

WATERBURY DEVELOPMENT REVIEW BOARD

Approved General Minutes Wednesday, March 21, 2018

In Attendance: Board members present: Dave Frothingham, Chair; Bud Wilson, Rob Dabrowski, Dave Rogers

Staff present: Dina Bookmyer-Baker, Zoning Administrator; Steve Lotspeich, Community Planner; Patti Spence, Secretary

Also present: Alyssa Johnson, Economic Development Director

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

Call to Order by the Chair.

- 1) **#012-18: Waterbury Area Trails Alliance** (applicant), **Village of Waterbury** (owner)
Reapprove constructing a fence and waiver request to construct a biking roll-in structure within the front setback at 546 River Road, Waterbury, VT. (IND/SFHA zoning/overlay districts)

Testimony:

1. The applicant is requesting some changes to the approved permit from 2016 relocating one bike roll-in structure closer to River Rd. to fit with the way the pump track reconstructed and the direction that people ride the track.
2. The 4' tall split rail fence that was originally approved still needs to be installed to limit access to the pump park from River Rd.
3. Unanticipated entry points off River Rd. have been part of the justification for these changes.

Hearing decision under separate minutes.

- 2) **#013-18: Joel and Michelle Baker** (owner/applicant)
Waiver request to construct a residential storage shed within the setback at 233 Snow Hill Road, Waterbury, VT. (CNS/RHS zoning/overlay districts)

Testimony:

Joel Baker presented his application to construct a proposed storage shed within the side yard setback.

Hearing decision under separate minutes.

- 3) **#010-18: Jodi Green** (applicant), **Paul Steiner Family Trust** (owner)
Site Plan review to change the use of a portion of the existing commercial building at 21 Stowe St. from retail to hair salon with retail. (DC/DDR zoning/overlay districts)

Testimony:

Jodi Green and Cathy Cummings presented the proposed change of use for part of the first floor of the building from retail to a hair salon with retail.

Hearing decision under separate minutes.

- 4) **#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)

Application #005-18 was withdrawn.

- 5) **#009-18: Neokraft Signs/Irving Oil** (appellant), **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)

The review of the appeal Application #009-18 was continued to May 2, 2018 at 6:30 pm.

Approval of Prior Minutes:

Rob Dabrowski moved and Dave Rogers seconded the motion to approve the general minutes from March 7, 2018 and the hearing decision for application #007-18.

Vote: Motion approved 4 - 0

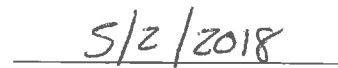
Dave Frothingham moved and Rob Dabrowski seconded the motion to approve the final plat presented for application #105-17 was approved.

The meeting was adjourned at 9:08pm

Minutes approved on May 2, 2018



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



(date)

**Town & Village of Waterbury
Development Review Board
Approved Hearing Decision #012-18
March 21, 2018**

In Attendance: Board members present: Dave Frothingham, Chair; Bud Wilson, Rob Dabrowski, Dave Rogers

Staff present: Dina Bookmyer-Baker, Zoning Administrator; Patti Spence, Secretary

Owner: Village of Waterbury
Applicant: Waterbury Area Trails Alliance
Address/location: 546 River Road, Waterbury, VT
Zones: Industrial (IND) zoning district,
Special Flood Hazard Area (SFHA) overlay district
Application #: 012-18
Tax Map #: 16-009.000

Present and sworn in:

Dana Allen, Waterbury Area Trails Alliance
Steve Lotspeich, Town of Waterbury
Bill Minter, Resident

Applicant Request

The applicant seeks approval to re-approve construction of a split rail fence and a bike roll-in structure within the front setback at the existing bike pump park located at 546 River Road.

Exhibits:

- Exhibit A: Application #012-18 (6 pp: Zoning Permit, Conditional Use (Waiver) and Overlay District (SFHA), submitted 2/20/18
- Exhibit B: Site Plan: Proposed Dog and Bike Park, prepared by Grenier Engineering, revised 4/8/16 and detailed Site Plan of Pump Park showing Proposed Roll-in structure location
- Exhibit C: Concept Plan for Bike Roll-In Structure
- Exhibit D: Letter from Grenier Engineering, May 4, 2016 (from prior Permit #06-16-V)
- Exhibit E: Aerial photos of site with tax map boundary and map of Floodplain limits.
- Exhibit F: ANR Atlas map from Rebecca Pfeiffer, May 4, 2016.
- Exhibit G: Letter to adjoining landowner, dated March 2, 2018

Findings of Fact

1. Existing conditions: The Village of Waterbury owns a 40± acre parcel located at 546 River Road. The property is currently developed with a 34,310 SF Ice Center, a small storage shed, sporting fields, a bike pump park, and an access to the Perry Hill mountain biking trails. Parking

areas exist for the Ice Center/sporting fields, and for the bike pump park and trails. The property gains access from the west, via River Road. The Grand Trunk Western Railroad owned railroad abuts the parcel's north/northeast boundary. The parcel is bordered by the Winooski River to the west, south and east. The bike pump park does not include water or wastewater facilities. The parcel is located in the Industrial (IND) zoning district. The entire bike pump park site lies within the Special Flood Hazard Area (SFHA) overlay district however only a small portion is located in Flood Hazard Area Floodway (Exhibit E & F).

2. Setbacks: The setbacks for the Industrial Zoning District are as follows:

Front: 50', Sides: 25', Rear: 25'

3. Background: The bike terrain park and other improvements have been approved previously and reconstructed under Permit #06-16-V, with the exception of the bike roll-in structures and the split 4' tall split rail fence. The Development Review Board granted site plan approval and flood hazard review for application #06-16-V to reconfigure the bike pump park including the two bike roll in structures, split rail fence, and the existing parking serving the bike trails and park.

4. Scope of work: The review and approval conducted by the DRB in 2016 still applies. All findings from this decision are applicable to this application. However, one of the proposed bike roll-in structures is proposed within the front setback on River Rd. which is a town road. The one roll-in structure is proposed to be 36' from the centerline of River Rd. with a setback of 11'. Because all the re-grading and resurfacing of the bike pump park tracks is complete, the only impact to the SFHA is the previously approved bike roll-in structures and the fence.

5. Development Review in Flood Hazard Areas: Section 605(4) states: "(4) Where an application requires Development Review Board review under Section 603(d), the application shall include certification by a registered professional engineer demonstrating that the proposed development will not increase Base Flood Elevations."

John Grenier, a registered professional engineer, has submitted a letter stating that the project should qualify for no net increase. (Exhibit D) The fence and the bike rolling structures are open.

As proposed, the project will not encroach into Floodway and will be in compliance with Section 605(b) and exempt as open structures per S. 604(a)(11)(E)(iii).

Guiding ordinance sections

Section 303 - Conditional Uses

Section 309 - Waivers

Article VI - Flood Hazard Area Regulations and Overlay District

Conclusion:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #012-18 the Village of Waterbury and Waterbury Area Trails Alliance, to construct a split rail fence adjacent to River Road and a bike roll-

in structure with an 11' front setback and a waiver of 39' from the front setback, at the existing bike pump park located at 546 River Road tax map #16-009.000, meets the standards in Section 303 - Conditional Uses, Section 309 - Waivers, and Article VI - Flood Hazard Area Regulations and Overlay District

Motion:

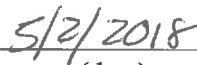
On behalf of the Waterbury Development Review Board Rob Dabrowski moved and Bud Wilson seconded the motion to approve application #012-18 with the following conditions.

- (1) The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;
- (2) The applicant completes a Certificate of Completion application for the entire bike pump park project upon completion of the roll-in structure and fence.
- (3) Incorporates the findings, conclusions and conditions from prior application #06-16-V.

Vote: Approved 4 - 0



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



(date)

This decision was approved on May 2, 2018

***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
Approved Hearing Decision #013-18
March 21, 2018**

In Attendance: Board members present: Dave Frothingham, Chair; Bud Wilson, Rob Dabrowski, Dave Rogers

Staff present: Dina Bookmyer-Baker, Zoning Administrator; Steve Lotspeich, Community Planner; Patti Spence, Secretary

Owner/Applicant:	Joel and Michelle Baker	
Address/Location:	233 Snow Hill Road, Waterbury, VT	
Zones:	Conservation (CNS) and Ridgelines/Hillsides/Steep Slopes (RHS) overlay	
Application #	#013-18	Tax Map # 14-092.000

Applicant Request:

The applicant seeks approval to construct a residential shed within the setback at 233 Snow Hill Road, Waterbury, VT.

Present and sworn in:

Joel Baker, Applicant

Exhibits:

- A: Application ##013-18 (3 pages: zoning, conditional use), submitted 2/20/18.
- B: Site Plan, annotated by Applicant, submitted 2/20/18.
- C: Parcel map with orthophoto base layer (staff).
- D: Letter to adjoining landowners, mailed certified: 3/02/18

Findings of Fact:

1. Existing conditions: Joel and Michelle Baker own a 6.0± acre parcel located at 233 Snow Hill Road in the Conservation (CNS) and Ridgelines/Hillsides/Steep Slopes (RHS) overlay and zoning and overlay districts. The parcel is currently developed with a two-story single-family dwelling, a one 1/2 story detached garage, and an accessory shed. The parcel includes ± 100 feet of frontage on and has access to Snow Hill Road and a brook defines the southerly property line. The property is served by private on-site well and septic.
2. Project: The proposal is to construct a residential shed to be located 75' from the side (southerly) property line, as shown on Exhibit B.

3. CNS Dimensional Requirements, Table 5.2: In the CNS zoning district, the minimum lot size is 10 acres; the minimum setbacks are: 100' for the front/sides/rear. At 6 acres, the lot is undersized.
4. Waiver Request: The setback waiver request is to encroach into the side yard setback by 25' (100' minus 75').
5. Conditional Use/Waiver criteria: As set forth in Section 309, the DRB may grant a waiver of building setbacks as a conditional use review 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. The Board must find that the proposed use conforms to the following general and specific standards:
 - (a) Section 303(e)(1) Community facilities: No change in the residential use of the property is proposed. The property is served by private well and septic. The addition of a residential shed will not unduly increase the traffic, does not require addition municipal water or sewer allocation, will not burden the school capacity, and will not increase the demand for fire protection.
 - (b) Section 303(e)(2)(A–E) Character of the area: The use of the property will remain residential. No power or exterior lighting is proposed. The shed will be a simple storage structure that will be constructed of rustic wood siding and finishes.
 - (c) Section 303(e)(3) Municipal bylaws in effect: The shed is for residential storage. The project application presents compliance with the conditional use criteria.
 - (d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The structure is intended for storage (wood, tools equipment, gardening supplies, etc.) and will not create the above-named nuisances and therefore no devices or special methods are proposed to control these impacts.
 - (e) Section 303(h) Removal of earth or mineral products conditions: The project does not include earth removal activities. This provision does not apply.
6. Section 1001 RHS Applicability: Although the property is in the RHS overlay district, it is not subject to RHS review because the proposed shed will be 720 SF, which is less than 800 SF, as set forth in Section 1001(d)(1).

Guiding ordinance sections:

Section 309—Waivers

Section 303—Conditional Uses

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Joel and Michelle Baker to construct a residential shed 25' within the side yard setback by at 233 Snow Hill Road, as presented in application #013-18 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, Rob Dabrowski moved and Dave Rogers seconded the motion to approve application #013-18 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: Approved 4-0



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



(date)

This decision was approved on May 2, 2018

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**Town & Village of Waterbury
Development Review Board
Approved Hearing Decision, #010-18
March 21, 2018**

In Attendance: Board members present: Dave Frothingham, Chair; Bud Wilson, Rob Dabrowski, Dave Rogers

Staff present: Dina Bookmyer-Baker, Zoning Administrator; Steve Lotspeich, Community Planner; Patti Spence, Secretary

Applicant/Owner:	Jodi Green (Applicant), Paul Steiner Family Trust (Landowner)	
Address/Location:	21 Stowe Street, Waterbury, VT	
Zoning Districts:	Downtown Commercial (DC) and Downtown Design Review (DDR) / Historic Commercial (HC) overlay and sub-district.	
Application #	010-18	Tax Map # 19-298.000

Applicant Request

The applicant seeks approval to change the use of a portion of the existing commercial building at 21 Stowe Street.

Present and sworn in:

Jodi Green, Applicant
Kathy Cummings, Landlord

Exhibits

- A: Application #010-18 (3 pages: Zoning Permit, Site Plan), submitted 2/16/2018.
- B: Floor plan for hair salon and seamstress area, submitted 3/13/2018.
- C: Site plan of the first-floor businesses, submitted 3/13/2018.
- D: Orthophoto and parcel map of the lot.
- E: Letter to adjoining landowners, mailed certified on 3/5/2018.

Findings of Fact

1. Existing conditions: The Paul Steiner Family Trust owns a 0.25± acre parcel located at 17-21 Stowe Street. The property is developed with a three-story mixed-use building that includes five business on the first floor, and seven apartments on the upper floors. The property is served by municipal water and sewer and includes eleven on-site parking spaces. The parking area has an access drive to Bidwell Lane. The lot is located in the Downtown Commercial (DC) zoning district and the Downtown Design Review (DDR) overlay/Historic Commercial (HC) sub-district.

2. Proposal: The proposal is to change the use of the floor area formerly occupied by Ruelle Boutique, a retail store, to the Lasting Image hair salon and Donna Boring seamstress, as shown on the floor plan, Exhibit B. The hair salon will include two chairs and one staff member and some retail merchandise. The area proposed to be occupied by the seamstress was formerly used for retail inventory. No changes, other

than a new sign, are proposed to the exterior of the building.

3. Table of Uses, Section 503: A Barber shop/Beauty salon and a Retail store (≤ 2000 SF) are permitted uses in the DC zoning district. The seamstress area is workspace for one staff and is not intended for walk-in customers.

4. Site Plan Review and Approval, Section 301: To ensure adequate and appropriate traffic and pedestrian access, circulation, parking, landscaping, and screening, the Board will take into consideration the following objectives:

- a. Section 301(f)(1) (A-D), Traffic access and pedestrian safety: No change to the approved vehicular access and pedestrian access is proposed.
- b. Section 301(f)(2) (A-G), Circulation and parking, loading, refuse, and service areas: No change is proposed to the existing vehicular access, circulation, and parking is proposed. See the parking requirements in paragraph 5, below.
- c. Section 301(f)(3) (A-F), Landscaping, screening, and lighting: No change is proposed to the existing landscaping, screening, or lighting.

Parking Regulations, Section 414: The lot includes eleven on-site parking spaces to serve the seven dwelling units (with a total of 11 bedrooms), as per a prior approval (zoning permit #034-95-V). The building now includes six businesses:

- a) Lasting Image hair salon: 2 customer chairs and 1 staff:requires 3 parking spaces;
- b) Donna Boring Seamstress: 1 staff: 1 space;
- c) O'Brien's Cleaning: 1 staff (cleaning supplies storage, no customer traffic, no seating): 1 space;
- d) LaStrada Bakery: 700 SF (no seating):3 spaces;
- e) KC Bagels: 25 restaurant seats:9 spaces.

A total of 17 off-site parking spaces are required. In the 1995 approval, a total of 16 off-site parking spaces were required, which was two more than had previously been allotted. The Applicant obtained Village Trustee approval for the additional two spaces needed. The proposed change of use will require one more off-site parking space than previously allocated/approved for the site.

Guiding ordinance sections

- Section 301—Site Plan Review
- Section 414—Parking Regulations

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal put forward by Jodi Green and Paul Steiner Family Trust to change the use of a portion of the existing commercial building at 21 Stowe Street, as presented in application #010-18 and supporting materials, meets the Site Plan and Parking criteria set forth in Sections 301 and 414.

Motion:


On behalf of the Waterbury Development Review Board, Rob Dabrowski moved and Dave Rogers seconded to approve application #010-18 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 Applicant will obtain approval from the Village Trustees to use one on-street parking space to fulfill the parking needs for the uses in the building.

Vote: Approved 4-0



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



(date)

This decision was approved on May 2, 2018

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