

WATERBURY DEVELOPMENT REVIEW BOARD
Approved General Minutes—December 1, 2021

Attending: Board members present: Tom Kinley (Vice-Chair), David Rogers, Bud Wilson, Patrick Farrell, Harry Shepard, George Lester, and Joe Wurtzbacher.

Staff: Stephen Lotspeich (Planning & Zoning Director and Zoning Administrator), Patti Martin (Secretary).

Tom Kinley, Acting Chair, opened the public meeting at 6:30 p.m. and made the following introductory remarks: Applicants should have one spokesperson. Staff will give an overview of the project. The Applicant/Spokesperson will present any new information to the Board. The DRB members will ask questions, followed by staff questions and comments. The hearing will then be opened to the public for comments and questions. Note that the DRB is a seven-member Board, seven members are present; an approval requires at least four votes in the affirmative.

- 1) **#099-21: Unsworth Properties LLC / Jennifer Touchette** (owner/applicant)
Conditional Use and Setback Waiver review to replace a mobile home with a larger mobile home in the setbacks at 228 East Wind Drive. (RT100 zoning district)

Present and sworn in:

James Unsworth, owner

Jennifer Touchette, applicant

James Unsworth and Jennifer Touchette presented the project to replace the mobile home at 228 East Wind Dr. and the associated waiver request.

The public hearing was closed at 6:48 p.m. The Board approved the project with conditions and will issue a written decision within 45 days.

- 2) **#046-21: Amy Anderson and Mike Merchant** (owner/applicant)
Continued Downtown Design review, after-the-fact, for a new second-floor entrance and exterior stair at 25 N. Main Street. (VMR/DDR zoning/overlay districts) —*Continued from 10/6/21*

Present and sworn in:

Amy Anderson, owner/applicant

Mike Merchant, owner/applicant

Amy Anderson presented the Fire Inspection Results from the State Div. of Fire Safety as they relate to the exterior stair. She testified that the stair railing and framework will be painted to match the trim on the house and the stair tread will be stained to match the front deck.

The public hearing was closed at 7:00 p.m. The Board approved the project with conditions and will issue a written decision within 45 days.

- 3) **#095-21: Grace Investment Properties, LLC / Children's Literacy Foundation (CLiF)** (owner/applicant)

Site Plan and Conditional Use review for a proposed 3,300 sq. ft. one-story building with business professional offices for the Children's Literacy Foundation (CLiF) to be located at 3579 Waterbury-Stowe Rd. (TCOM zoning district) —*Continued from 11/17/21*

Present and sworn in: (There were no new attendees sworn in.)
Duncan MacDougall, Applicant
Jonathan Grace, Owner
Robert Grace, Owner
John Pitrowski, Engineer
Jim Drummond, Architect
Jesse Remick, Architect
John Vogel, CLiF Volunteer

The revised plans for the building and site, including the revised building elevations and landscape plan, were presented and discussed.

The public hearing was closed at 7:10 p.m. The Board approved the project with conditions and will issue a written decision within 45 days.


Agenda items to be scheduled by the Vice-chair:

- Public comment / Other business: There was none.
- Review prior meeting minutes and decisions (11/17/21):

Motion: Patrick Farrell moved and Bud Wilson seconded the motion to approve the general minutes for the meeting held on November 17, 2021, as corrected.

Vote: The motion was approved 7 – 0.

Adjournment: There being no other business, the meeting was adjourned at 7:35 p.m.

Approved:  Date: December 15, 2021
David Frothingham III (Chair)

Next meetings:

Wednesday, December 15, 2021, 6:30 p.m.

- #101-21, Ray & Mary Elizabeth Bizzari, RHS for a 2-lot subdiv. & 2 dwellings at 1824 Shaw Mansion Rd. (MDR/RHS)
- #105-21, Tom Brayden, WR for mudroom & deck for dwelling at 1211 Ripley Rd. (LDR)
- #106-21, Jamie & Alex McKenzie, WR for a sauna, shed and deck at 150 Stuart Ln. (LDR)
- #081-21, Crush Partners LLP, 1,200 sq. ft. retail bldg. at 3627 Waterbury Stowe Road. (TCOM)

**Town of Waterbury
Development Review Board
Approved Decision #099-21 ▪ December 1, 2021**

Attending: Board members present: Tom Kinley (Acting Chair), David Rogers (Vice Chair), Bud Wilson, Patrick Farrell, Harry Shepard, George Lester, and Joe Wurtzbacher.

Staff: Stephen Lotspeich (Planning & Zoning Director and Zoning Administrator), Patti Martin (Secretary).

Owner/Applicant:	Unsworth Properties, LLC / Jennifer Touchette	
Address/Location:	228 East Wind Drive, Waterbury Center, VT	
Zones:	Route 100 (RT100)	
Application #	099-20	Tax Map #13-139.000 L10

Applicant Request

The applicant seeks approval to remove a mobile home and replace it with a longer mobile home that will encroach on the front and rear setback at 228 East Wind Drive in the Route 100 (RT100) zoning district.

Present and sworn in:

James Unsworth, owner/applicant
Jennifer Touchette, owner/applicant

Exhibits

- A: Application #099-21 (3 pages: zoning, conditional use), submitted 11/3/21.
- B: Parcel map of the site with an orthophoto base-map & lot highlighted dated 11/2/21.
- C: Photos of the proposed mobile home submitted 11/3/21.
- D: Letter to adjoining landowners, mailed certified on 11/12/21.

Findings of Fact:

1. Existing conditions: Unsworth Properties LLC own a 10± acre parcel on East Wind Drive in the Medium-Density Residential (MDR) and Route 100 (RT100) zoning districts. The property is developed with 28 mobile home sites. Unsworth Properties LLC owns an existing mobile home located on Lot 10, 228 East Wind Drive that is in the RT100 zoning district. The pre-existing 14' x 70' mobile home met the rear setback of 50' however it is located 3' from the right-of-way for East Wind Dr. encroaching on the front setback that is 100', by 97' (Exhibit A2). The mobile home park has interior side setbacks that are distinct from the zoning district requirements, but the setback for the perimeter of the park is 50', as required in the RT100 and MDR zoning districts. The mobile home sites are served by private-community water and wastewater systems.
2. Project: Remove the existing 14' x 70' mobile home and replace it with a new 16' x 80' mobile home, on a new pad. The new home will be 40' from rear property line and 3' from the right-of-way for East Wind Dr.

(Exhibit A2).

3. Dimensional Requirements, Table 5.2: In the RT100 zoning district, the minimum rear setback is 50' and the front setback is 100'. The proposed dwelling will be within the rear and front setbacks.
4. Waiver Request: The setback waiver request is to encroach on the rear setback by 10' (50'–40') and the front setback by 97' (100'–3').
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. The Board must find that the proposal conforms to the following general and specific standards:
 - (a) Section 303(e)(1) Community facilities: The project will not change the residential use of the property or increase the occupancy of three bedrooms for both the pre-existing and proposed mobile homes. The project will not require additional water or sewer allocation (the site is served by private water and wastewater systems), will not increase traffic, burden the school capacity, or unduly 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. The surrounding uses are residential as well. The proposed home (Exhibit C) matches the style and materials of the existing and neighboring dwellings. The new mobile home will be 300 sq. ft. larger in footprint than the pre-existing mobile home
 - (c) Section 303(e)(3) Municipal bylaws in effect: The project makes no change to the current residential use and this application is presented to comply with the conditional use criteria.
 - (d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: No change to the residential use is proposed. The dwelling will not create the above-named nuisances.
 - (e) Section 303(h) Removal of earth or mineral products conditions: The project 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 project proposed by Unsworth Properties LLC and Jennifer Touchette to install a new mobile home on Lot 10 that will not come closer than 40' to the rear property line and 3' to the right-of-way for East Wind Dr., at 228 East Wind Drive, as presented in application #099-21 and supporting materials, meets the Waivers and Conditional Use criteria set forth in Sections 309 and 303.

Decision Motion:

On behalf of the Waterbury Development Review Board, Patrick Farrell moved Dave Rogers seconded the motion to approve application #099-21 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: The motion was approved 7 – 0.



David Frothingham III (Chair)

Approved: December 15, 2021
(date)

Additional 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 permits that 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 of Waterbury
Development Review Board**

Approved Decision #046-21 ▪ June 16, July 21, August 4, Sept. 1, 2021, Dec. 1, 2021

Attending: Board members present: Tom Kinley (Acting Chair), David Rogers (Vice Chair), Bud Wilson, Patrick Farrell, Harry Shepard, George Lester, and Joe Wurtzbacher (Alt – not voting).

Staff: Stephen Lotspeich (Planning & Zoning Director and Zoning Administrator), Patti Martin (Secretary).

Owner/Applicant:	Amy Anderson and Mike Merchant	
Address/Location:	25 N. Main Street, Waterbury, VT	
Zone(s):	Village Mixed-Residential (VMR) & Downtown Design Review (DDR) overlay	
Application #	046-21	Tax Map #19-278.000

Applicant Request

The applicant seeks approval, after-the-fact, for a new second-floor entrance and exterior stair at 25 North Main Street in the Downtown Design Review overlay district.

Present and sworn in:

Amy Anderson, owner/applicant

Mike Merchant, owner/applicant

Lauren Kolitch, Attorney for applicants

Exhibits

- A: Application #046-21 (4 pp: Zoning, Site Plan, Overlay/DDR), submitted 5/17/21.
- B: Note from Applicant to the Board, submitted 5/17/21.
- C: Site Plan/sketch of new construction with caption by Applicant, submitted 5/17/21
- D: Photos of new construction (D1) front, (D2) side, by Applicant, submitted 5/17/21
- E: National and State Register of Historic Places Description and Map (Staff)
- F: Assessor photos and Google Street-View (Staff)
- G: Parcel map with orthophoto base map. (Staff)
- H: Letter to adjoining landowners, mailed certified on 5/28/21.*
- I: Floor plan for 2nd floor & photo of interior stair & narrative submitted 8/3/21
- J: Vt. Div. of Fire Safety, Fire Inspection Results

Findings of Fact

1. Existing conditions: Amy Anderson and Mike Merchant own a 0.4± acre (17,424 SF) parcel located at 25 N. Main Street that is developed with a dwelling, attached garage, two apartments, parking, and driveway access to North Main Street. The parcel is served by municipal water and sewer and is located in the Village Mixed-Residential (VMR) zoning district, the Downtown Design Review (DDR), and Historic Commercial (HC) overlay/sub-districts.

Prior approvals: In 2008 and 2009 the property received Planning Commission and ZBA reviews and

approval for a garage addition with an apartment.

2. Project: The owner/applicant has created an entry door on the second floor in place of a window, constructed a landing and exterior stair from the new entry to the first-floor deck, and moved the first-floor side roof to the second floor.
3. Site Plan Review and Approval, Section 301: Any use shall be subject to site plan approval by the DRB before a zoning permit may be issued. As the project involves changes to the ingress/egress of a multi-family structure and pedestrian access and safety, it is subject to site plan review. Prior to approval, the Board will take into consideration the following objectives:
 - a. Traffic access and pedestrian safety, Subsection 301(f)(1) (A–D): There will be no change to the previously-approved traffic access to and from the site. The project adds an entry door, landing, and stair on the left (northerly) side of the building on the front face.
 - b. Circulation and parking, loading, refuse, and service areas, Subsection 301(f)(2) (A–G): The project makes no change to these facilities.
 - c. Adequacy of Landscaping, screening, and lighting, Section 301(f)(3) (A–F): The project makes no change to these facilities.
4. Downtown Design Review Overlay District Standards, Section 1108: Prior to granting design approval, the Board shall find that the proposed development meets the Downtown Design Review standards, where applicable. The structure is listed on the National Register of Historic Places, Exhibit E.

The structure is #201 on the new survey (Exhibit E). From the new survey, Section 7, Narrative Description / Updated Description of the Historic District (page 10): *Progressing south along Main Street, one passes Winooski Street, characterized by tightly-spaced 1 ½ to 2 ½ -story wood frame houses dating from the 1830s to c.1890s. Some of the earliest extant residential development in the village is represented on this street, notably in two eaves-front houses (#212, #213) constructed ca. 1845 and 1835 respectively. Both exhibit early Greek Revival-style elements including strict symmetry, entrance entablatures with sidelights, eave returns, and corner pilasters. A similar example can be found at #227 across the street. At 13 and 17 Winooski (#214 and #215), one can identify a pair of houses whose 1880s form is predominant in the village, comprising 2 ½ stories, eaves front, sidehall plan orientation with rear additions connected to carriage barns. In the design details of this form there is significant variety in the village, particularly in the treatment of the eaves. Other examples demonstrating the subtle varieties of the form on Winooski Street can be found at #222, #224, #225, and #226. A unique shaping treatment of the fascia board on this form can be found both on #224 and #201 on North Main Street.*

Design Review Standards, Section 1108: Prior to granting design approval, the Development Review Board shall find that the proposed development meets the following standards, where applicable:

- (1) *Historic Structures (applying to all structures listed on the National Register of Historic Places):*
- (A) *Original materials or materials typical of the architectural style of the structures shall be preserved or replaced with like materials to the extent feasible and appropriate.*
—The landing and stair addition do not reflect the architectural style or materials of the historic structure. The addition interferes with the “twin” layout of the structure.
 - (B) *Historic building features shall be preserved or replicated to the extent feasible and appropriate.*
- (2) *Historic/Commercial Sub-District:*
- (C) *New additions should be designed to complement and be compatible with, rather than detract from or obscure, the original structure.*
 - (D) *Project design shall reinforce a pedestrian streetscape through the provision, where appropriate, of such features as connecting walkways, landscaping and street trees, the incorporation of architectural features such as porches, store fronts and windows, and pedestrian-scaled street furniture and lighting.*
 - (E) *On-site utilities shall be buried and utility boxes shall be screened from public view if the utilities along the street serving that structure are also buried. The on-site utilities to the rear of the building are buried underground.*
 - (F) *Buildings, or portions thereof, having eaves heights of twenty (20) feet or less above ground level shall incorporate moderately to steeply pitched roofs, unless the Board determines that another roof type is appropriate. The roof pitch on the addition matches the moderately steep pitch of the main front portion of the existing building.*

Conclusion:

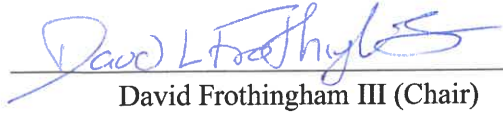
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Amy Anderson and Mike Merchant for as-built approval of a new second-floor entrance and exterior stair at 25 North Main Street in the Downtown Design Review overlay district in application #046-21 and associated materials, meets the Site Plan and Downtown Design Review criteria as set forth in Sections 301 and 1108.

Decision Motion:

On behalf of the Waterbury Development Review Board, Dave Rogers moved and Patrick Farrell seconded the motion, to approve application #046-21 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) Any outdoor lighting shall be downcast and shielded.
- (3) The exterior stairway shall be painted the same cream color as the trim on the house with the exception of the stairway treads shall be stained the same color as the front deck.

VOTE: The motion was approved 5 - 2.


David Frothingham III (Chair)

Approved: December 15, 2021
(date)

Additional 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 permits that 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**

Approved Decision #095-21 ▪ November 17, 2021 ▪ December 1, 2021

In Attendance 11/17/21:

Board members present: Tom Kinley (Vice Chair), David Rogers (Vice Chair), Bud Wilson, Alex Tolstoi, Patrick Farrell, Harry Shepard, George Lester (Alt), and Joe Wurtzbacher (Alt. not voting).

Staff present: Steve Lotspeich (Zoning Administrator), Patti Martin (Secretary).

In Attendance 12/01/21:

Board members present: Tom Kinley (Vice-Chair), David Rogers, Bud Wilson, Patrick Farrell, Harry Shepard, George Lester, and Joe Wurtzbacher.

Staff present: Stephen Lotspeich (Planning & Zoning Director and Zoning Administrator), Patti Martin (Secretary).

Applicant/Owner/:	Grace Investment Properties, LLC.	
Address/Location:	3579 Waterbury-Stowe Road, Waterbury, VT	
Zones:	Town Commercial (TCOM)	
Application #	095-21	Tax Map # 09-285.000

Present and sworn in on November 17, 2021:

Duncan MacDougall, Applicant
Jonathan Grace, Owner
Robert Grace, Owner
John Pitrowski, Engineer
Jim Drummond, Architect
Jesse Remick, Architect
Dave Spaulding, Abutting property owner
Leslie Spaulding, neighbor
Matt Spaulding, neighbor
Beth Worthen, neighbor
David & Margaret Luce, residents and CLiF volunteers
Kim Lincoln, CLiF volunteer
Kathy Powell, CLiF volunteer
James Comley, CLiF Volunteer

Present and sworn in on December 1, 2021:

Duncan MacDougall, Applicant
Jonathan Grace, Owner
Robert Grace, Owner
John Pitrowski, Engineer
Jim Drummond, Architect
Jesse Remick, Architect
John Vogel, CLiF Volunteer

Applicant Request

The Applicant seeks approval to construct a 3,250 sq. ft. office building for the Children's Literacy Foundation (CLiF) at 3579 Waterbury-Stowe Road.

Exhibits:

- A: Application #095-21 (4 pp., Zoning, Site Plan, Conditional Use), submitted 10/15/21
- B: Project description prepared by Trudell Consulting Engineers (6 pp.), dated 10/15/21
- C: Plan set for CLiF Headquarters by Trudell Consulting Engineers dated 10/15/21:
 - (C1, 2) Cover Sheet, Legend & Notes
 - (C3) Existing Conditions Plan
 - (C4-6) Overall Site Plan, Grading & Stormwater Plan, Utility Plan
 - (C7-11) Detail Sheets
 - (C12-14) Landscape Plan & Details, Lighting Plan
- D: (D1-3) Proposed Building Floor Plan & Elevations by Black River Design dated 10/15/21
- E: Lighting specification sheets
- F: Perspective views of proposed building by Black River Design dated 12/1/21
- G: Parcel survey by Little River Survey Co., LLC dated 01/2018
- H: Letter to adjoining landowners, mailed certified on 10/28/21
- I: Orthophoto of parcel (Staff)
- J: Site Context Plan & Photos of buildings along Route 100 and site dated 11/17/21

Findings of Fact:

1. Existing conditions: Grace Investment Properties, LLC. owns a 1.4± acre lot located at 3579 Waterbury-Stowe Road. The property currently includes no structures but has an existing access drive to Waterbury-Stowe Road (Exhibit C). The property is served by municipal water and private wastewater. The parcel is in the Town Commercial (TCOM) zoning district. The parcel is located in the Waterbury Center Historic District which is listed on the State Register of Historic Places. The Waterbury Center Community Church is individually listed on both the State and Federal Register of Historic Places. Exhibit J shows the site context and photos of buildings along Route 100 and the project site.

Background: The former historic house and auction barn / auto repair shop on the site burned down and were razed in October 2017. The resulting debris was removed in May 2018.

2. Proposal: The project is a 3,250 sq. ft. one-story office building for the Children's Literacy Foundation (CLiF) headquarters as shown on Exhibits D and F. The building will also include book storage and garage space as shown on Exhibit D1, the floor plan. The site development includes driveway access off Waterbury Stowe Rd. and parking for 14 vehicles, pedestrian sidewalk access to the entrances on the north side of the building, an outdoor patio and sitting space, landscaping, and exterior lighting, as shown on Exhibit C. The hours of operation will generally be Monday through Friday, 9:00 a.m. to 5:00 p.m.

The garage will be located on the north side of the front portion of the building and will provide access for vans delivering books for the various CLiF programs. The book storage area will also be located in the front portion of the building. The offices will be located in the rear wing of the building. The front portion of the building will have a pitched roof with gable ends and the rear wing will have a shed roof to

accommodate solar panels on the south facing roof. Exhibit B3 describes the proposed building style in detail and its context and states: “The building material palette will employ typical rural building materials to fit in with the village setting: the walls will be clad in vertical board and batten siding with a standing seam metal roofing matching the majority of the buildings in the direct vicinity.”

3. Dimensional Requirements: The minimum lot size for the TCOM Zoning District is one-acre, and therefore, the existing 1.4± acre lot conforms to this requirement. The minimum setbacks for the TCOM District are as follows: front – 50', sides and rear – 25'. The proposed structure meets these setback requirements. The proposed building is approximately 22' tall which meets the height limit for the TCOM district of 35'. The footprint of the building is approximately 3,250 SF, which equals approximately 5.5% coverage of the lot. This conforms to the maximum 25% coverage requirement.
4. Table of Uses, Section 503: The business professional office use is a conditional use in the Town Commercial (TCOM) zoning district.
5. Site Plan Review and Approval, Section 301: The project involves a new structure, parking areas, lighting, landscaping, and pedestrian circulation therefore, it is subject to site plan review. The Board considered the following criteria:
 - a. Adequacy of traffic access and pedestrian safety, Subsection (f)(1)(A-D):
Access to the site is via one new 24'-wide driveway on Waterbury-Stowe Rd. as shown in Exhibits C4-6. This access will be permitted by the Vermont Agency of Transportation (VTrans). There will be an approximately 4' wide concrete walkway along the parking area connecting all the parking spaces to the main entrance and a pass door into the garage where the sidewalk is widened to approximately 6' wide. There will be a 15' x 20' outdoor patio at the rear of the building accessed by a pass door into the office space.
 - b. Adequacy of circulation and parking, Subsection (f)(2):
Circulation on the site is via a 24'-wide paved driveway that has a 15'-deep hammerhead at the terminus, which will serve as a turn-around for the parking spaces to the side and behind the building. There are 14 unobstructed parking spaces on the site as shown on Exhibits C4-6.
 - c. Adequacy of landscaping, screening, and lighting, Subsection (f)(3):
Exhibit C12 and C13, the Landscape Plan and Detail sheets show the proposed landscaping for the building and site. There will be a rain garden located at the rear of the proposed parking area that will treat stormwater from the site. There is existing screening along the property line with the neighboring property to the north that partially screens the view of the parking area from the site to the north. This neighboring property includes mini-storage buildings to the rear and a retail building in the front. The plant material to be utilized will be as listed in the plant schedules on Exhibit C12.

There will be some clearing of trees for the installation of the new leach field for the septic system as shown on Exhibits C4-6 and C12. The remaining trees will screen the view of the existing house on the adjacent parcel to the south. The exterior lighting will be as shown on Exhibits C12 and C14. Exhibit B4 states: “Site lighting consists of three downcast pole-mounted LED fixtures mounted at a

height of 15 ft. along the north edge of the parking area (Exhibit C12). Five decorative, LED illuminated bollards will follow the sidewalk at the south edge of the parking area. Building mounted fixtures are also full cut-off LED (fixtures) mounted at or near each ingress/egress door. Lighting specification are included with this submittal (Exhibit E).” The exterior lights will generally be turned off when the offices are not open. The exterior lights on the building will be on motion detectors for security purposes.

d. Special considerations for uses of property bordering Route 2, Route 100, or Interstate 89, Subsection 301(j):

Exhibit C12, the Landscape Plan, shows shrubbery and tree plantings between the proposed building and Waterbury-Stowe Rd. (Route 100) that address these special considerations listed in Section 301(j). The parking area is primarily to the side and rear of the building as shown on Exhibit C.

6. Conditional Use criteria, Section 303: The proposed business professional office building is a conditional use in the Town Commercial Zoning District. Exhibits B4 and B5 in the application address the conditional use criteria. The Board considered the following general and specific standards:

a) Section 303(e)(1) Community facilities: Exhibit B4 states in part: “The project will not have an undue adverse impact on the capacity of the existing or planned community facilities. The new facility will connect to the municipal water system via the existing water mains that run along Route 100. The project will not result in a significant increase of traffic. Wastewater will be treated onsite with a proposed septic sanitary treatment.” The project does not require municipal sewer allocation; however the project may require additional water allocation. The municipality has adequate public water supply capacity to serve the project. The project will not burden the school system, and will not increase the demand for fire protection. The DRB finds that the project meets these criteria.

b) Section 303(e)(2) Character of the area: Exhibit B5 states in part: “The building utilizes building materials that fit in the village setting (vertical board and batten siding and a standing seam roof) and landscaping that is consistent with the historic character of the area.”

“The design of the site and architecture addresses the relationship of the building to the street, and adjacent parcels which include residences, small retail and office businesses, a church and a storage unit. The northeast portion of the parcel includes an area of Class II wetland – all development will be located outside of the 50’ wetland buffer zone to preserve the natural resources onsite.”

“...The project aligns with the goals of the Waterbury Municipal Plan in hosting a mix of commercial uses in Waterbury Center by creating community facilities, regional employment, and contributing to the character of the (local) Growth Center.” The DRB finds that the project meets these criteria.

c) Section 303(e)(3) Municipal bylaws in effect: This application does demonstrate compliance with the site plan and conditional use criteria and other requirements in the zoning regulations, as well as other applicable municipal ordinances.

- d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: Other than the construction of the project, this commercial use typically does 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 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 Grace Investment Properties, LLC. to construct a 3,250 sq. ft. office building for the Children's Literacy Foundation headquarters at 3579 Waterbury-Stowe Road, as presented in application #095-21 and supporting materials, meets the Site Plan and Conditional Use criteria as set forth in Sections 301 and 303.

Motion:

On behalf of the Waterbury Development Review Board, Patrick Farrell moved and Harry Shepard seconded the motion to approve application #095-21 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.
- (3) The access driveway to U.S. Route 100 shall be approved by the Vermont Agency of Transportation, which the Applicant shall obtain prior to commencing any construction activities within the public road right-of-way.

VOTE: The motion was approved 7 – 0.



David Frothingham III (Chair)

Approved: December 15, 2021
(date)

Additional 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 permits that 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.*