

WATERBURY DEVELOPMENT REVIEW BOARD
General Minutes — Wednesday, December 20, 2017

In Attendance: Board members present: Dave Frothingham (Chair), Nat Fish, Mike Bard, and Bud Wilson. Staff present: Dina Bookmyer-Baker, (ZA) and Patti Spence (Secretary). Also present: Alyssa Johnson (Economic Development Director).

The public meeting was called to order by David Frothingham, Chair, at 6:30 p.m. in the Steele Community Room in the Municipal Center, 28 North Main Street, Waterbury, VT.

Motion to go in to Executive session: Mike Bard moved and Nat Fish seconded that the board finds that general public knowledge of the details of a legal opinion pertaining to an application of Aaron Flint Builders, Inc. before the DRB would place the Town at a substantial disadvantage.

Vote: Passed, 4-0.

Nat Fish moved and Mike Bard seconded to enter into Executive Session to consider a legal opinion pertaining to an application of Aaron Flint Builders, Inc., which is before the DRB, and that confidential attorney-client communications made for the purpose of providing legal services to the Town and invite the Municipal Manager and Zoning Administrator to join the session.

Vote: Passed, 4-0.

- 1) **#107-17, Town of Waterbury** (landowner/applicant)
Additional signage approval for pool-house building at 25 Butler Street, Waterbury, VT. (VR zoning district)

Signs at the pool site need to be updated and additional signage installed regarding rules of use. Signs will not be illuminated at night, other than by lights that are already there.

Hearing decision filed separately.

- 2) **#108-17: Town of Waterbury** (landowner/applicant)
Additional signage approval for Hope Davey Park parking area on Loomis Hill, Waterbury Center, VT. (TMR zoning district)

A second sign is needed at the parking area on Loomis Hill, so that users of the park know to park there.

Hearing decision filed separately.

- 3) **#110-17, PGSR, LLC** (landowner/applicant)
Site plan and conditional use review to remove existing structures, construct a new commercial building, and change the use to retail/indoor recreation at 601 US Route 2, Waterbury, VT. (IND zoning district)

Hearing decision filed separately.

- 4) **#42-17: Aaron Flint Builders Inc.** (landowner/applicant)
Site plan, conditional use, and design review to remove and rebuild a historic building, establish an office use, and add a one-bedroom apartment at 11 North Main Street, Waterbury, VT. (VMR/DDR-HC zoning/overlay/sub-districts)

During the review it was revealed that the zoning permit application contained errors regarding the existing uses and proposed improvements. The Applicant withdrew the application.

- 5) **Other business; Approval of prior meeting minutes and decisions:**


The December 6, 2017 minutes and decisions were reviewed.

Mike Bard moved and Nat Fish seconded to approve the general minutes from 12/6/17 and the decision for application #106-17.

Vote: Passed 4-0.

Next meeting: 6:30 p.m. Wednesday, January 17, 2018.

Adjournment: The meeting was adjourned at 8:45 p.m.



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

Approved on: 2/21/2018
(date)

**Town & Village of Waterbury
Development Review Board
Decision #107-17 – December 20, 2017**

In Attendance: Board members present: Dave Frothingham (Chair), Nat Fish, Mike Bard, and Bud Wilson. Staff present: Dina Bookmyer-Baker, (ZA) and Patti Spence (Secretary). Also present: Alyssa Johnson (Economic Development Director).

Owner/ Applicant:	Town of Waterbury	
Address/Location:	Waterbury Pool, 25 Butler St. Waterbury, VT	
Zoning District:	Village Residential (VR)	
Application #	#107-17	Tax Map # 19-066.000

Applicant Request

The applicant seeks approval to install new and replacement signage for the Waterbury Pool. This additional signage is for government owned property.

Present and sworn in: Bill Woodruff, Town of Waterbury.

Exhibits

- A: Sign Application #107-17 submitted 11/21/17
- B: Photo of similar building identification sign and sketches of proposed identification and rules signs
- C: Aerial photo of Waterbury Pool site with locations of proposed signs
- D: Notice sent to adjoining landowners, dated December 8, 2017

Findings of Fact:

1. Existing signage: There is an existing small building identification sign and a pool rules sign at the Waterbury Pool building. The parcel is located in the Village Residential (VR) zoning district.
2. Proposed signs: The signs at the pool site need to be updated and additional signage installed regarding rules of use. The proposed building identification sign will be 2.5' tall by 3' wide for a total of 7.5 sq. ft. as shown on Exhibit B2. The lettering and character of the sign will be similar to the building sign for the Recreation Building as shown on Exhibit B1. There will be two pool rules signs. Each sign will be 3' tall by 6' wide for a total size of 18 sq. ft. each. The location of the proposed signs will be on the sides of the existing pool building and the filter building as shown on Exhibit C. Signs will not be illuminated at night, other than by lights that are already there.
3. Applicable Zoning Bylaw: In accordance with Section 801.7 the DRB may approve additional sign square footage and additional ground signs for government owned property. Section 801.7 Permitted Signs In All Districts (e) Additional sign square footage and/or additional ground signs, beyond that permitted above, may be permitted for government-owned properties by the Development Review Board as part of site plan review or such review may be waived pursuant to Section 301(a). The purpose of this additional sign square footage must be primarily directional or informational and may be located in view of public roads.

Conclusion:


Based upon these findings, and subject to the condition set forth below, the Board concludes that the proposal by the Town of Waterbury for an additional signage at the Waterbury Pool located at 25 Butler St., as presented in application #107-17 and supporting materials, meets the Sign criteria set forth in Section 801.7.

Decision Motion:

On behalf of the Waterbury Development Review Board, Mike Barb moved and Nat Fish seconded the motion to approve application #107-17 with the following condition:

- (1) The Applicant shall complete the project in accordance with the Board's findings and conclusions and the approved plans and exhibits.

Vote: The motion was approved 4-0.



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

Approved: 2/21/2018

(date)

State permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367 or pete.kopsco@vermont.gov, and the appropriate state agencies to determine what permits must be obtained.

***NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. An appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.*

**Town & Village of Waterbury
Development Review Board
Decision #108-17 – December 20, 2017**

In Attendance: Board members present: Dave Frothingham (Chair), Nat Fish, Mike Bard, and Bud Wilson. Staff present: Dina Bookmyer-Baker, (ZA) and Patti Spence (Secretary). Also present: Alyssa Johnson (Economic Development Director).

Owner/ Applicant:	Town of Waterbury	
Address/Location:	Hope Davey Park 116 Maple St.. Waterbury, VT	
Zoning District:	Town Mixed Residential (TMR), Medium-Density Residential (MDR)	
Application #	#108-17	Tax Map # 19-198.000

Applicant Request

The applicant seeks approval to install an additional entrance sign for Hope Davey Park at the parking lot on Loomis Hill Rd. This is additional signage is for government owned property.

Present and sworn in:

Bill Woodruff, Town of Waterbury.

Exhibits

- A: Sign Application #108-17 submitted 11/21/17
- B: Photo of similar park entrance sign (Dac Rowe Field) and sketch of proposed entrance sign
- C: Aerial photo of Hope Davey Park with location of proposed entrance sign
- D: Notice sent to adjoining landowners, dated December 8, 2017

Findings of Fact:

1. Existing signage: There is an existing granite park entrance sign near the Maple St. parking lot, a park rules sign, park information sign, and information kiosk for the disc golf course. The parcel is located in the Town Mixed Residential (TMR) and Medium-Density Residential (MDR) zoning districts.
2. Proposed sign: A second sign is needed at the parking area on Loomis Hill, so that users of the park know to park there. The height of the proposed entrance sign will be approximately 8' 10". The overall dimensions of the sign panel will be 4' x 5' for a total of 20 sq. ft. as shown on Exhibit B2. The lettering and character of the sign will be similar to the entrance sign for Dascomb Rowe Field as shown on Exhibit B1. The location of the proposed sign is at the entrance into the parking lot on Loomis Hill Rd. as shown on Exhibit C.
3. Applicable Zoning Bylaw: In accordance with Section 801.7, the DRB may approve additional sign square footage and additional ground signs for government owned property. Section 801.7 Permitted Signs In All Districts (e) Additional sign square footage and/or additional ground signs, beyond that permitted above, may be permitted for government-owned properties by the Development Review Board as part of site plan review or such review may be waived pursuant to Section 301(a). The purpose of this additional sign square footage must be primarily directional or informational and may be located in view of public roads.

Conclusion:

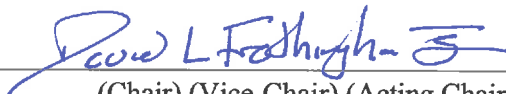
Based upon these findings, and subject to the condition set forth below, the Board concludes that the proposal by the Town of Waterbury for an additional park entrance sign at Hope Davey Park at the parking area off of Loomis Hill Rd., as presented in application #108-17 and supporting materials, meets the Sign criteria set forth in Section 801.7.

Decision Motion:

On behalf of the Waterbury Development Review Board, Mike Bard moved and Nat Fish seconded the motion to approve application #108-17 with the following condition:

- (1) The Applicant shall complete the project in accordance with the Board’s findings and conclusions and the approved plans and exhibits.

Vote: The motion was approved 4–0.



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

Approved: 2/21/2018

 (date)

State permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367 or pete.kopsco@vermont.gov, and the appropriate state agencies to determine what permits must be obtained.

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. An appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Town & Village of Waterbury
Development Review Board
Decision #110-17 – December 20, 2017

In Attendance: Board members present: Dave Frothingham (Chair), Nat Fish, Mike Bard, and Bud Wilson.
Staff present: Dina Bookmyer-Baker, (ZA) and Patti Spence (Secretary).

Owner/ Applicant:	PGSR, LLC (landowner/applicant)	
Address/Location:	601 US Route 2, Waterbury, VT	
Zoning District:	Industrial (IND)	
Application #	110-17	Tax Map # 12-043.000

Applicant Request

The applicant seeks approval to remove existing structures, construct a new commercial building, and change the use to retail/indoor recreation at 601 US Route 2.

Present and sworn in:

Henry Parro, Applicant
Joe Greene Architect
John Pitrowski, Project Engineer
Jonathan Griffin, Adjoining Landowner
Alyssa Johnson, Economic Development Director

Exhibits

- A: Application #110-17 (4 pages: zoning permit, site plan, conditional use), submitted 11/27/17.
- B: Project narrative, site plan and conditional use considerations, and dimensional requirements (8 pages), prepared by Joseph Architects, LLC, dated 11/22/17.
- C: Civil drawings and plans:
 - (C1) Existing Conditions [C1-01], prepared by Trudell Engineering, updated 12/1/17;
 - (C2) Site Plan [C2-01], prepared by Trudell Engineering, updated 12/1/17;
 - (C3) Sanitary Details & Construction Notes [C8-01], by Trudell Engineering, updated 12/1/17;*
 - (C4) Water Details [C8-02], prepared by Trudell Engineering, updated 12/1/17;*
 - (C5) Stormwater Details [C8-03], prepared by Trudell Engineering, updated 12/1/17;*
 - (C6) Site Details [C8-04], prepared by Trudell Engineering, updated 12/1/17;*
 - (C7) Site and AOT Detail [C8-05], prepared by Trudell Engineering, updated 12/1/17;*
 - (C8) EPSC Low Risk Sheet 1 [C8-06], prepared by Trudell Engineering, updated 12/1/17;*
 - (C9) EPSC Low Risk Sheet 2 [C8-07], prepared by Trudell Engineering, updated 12/1/17;*
 - (C10) Landscaping Plan [L1-01], prepared by Trudell Engineering, dated 10/25/17;
 - (C11) Lighting Plan [L2-01], prepared by Trudell Engineering, dated 10/25/17,*
and Site Lighting Layout (supplemental photometrics plan) by Swaney Lighting Assoc., 12/1/17;*
- D: Architectural drawings and plans:
 - (D1) First Floor Plan [ASK-4.1], prepared by Joseph Architects, dated 11/26/17;
 - (D2) Mezzanine Floor Plan [ASK-4.2], prepared by Joseph Architects, dated 11/26/17;*

- (D3) Exterior Building Elevations [ASK-4.3], prepared by Joseph Architects, dated 11/26/17;
- (D3) Exterior Building Elevations [ASK-4.4], prepared by Joseph Architects, dated 11/26/17;
- E: Lighting cut sheets by Beacon Products and Hubbell Outdoor Lighting (7 pages) *
- F: Other permits/approvals obtained or in progress:
 - (F1) Letter from Gary Dillon, Waterbury Fire Department, re: ability to serve, dated 11/22/17.
 - (F1A) Supplemental letter from Fire Chief without the sprinkler requirement, dated 12/14/17*
 - (F2) VTTrans highway access application, dated 11/22/17.*
 - (F3) Stormwater brief, prepared by Trudell Engineering, dated 11/16/17.*
 - (F4) VT Water and Wastewater permit application, dated 11/22/17.*
 - (F5) Village of Waterbury Water and Sewer Allocation application, dated 11/22/17.*
- G: Orthophotos of parcel, showing SFHA and wetlands. (staff).
- H: Letter to adjoining landowners, mailed certified on 12/4/17.

Findings of Fact

1. Existing conditions: PGSR, LLC owns adjoining parcels 701 and 601 US Route 2, which are located in the Industrial (IND) zoning district. 601 US Route 2, of 1.9 acres, is currently developed with numerous shipping containers, dumpsters, and metal-sided storage buildings. Various machine parts and miscellaneous junk have accumulated on the property. The property is served by municipal water and a private septic system and has existing driveway access to US Route 2.

The adjoining parcel at 701 US Route 2 is developed with Better Power Equipment, an equipment sales and rental store. This parcel includes some land within the Special Flood Hazard Area (SFHA) overlay district (Exhibit G2).

2. Project: The proposal includes removing all of the existing structures, junk, and clutter and constructing a new 18,545 SF one and one-half story building. The building will be approximately 30' tall at its highest point. Site improvements will include a defined curb-cut compliant with AOT standards (Exhibit C7), landscaping (Exhibit C10), stormwater management (Exhibit C5), outdoor lighting (Exhibit C11), and paved parking (Exhibit C2). The proposed uses will include retail (sales and services of fire arms and other outdoor recreation equipment) and a recreation/amusement facility (indoor shooting range and training facility).

The adjoining parcel at 701 US Route 2 is tangentially involved with this project, as it will provide an easement for truck turning and access. This review limited to that area of the adjoining parcel.

3. Table of Uses, Section 503: An indoor shooting range 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.”* Retail and a recreation/amusement facility are conditional uses in the IND zoning district.
4. Dimensional Requirements, Section 504, Table 5.2: In the IND zoning district, the minimum lot size is 20,000 SF. At 1.9 acres (82,764 SF), the lot meets the minimum lot size. The minimum setbacks are 50' (front) and 25' (sides & rear, see *Note 1*). *Note 1*: The side or rear setback is 100-feet when adjacent to a residential district. The adjacent parcels are all in the IND zoning district; this setback note does not

apply. Applicant's site plan (Exhibit C2) shows that the proposed structure meets the required setbacks.

5. Site Plan Review and Approval, Section 301: The Board considered the following:
 - a. Traffic access and pedestrian safety, Section 301(f)(1)(A-D): The property has a defined access to US Route 2 (Exhibit F2). The site includes pedestrian crosswalks and sidewalks in the parking interior, as well as sidewalks around the building (Exhibit C2). Appropriate aisle width (minimum 24' wide) and turn lanes are provided. An access easement is provided on the adjoining parcel at 701 US Route 2 for safe and adequate truck entry, circulation, and exit. The Board concludes that safe and adequate vehicular and pedestrian access has been provided.
 - b. Circulation and parking, loading, refuse, and service areas; Section 301(f)(2) (A-G): The proposal includes constructing on-site parking that includes stormwater management (Exhibit C5) and landscaping (Exhibit C-10). A loading dock is provided with adequate truck access. Refuse and snow-storage areas are provided and marked on the site plan. See compliance with the parking regulations in Section 414, paragraph 6, below.
 - c. Landscaping, screening, and lighting; Section 301(f)(3)(A-F): Trees and shrubs are proposed around the periphery of the parking lots and the interior as shown on Exhibit C10. The proposal includes exterior lighting (Exhibits C2, C11).
 - d. Special considerations for uses of property bordering Route 2; Section 301(j): The buildings and parking areas are screened, the curb-cut is well-defined, and the loading and refuse areas are behind the building. The plan has made adequate provision for the special considerations.
6. Parking Regulations, Section 414: The parking spaces measure to be at least 9' by 18' and all will have unobstructed access (Exhibit C2). Retail stores require 1 parking space for every 300 SF of floor area. The retail use will occupy 10,800 SF of floor area, which will require 36 parking spaces. The shooting range will include 10 stalls and occupy approximately 6,000 SF. Although the Regulations don't include a specific parking requirement for a recreation/amusement facility, the formula applied to similar facilities has been one parking space for each attendee plus one for each staff. The shooting range will require 10 parking spaces, plus 3 for staff.

The proposal is for an 18,545 SF building, minus 10,800 SF for retail, and minus 6,000 SF for the shooting range leaves 1,745 SF of floor space. This space is for the loading dock and a storage room, not for customers, and which does not require additional staff. A total of 49 parking spaces are required (36 retail + 10 shooting range attendees + 3 staff). The site plan shows 49 parking spaces (47 standard plus 2 handicapped-accessible).

7. Conditional Use criteria, Section 303: The proposed uses are conditional uses in the IND zoning district. Prior to granting approval for conditional use, the Board must find that the proposed use conforms to the following general and specific standards:

- a. Community facilities, Section 303(e)(1): The access is on a state road. The parcel is served by municipal water and private septic. The fire chief has reviewed the project. The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities.
- b. Character of the area, Section 303(e)(2): Adjacent properties include commercial uses. The proposed hours are 9 a.m. to 9 p.m. Sunday through Saturday. Members can bring a guest. The proposed structure is appropriate in scale and design with the district (see project narrative, Exhibit B4). The proposed use will not have an undue adverse impact on the character of the area affected.
- c. Municipal bylaws in effect, Section 303(e)(3): The uses will not violate any municipal bylaws and ordinances in effect.
- d. Methods to control fumes, gas, dust, smoke, odor, noise, or vibration, Section 303(f)(2): The proposal includes methods to control noise, smoke, and dust impacts (Exhibit B6). Additional devices or special methods are not 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 the proposal by PGSR, LLC to construct a new commercial building and change the use to retail/indoor recreation at 601 US Route 2, as presented in application #110-17 and supporting materials, meets the Site Plan and Conditional Use criteria set forth in Sections 301 and 303.

Decision Motion:

On behalf of the Waterbury Development Review Board, Mike Bard moved and Nat Fish seconded to approve application #110-17 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) All exterior lighting shall be downcast and shielded as proposed.
- (3) The building owner shall maintain the property completely around the building year-round to allow fire department access with fire apparatus.
- (4) "Tracer" and "armor piercing" ammunition shall not be used, as they have a higher propensity to cause fires.
- (5) The building owner shall install a Knox Box key lock for fire department access during a fire emergency.

Vote: The motion was approved 4-0



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

Approved: 1/17/18

(date)

State permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367 or pete.kopsco@vermont.gov, and the appropriate state agencies to determine what permits must be obtained.

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