat (Exhibit C) as parcel 1A and parcel 1B:

- Parcel 1A, of 2.1 acres, lies to the east of Route 100, includes 310± feet of frontage on and has driveway access to Route 100, includes 222.3'± of frontage (along the road centerline) of Howard Avenue, and is developed with a single-family dwelling. The property is served by municipal water and on-site septic and is located in the TNC zoning district.
  - Parcel 1B, of 4.2 acres, lies to the west of Route 100, includes 564± feet of frontage on Route 100, includes 332.5'± of frontage (along the road centerline) of Reservoir Road, and is undeveloped. The parcel is located in the RT100 zoning district.
2. Proposal: The proposal involves subdividing 0.94-acres from Parcel 1B to combine with Parcel 1A to create a PUD project of 3.0 acres. The PUD development will occur entirely on Parcel 1A, which will be subdivided into four residential lots as follows:
- Lot 1 will be 0.67 acres, have 110'± frontage on and access to Route 100, frontage on Howard Avenue, and will include a single-family dwelling.
  - Lot 2 will be 0.42 acres, have 93'± of frontage on Route 100, is proposed for a two-family dwelling, and will be served by a right-of-way across Lot 1.
  - Lot 3 will be 0.46 acres, have 63.6'± of frontage, is proposed for a two-family dwelling, and will access Route 100 via a right-of-way across Lots 1 and 2.
  - Lot 4 will be 0.51 acres, have 44.9'± of frontage, is proposed for a single-family dwelling, and will access Route 100 via a right-of-way across Lots 1, 2, and 3.

Lot 5, created from Parcel 1B across Route 100, will be 0.94 acres, have frontage on Route 100, and will remain undeveloped and protected by a conservation easement. (Exhibits C, E paragraph 23)

Lot 6, the remaining lands and not part of the PUD, will be 3.3 acres, which meets the minimum lot size of 2-acres for residential use in the RT100 zoning district. Lot 6 is not included in this PUD review.

3. Review Criteria for a Planned Unit Development: As set forth in Section 700(b), the Board is authorized to modify the area and dimensional requirements of the bylaw simultaneously with the approval of the subdivision plat for a PUD.

Section 504 General Dimension Requirements: Any subdivision of land must conform to the relevant criteria in Section 504. The minimum lot size in the TNC zoning district is 10,000 SF (0.23-acre), maximum lot coverage 40%, and the minimum setbacks are: 30' front and rear; 15' sides.

The lots are each  $\geq$  10,000 SF (0.23-acre). The proposed dwellings on Lots 1–4 are each  $\square$  30' from the front and rear property lines and 15' from the sides. The lots and the building envelopes as proposed meet the dimensional requirements for the TNC zoning district.

4. Section 701(a) PUD Applicability: Only land development involving a parcel three or more acres in size and a project for three or more dwelling units qualifies for consideration as a PUD. Also, a PUD project may involve single or multiple properties.

By including 0.94 acres from Parcel 1B, across Route 100, the project is three acres in size. The proposal is for six dwelling units, which meets the requirement of three or more dwelling units. The project involves a parcel that is divided by a public highway. Applicant's project narrative (Exhibit B1) notes that Section 401(e) states that a parcel that is divided by a public highway shall be considered as separate lots and the lot area of the one side shall not be added to the lot area on the other side of the highway in calculating minimum lot area. Applicant requests the Board to modify this requirement to allow the acreage of Lot 5 to be included in the PUD project, thereby allowing the project to meet the three-acre requirement.

5. Section 702 PUD Permitted Densities: The density limitations for a PUD are as follows:
  - (a) Undeveloped land: The total project area is 3 acres. The area proposed to remain undeveloped is 0.94-acres (Lot 5) plus 0.66 acres (open space easement across Lots 1–4), which equals 1.6 acres. The project meets the requirement that at least 50 percent of total project land is designated to be undeveloped. (Section 702(a)(1))
  - (b) Dwelling units: The maximum number of dwelling units for the project is 16, or 8 single-family or two-family dwellings  $[2.06 \text{ acres (total acreage of the project area in the TNC zoning district)} \div 0.23 \text{ acres (TNC minimum lot size)} = 8 \text{ single-family dwellings, or } \times 2 = 16 \text{ maximum \# of dwelling units for duplexes.}$  The proposal for six dwelling units is well under the maximum allowed. (Section 702(a)(2))
  - (c) Setbacks: Along the outside boundary of the PUD project, setbacks shall be twice the dimensions established for the district in which the project is located. The minimum setbacks in the TNC zoning district are: 30' from the front and rear and 15' from the sides. Parcel 1A, on which all of the development is proposed, is on the corner of Route 100 and Howard Avenue. In the case of a corner lot, the required front yard dimension shall apply on all streets (Section 401 (c)). Therefore, the double setback will be 60' along the Route 100 and Howard Avenue sides of the parcel and 30' for the remaining sides. A single-family dwelling on Lot 1 is located less-than 60' from the Route 100 and Howard Avenue property lines. Applicant requests the Board to reduce the double-setback requirement for the existing single-family dwelling only, as the dwelling is not less-than 30' from the street lines and the structure has been relocated under a prior zoning permit approval (#57-15T). The proposed building locations for Lots 2-4 meet the double-setback requirement. (Section 702(b))
6. Section 705 PUD Standards for Review: The following standards must be met for PUD approval:
  - (a) Density and dimensional requirements: See project compliance with the density and dimensional requirements as set forth in Section 702 in paragraph 5, above.
  - (b) Residential density increase: Applicant is not requesting a residential density increase above that allowed in Section 702(a)(2), addressed in paragraph 5(b), above.
  - (c) Effective and unified treatment: Applicant's project narrative (Exhibit B2) states, "The areas designated as undeveloped land hold high environmental value as they include streams, wetlands,

river corridors and floodplains as well as the potential habitat for a Vermont uncommon vertebrate animal.” The undeveloped land is proposed to be conveyed to a Homeowners Association (Exhibits E, F) and remain undeveloped (Exhibit E, ¶23). In addition the application includes a Natural Resources Map (Exhibit H) that illustrates the existing environmental features on the property. The Board finds that the project is an effective and unified treatment of the development possibilities of the site and makes appropriate provision for preservation of streams and stream banks, steep slopes, wetlands, soils unsuitable for development, agricultural and open lands, unique natural and man-made features, watersheds, wildlife habitat, floodplains, and scenic features.

- (d) Phasing: Phasing of the development of five additional dwelling units is proposed to be over a three-year period (Exhibit B). The project will not burden municipal facilities or services.
  - (e) Water supply and wastewater system: The project will be served by a public water supply and has obtained a letter of approval from Alec Tuscany, Public Works Director (Exhibit D). The project will be served by a shared on-site in-ground wastewater disposal system, which has been approved by the State of Vermont (Exhibit I).
  - (f) Impact on community facilities: The project will not unduly burden the school system or municipal roads and facilities. The project requires a curb-cut permit from the Vermont Agency of Transportation, which has been obtained (Exhibit J) and the driveway access on Route 100 shall meet VT B-71 Standards (Sheet C10-01).
  - (g) Vehicular and pedestrian access and circulation: The private access drive will be graded and paved. The dwelling units include both garage and open parking spaces with pedestrian access. The project includes pedestrian access to shared open space. (Exhibit B1)
  - (h) Landscaping: Parcel 1A includes tree cover along Route 100 (Exhibit G1), which is proposed to be retained, along with three evergreen trees (Sheet C10-01). Three trees within the wetland buffer are proposed to be removed (Sheet C1-01). At least 50-percent of total project land is designated to remain undeveloped.
  - (i) Undeveloped land: The open space is reserved for the enhancement of the natural environment and for the recreational use and enjoyment of the Homeowners Association. The undeveloped land is at least 50 percent of the total project area and takes advantage of the existing natural features (see paragraph 6(c), above). The open land is proposed to be conveyed to a Homeowners Association (Exhibits E, F) and remain undeveloped (Exhibit E, ¶23).
7. Notification: The Board finds that it is not necessary for the applicant to notify the State, as set forth in the Regulations, Section 415(a), because State Statute 24 V.S.A. § 4409(c) was repealed in 2003.



**Conclusion:**

Based upon these findings, and subject to the conditions set forth below, the Board concludes that Jeffery Atwood's request to create a Planned Unit Development of five lots for six dwelling units at 3250 Waterbury-Stowe Road, as presented in application #001-17 and supporting materials, meets the Planned Unit Development criteria as set forth in Article VII with the provision that the project includes Parcel 1A and a portion of Parcel 1B, indicated as Lot 5 (Exhibit C), and with the double setback is reduced to 30' and 33' for the front property lines of Lot 1 to accommodate the existing single-family dwelling.

**Motion:**

On behalf of the Waterbury Development Review Board, Nat Fish moved and Rob Dombrowski seconded to approve application #001-17 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 final plat shall be submitted to the Board within 150 days from the approval date of this decision for approval.

**Vote:** Passed unanimously, 4-0.

  
\_\_\_\_\_  
(Chair) (Vice-Chair) (Acting Chair)

This decision was approved on: 2-15-17  
(date)

**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 #74-16-T  
February 1, 2017**

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

---

Owner/Applicant:	Gristmill Properties	
Address/Location:	5430 Waterbury-Stowe Road, Waterbury Center, VT	
Zones:	Route 100 (RT100).	
Application #	74-16-T	Tax Map # 09-048.100

---

**Applicant Request**

The applicant seeks approval to change the use of the existing building on Lot #1, located at 5430 Waterbury-Stowe Road, to include medical offices and to construct a new commercial building, and a greenhouse on lot #2 for retail and medical clinic use.

**Present and sworn in**

Brendan O'Reilly, Applicant  
Dave Lachtrupp, Interested party  
Steve James, Adjoining Landowner

**Exhibits**

- A: Application #74-16-T (4 pp: Zoning, Site Plan, Conditional Use), submitted November 7, 2016.
- B: Lighting specification sheets.
- C: Site Plans, prepared by Grenier Engineering, dated January 17, 2017.
- D: Elevations and Floor Plans, prepared by Wilson Architects, submitted 11/7/16, 1/17/17.
- E: Aerial photo of parcel with tax map boundary (staff).
- F: Letter to adjoining landowners, sent certified November 22, 2016.
- G: Covenants for Beaver Pond PUD, dated 8/3/98; and Transfer of Rights dated 10/5/07.
- H: Photographs of site and natural landscaping, submitted January 19-20, 2017.

**Findings of Fact**

1. Existing conditions: Gristmill Properties LLC owns Lot 1, of 5.1 acres, and Lot 2, of 5.3 acres, located at 5430 Waterbury-Stowe Road in the Route 100 (RT100) zoning district. The two parcels are part of the 5-lot Alley Subdivision PUD that was approved in 1998. Lot 1 currently contains a two-story multi-use building and associated infrastructure including a drilled well and an on-site septic system. Lot 1 does not have frontage and gains access to Route 100 via an existing entry road that crosses Lot 5 of the PUD. Lot 2 is undeveloped and is without frontage. Lot 5 is reserved as permanent open space and separates Lots 1 and 2 from Waterbury-Stowe Road. The remaining parcels in the PUD, Lots 3 and 4, are currently

used as one residential lot.

2. Proposal: The proposal affects Lots 1 and 2 as follows:
  - On Lot 1: Change the use of the existing multi-use building to include a medical office.
  - On Lot 2: Construct a two-story 9,000 SF building for retail and medical clinic use and construct a 30' x 100' (3,000 SF) seasonal greenhouse. Lot 2 will be served by an existing entry road, shared with Lot 1, which crosses Lot 5 to access Route 100. Lot 2 will utilize a private well and on-site septic system.
3. Table of Uses, Section 503: A Medical Office is defined as: *"An office occupied by no more than two medical professionals and intended to serve patients or clients."* A Medical Clinic is defined as: *"A facility where patients can be treated by one or more medical professionals on an out-patient basis."* A Medical Office and a Clinic are conditional uses in the RT100 zoning district.

### **Review Criteria**

Site Plan: As set forth in Site Plan Review and Approval, Section 301(f), the Board will take into consideration the following objectives:

4. Traffic access, Section 301(f)(1) (A-D): Vehicular access to Lot 1 will continue to be via the existing entry road across Lot 5. No changes are proposed to the pedestrian access and circulation on Lot 1. Vehicular access to Lot 2 will be via the existing entry road, shared with Lot 1.
5. Circulation and parking, Section 301(f)(2) (A-G): There is no change to the parking or the vehicular circulation to and within Lot 1. A crushed stone parking area is proposed in front of the proposed building on Lot 2 that includes 36 parking spaces. See compliance with the parking regulations as per Section 414, in paragraph 9, below. A storm-water pond and grass swale are shown on the site plan.
6. Landscaping, screening, and lighting, Section 301(f)(3) (A-F): No changes to the landscaping, screening, or lighting are proposed for Lot 1. The property is wooded and includes an extensive buffer between Route 100 and Lot 2, most of which will be preserved (Exhibits C, E, H). A minimum of five flowering trees will be added to the Site Plan in the vicinity of the proposed parking lot on Lot 2. Lighting specification sheets were submitted for fixtures that are downcast and shielded. The locations of the lighting fixtures were annotated on the site plan and elevations submitted for review on 12/7/2016.
7. Requirements for Uses in the Route 100 District, Sections 301(g)-(i):  
Section 301(g) states that any use in the Route 100 district shall be reviewed under the PUD standards in Sections 705(c)-(l) and 705(m)(1)-(3). As this proposal is for development in an existing PUD, many of the provisions in Section 705 were met when the PUD was approved in 1998. However, the new development proposed for Lot 2 must comply with the density requirements for the PUD. See project compliance with the density requirements, as set forth in Section 702, in paragraph 15, below.

Section 301(h) states that any use in the Route 100 district may require suitable protection for proposed undeveloped land designated under the criteria in Section 705(m)(1)-(3). These provisions were met when the PUD was approved in 1998. The proposal on Lot 2 makes no change to the land on Lot 5 that is

reserved as permanent open space.

Section 301(i): This provision does not apply to the present application.

8. Special considerations for property bordering Route 100, Section 301(j) (1-4): The proposed building on Lot 2 is adequately screened from Route 100, as is the parking area (Exhibit H). Lot 2 will share an existing entry road with Lot 1. A continuous vegetated strip of undeveloped land (Lot 5) exists between Route 100 and the subject parcel, as part of the PUD approval. The proposal meets these provisions.
9. Parking Regulations, Section 414: The Regulations state that parking spaces shall measure at least 9' by 18' and shall have unobstructed access. The parking spaces shown on the site plan are 9' x 20' with a 20' wide aisle between the rows of parking. As set forth in Section 414(d)(4 & 5): offices, medical clinics, and retail stores shall provide one (1) space for every three hundred (300) square feet (SF) of floor area. The proposed two-story building on Lot 2, proposed for retail and medical clinic use, will have 9,000 SF of floor area. Thirty parking spaces would be required to accommodate the uses in the building on Lot 2. The greenhouse structure (if deemed most similar to a warehouse) would require one space for every person employed at peak times, as per Section 414(d)(6). It is not known how many employees are proposed for the greenhouse. The site plan shows 36 parking spaces to scale, including two handicapped-accessible spaces.

The existing building on Lot 1 includes a mix of office and retail uses, each of which, along with the proposed medical office use, require one space for every 300 SF of floor area, as per Section 414(d)(4 & 5). The existing building on Lot 1 already has Site Plan approval. The addition of medical office to the building makes no change to the parking requirement.

Conditional Use criteria, Section 303: Prior to granting approval for conditional use, the Board must find that the proposed use conforms to the following general and specific standards:

10. Section 303(e)(1) Community facilities: The proposed use will not unduly impact the roads, is served by private water and wastewater systems, and does not include a single-family dwelling. The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities.
11. Section 303(e)(2) Character of the area: The project is not visible from Route 100 due to the dedicated open space of Lot 5. The proposed structures are appropriate in scale and design with the district. The proposed use will not have an undue adverse impact on the character of the area affected.
12. Section 303(e)(3) Municipal bylaws in effect: The proposed structures and use will not violate any municipal bylaws and ordinances in effect.
13. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The proposed uses will not require any devices or special methods to control these impacts.
14. Section 303(h) Removal of earth or mineral products conditions: The proposed use does not include earth removal activities. This provision does not apply.

PUD Standards for Review, Section 705: The project must conform to the density and dimensional requirements set forth in Section 702.

15. PUD Permitted Densities, Section 702: For nonresidential parcels in a PUD in the Route 100 Zoning District, the area occupied by structures shall not exceed the maximum coverage of 10% of the lot. The maximum coverage for Lot 2 is 23,086 sf. The proposed building and greenhouse have a total footprint of 7500 sf, which is well under the maximum.

The proposed two-story building will have a height of 21' and the greenhouse will have a height of 13'.

**Conclusion:**

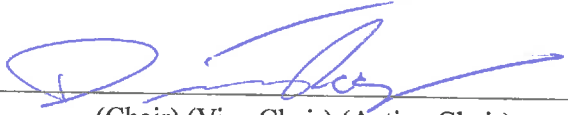
Based upon these findings and subject to the conditions set forth below, the Waterbury Development Review Board concludes that application #74-16-T, Gristmill Properties to construct a new commercial building and an accessory structure (greenhouse) and to change the use of an existing commercial building to include a medical office at 5430 Waterbury-Stowe Road meets the standards of Section 301—Site Plan Review; Section 303—Conditional Use; Section 414—Parking Regulations and Section 702—PUD Permitted Densities

**Motion**

On behalf of the Waterbury Development Review Board, Rob Dombrowski moved and Nat Fish seconded the motion to approve application #74-16-T with the following conditions:

- a) The applicant shall complete the project in accordance with the Board's findings and conclusions and the approved plans and exhibits;
- b) The permanent right-of-way that accesses Lot 2 over Lot 1 be modified to include a minimum 20 foot wide easement over the existing driveway;
- c) This approval incorporates all Findings of Facts, Conclusions of Law, and Conditions in Permits #23-98-T, #84-05-T, #80-07-T, #76-09-T, #01-10-T, #26-10T, #70-13T, and #06-15T
- d) The applicant shall submit a revised Site Plan (Exhibit C) with the agreed revisions included in the Finding of Fact above, prior to the issuance of the zoning permit

Vote: Passed 4, 0

  
\_\_\_\_\_  
(Chair) (Vice-Chair) (Acting Chair)

This decision was approved on: 2-15-17  
(date)

**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.