

# WATERBURY DEVELOPMENT REVIEW BOARD

## General Minutes

Wednesday, March 7, 2018

**In Attendance:** Board members present: David Frothingham (Chair), Mike Bard, Nat Fish, Bud Wilson, and Rob Dabrowski. 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. The agenda was approved with no changes.

- 1) **#007-18: Georgia Ayers** (applicant), **Ayers Family Legacy LLC** (landowner)  
Site plan review to host outdoor food and art events seasonally at 18 Elm Street, Waterbury, VT. (VR/DC/SFHA zoning/overlay districts)

Hearing minutes and motion under separate cover.

- 2) **#005-18: Neokraft Signs** (applicant), **Superior Development LTD** (landowner)  
Variance request to add red LED rope lighting to the fascia of existing gas canopy at 1 River Road, Waterbury, VT. (IND/SFHA zoning/overlay districts)

Nat Fish moved and Rob Dabrowski seconded to continue application to March 21, 2018 at 6:30 p.m.

- 3) **#009-18: Neokraft Signs/Irving Oil** (applicant), **Superior Development LTD** (landowner)  
Appeal of denied zoning permit application #115-17 for a gas price sign at 1 River Road, Waterbury, VT. (IND/SFHA zoning/overlay districts)

Nat Fish moved and Rob Dabrowski seconded to continue the application to March 21, 2018 at 6:30 p.m.

- 4) **Other Business:**  
Review minutes and decisions from previous meeting:  
There were no prior minutes to approve.

**Next meeting:** 6:30 p.m. Wednesday, March 21, 2018.

**Adjournment:** The meeting was adjourned at 7:09 p.m.

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

Approved on: 3/21/18  
(date)

**Town & Village of Waterbury  
Development Review Board  
Decision #007-18 ▪ March 7, 2018**

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

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Applicant/Owner:	Georgia Ayers (Applicant) / Ayers Family Legacy LLC (Landowner)	
Address/Location:	18 Elm Street, Waterbury, VT	
Zoning Districts:	Downtown Commercial (DC), Village Residential (VR), and Special Flood Hazard Area (SFHA) overlay district.	
Application #	007-18	Tax Map # 19-346.000

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**Applicant Request**

The applicant seeks approval to host food and art events outdoors at 18 Elm Street, Waterbury, VT.

**Present and sworn in:**

Georgia Ayers, Applicant

**Exhibits:**

- A: Application #007-18 (3 pages: Zoning Permit, Site Plan), submitted 2/2/2018.
- B: Site Plans: (B1) for the proposed art and food events; (B2) for the proposed breakfast events, dated 2/13/2018; and (B3) from previous zoning permit #09-14-V for two apartments.
- C: Project narrative by Georgia Ayers, which accompanied the notice to adjoining landowners, 2/20/18.
- D: Orthophoto and parcel map of the lot, showing the DC/VR zoning districts (staff).
- E: Email correspondence from adjoining landowner Skip Flanders, 3/5/18.
- F: Letter to adjoining landowners, mailed certified on 2/20/18.

**Findings of Fact:**

1. Existing conditions: Ayers Family Legacy LLC owns a 0.6± acre (26,136 SF) parcel located at 18 Elm Street. The property is developed with four structures: (1) a 2-story single-family dwelling that includes two 1-bedroom apartments; (2) a 2-story carriage-house that includes a pottery studio, two 2-bedroom apartments, and three interior parking spaces; (3) a 2-story barn that includes storage and one interior parking space; and (4) an accessory shed for storage and one interior parking space. The property is served by municipal water and sewer and includes eight outside parking spaces to serve the existing uses. The lot is located on the corner of Elm and Randall Streets and includes an access drive on Elm Street, a Town road. The lot is divided between the Downtown Commercial (DC) and Village Residential (VR) zoning districts (Exhibit D), and is located in the Special Flood Hazard Area (SFHA) overlay district.
2. Proposal: The Ayers conducted a trial run and hosted a few food truck events during the summer of 2017. (Zoning approval was not required for the trial, as Section 305(a) states that activities such as commercial tents, flea markets, and auctions are considered temporary and do not require a zoning

permit if they occur up to 7 times in three-months.) The trial was successful and the proposal for the summer of 2018 is to host food and art events outdoors, June through September (Exhibit C), as follows:

- Waterbury Breakfast Club—Seven Sunday brunches, June-Sept. , 10am–2pm, with four food vendors (community drop-in);
- Artist as Designer Exhibition—Saturday, June 14, 10am–4pm, features ten artist vendors and two food vendors (community drop-in);
- Salvage Supper Club—Sat. & Sun., Aug. 11–12, one food vendor for 16 guests (ticketed event);
- Adventure Dinner—Saturday, Oct. 13, 4–9pm, alcohol vendor and one or more food vendors for scavenger hunt (off-site) and dinner for 40–50 guests (ticketed event).

The vendor booths, food-trucks, portable toilet, dining furniture, and picnic areas will be located as shown on site plans B1 & B2. No new permanent structures are proposed. The vendors will conduct their work from carts, vehicles, and/or pop-up canopies, which are temporary and will be in place only for the specified days of the events. Some events will include alcohol. No live music is proposed. Customer parking will be off-site.

3. Lots in more than one district, Section 400 (c)(1): As the lot lies in more than one zoning district, the provisions in this section shall apply, which state that the less restrictive use may extend into the more restrictive portion to a maximum of 30 feet. As shown on Applicant’s site plans B1 & B2, all of the proposed activities and structures are located within the DC zoning district, or will extend not more than 30-feet into the VR zoning district.
4. Table of Uses, Section 503: The activities proposed include aspects of retail and a restaurant/bar ( $\leq 2000$  SF), which are permitted uses in the DC zoning district.

*(definition) Retail Store/Service: Includes, but is not limited to, a shop or store for the sale of retail goods, personal service shop, antiques shop, gift shop, grocery store, or department store, but does not include commercial uses listed separately in the Use Regulation Table in Article V.*

*(definition) Restaurant/Bar: An establishment where the primary business is the preparation and service of meals or drinks to the public for consumption on the premises; this shall exclude any service directly to customers in automobiles, such as drive-up or drive-through service.*

5. Site Plan Review and Approval, Section 301: As the proposal involves establishing an outdoor non-residential use that will affect pedestrian safety, traffic access, and parking, it is subject to site plan review. The Board considered the following:
  - a. Section 301(f)(1) (A-D), Traffic access and pedestrian safety: No change to the approved vehicular access or parking is proposed. Some portable structures and event activities will occupy on-site parking spaces (Exhibits B1, B2, B3). During last summer’s trial events, owner/applicant gave advance notice and requested tenants with outdoor parking spaces to park off-site for events. Customer and vendor parking will also be off-site. Events are arranged for pedestrian access, circulation, and safety.

- b. Section 301(f)(2) (A-G), Circulation and parking, loading, refuse, and service areas: The events are proposed for pedestrian access and circulation. Vehicles that typically park on-site will be moved off-site for events; customer and vendor parking will also be off-site. The proposal makes no change to the approved vehicular circulation and parking that serves the site other than during events.
  - c. Section 301(f)(3) (A-F), Landscaping, screening, and lighting: The proposal makes no change to the existing landscaping and screening. Events that are conducted during evening hours will include atmospheric lighting which will be used only during events. No additional permanent outdoor lighting is proposed.
6. Parking Regulations, Section 414: No provision is made for additional on-site parking. Event attendees will park off-site, as they did during the trial events last summer. All of the events are proposed to take place on weekends. See comments submitted by adjoining landowner, Skip Flanders (Exhibit E).

**Conclusion:**


Based upon these findings, and subject to the conditions set forth below, the Board concludes that Georgia Ayers and Ayers Family Legacy LLC's proposal to host up to 15 outdoor food and art events at 18 Elm Street, as presented in application #007-18 and supporting materials, meets the Site Plan criteria set forth in Section 301.

**Motion:**

On behalf of the Waterbury Development Review Board, Mike Bard moved and Nat Fish seconded to approve application #007-18 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 hours of operation will start no earlier than 8 a.m. and conclude no later than 10 p.m.
- (3) Any atmospheric lighting will be during events only. Any permanent lighting will be downcast and shielded.

**Vote:** The motion was approved 5-0

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

Approved: 3/21/18  
 \_\_\_\_\_  
 (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.

**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.