

WATERBURY PLANNING COMMISSION

Minutes

Thursday, January 13, 2005

APPROVED

PRESENT:

Members: Joel Baker, Bob Butler, Rebecca Ellis, Joe Greene, Bob Murray, Hal Ranney,

Staff: Dawn Lee Minter, Steve Lotspeich, Al Quesnel

Public: Kim Brown, Thomas Bryant, Everett Coffey, Paul Comey, Skip Flanders, Les Goldberg, Peter Hirschfeld, Darrow Mansfield, George Pierce, Lefty Sayah, Art Shinnars, Steve Van Esen

Bob Butler, Chair, called the meeting to order at 7:05 p.m. at the Thatcher Brook Primary School cafeteria.

WATERBURY FESTIVAL PLAYHOUSE

George Pierce and the Planning Commission discussed the possibility of a fully equipped 150-seat theater to be located on Route 100 next to Agway. The discussion focused on the design and location of a temporary fabric building.

ZONING ADMINISTRATOR'S REPORT

Village Permits

038-04-V Railroad Station, sign
039-04-V 29 Stowe Street, Aylward-Frattalone, sign
042-04-V 85 Ashford Lane, Johnson, addition to house
043-04-V Healy Court, Jan Morse, deck
044-04-V Union Street, Dixon, home occupation

Town Permits:

086-04-T 449 Pinnacle Ridge, Peter Fresco, shed
087-04-T 104 Lonesome Trail, extension of building permit
088-04-T Shaw Mansion Road, Pat Irish, garage
089-04-T 74 Twin Peakes Road, Chris Wimble, garage
090-04-T 320 Blush Hill Estates, Scott Cunningham, garage, deck, and porch
092-04-T 579 Spruce Haven, Elaine Holt, rebuild deck
093-04-T Lot 8 Loomis Highlands, Elwood Lebold, house and garage
094-04-T 581 Loomis Highlands, Peter Meyer, porch
095-04-T 60 Wildflower Lane, Chris Haraldsen, shed
096-04-T 2871 Perry Hill Road, Paul Brunelle, sign
097-04-T RT 100 off Cabin Lane, McCain III, duplex
098-04-T 6620 Route 100, Marshall, awning on building
099-04-T Twin Peakes, Dan Murphy, home occupation
100-04-T Owls Head, John Wulff, barn
101-04-T Michigan Avenue, O'Dell, 2 lot land division
102-04-T Ring Road, Tony Touchett, seasonal to year round dwelling

001-05-T Thatcher Pines, Van Esen, 5-lot land-division
002-05-T Thatcher Pines, Van Esen, 4-lot land-division
003-05-T Thatcher Pines, Van Esen, 5-lot land division

Enforcement

After speaking with Mr. Kadric on South Main Street about building an unapproved apartment in their garage the project has stopped.

APP.NO. 40-04-V THOMAS BRYANT, MAXFIELD IRISH

Mr. Butler re-opened the public hearing for the site plan review for a change of use for the existing Ideal Market to a breakfast and lunch café at 47 N. Main Street in the Village of Waterbury. Mr. Butler reminded Kim Brown and Thomas Bryant that they were still under oath in order to provide additional testimony.

The Planning Commission and the applicant went through a checklist from the last hearing. The following changes were reflected on the revised site plan: elimination of the bulkhead, removal of the garage, confirmation of the boundaries, removal of the right-of-way from west side of building, and lighting cut sheets that were distributed.

The discussion primarily focused on the inadequate number of parking spaces. The applicant will meet with the Trustees for approval of on-street parking spaces. Mr. Bryant stated that he will designate a parking space for delivery trucks to back in to so as not to block the access to the Post Office.

The public portion of the site plan review was closed.

FINDINGS OF FACT

EXHIBIT LIST:

- Exhibit A Zoning Permit Application
- Exhibit B Application to the Planning Commission for Site Plan Review
- Exhibit C Application to the Village Board of Adjustment for Conditional Use Review
- Exhibit D Site Plan with Photos and Building Perspective revised 1-13-05
- Exhibit E Existing and Proposed Building Ground Floor Plan revised 1-13-05
- Exhibit F Existing and Proposed Building Elevations revised 1-13-05
- Exhibit G Existing Site Survey dated October, 1980
- Exhibit H Lighting Cut Sheets
- Exhibit I Deck Elevations, Sidewalk Detail, & Lighting Schedule revised 1-13-05
- Exhibit J Notice Sent to Adjacent Landowners

PROJECT SUMMARY:

General Description:

This project is for a 42-seat café/restaurant located in the former Ideal Market at 47 N. Main St. The hours of operation for the café/restaurant will be 6:30 a.m. to 11:30 p.m. seven days per week. The project will be as shown in Exhibits D through I and is further detailed as follows:

Adequacy of Traffic Access:

Access to the site will be via the existing curb cut that also serves the U.S. Post Office. The Post Office is accessed via a 25' wide right-of-way over the Ideal Market property.

Adequacy of circulation and parking:

Circulation is via the two-lane drive along the southeast side of the building that is also used by the U.S. Post Office. Pedestrians will be accommodated by a raised concrete sidewalk that will be a minimum of 2" above the existing asphalt drive and will be located along the southeast side of the building. The existing bulkhead will be eliminated.

The parking requirement for the café/restaurant is as follows: 14 spaces for the 42-seats (one space for every three seats), five spaces for the five employees at the maximum shift, and two spaces for the one apartment on the second floor of the building for 21 total required spaces. 12 spaces are shown on Exhibit D, the Site Plan. Nine additional spaces are needed and will be accommodated by on-street and off-street public parking with approval needed by the Trustees for the Village of Waterbury as specified in the Waterbury Zoning Regulations.

The applicant testified that they are willing to utilize at least five of the required off-site public parking spaces for their employees. The applicant agreed to install informational signage stating that use of the Post Office parking spaces for the café/restaurant is not allowed.

Adequacy of landscaping, screening, and lighting:

The existing site does not have any existing landscaping and screening. A landscaped bed will be located along the southeast side of the building. There will be a deck added to the front of the building that will have pots of flowers on it on a seasonal basis. This deck will be located partially on the 4-rod right-of-way for N. Main St. therefore an approved agreement with the Town Select Board and/or the Village Trustees will be required prior to construction of the deck.

The applicant has requested that they be allowed to install a combination of a four-foot tall cedar hedge and four-foot tall wooden privacy fence to replace the four-foot tall chain link fence located between the 9-space parking area for the café/restaurant and the right-of-way fence for Route 100. The privacy fence, and cedar hedge will need to be approved by the Town Selectboard because they are located partially or entirely on town property. The path between the two existing chain link fences must be maintained for passage and safety of people going between the vicinity of the Route 100/N. Main St. intersection and the municipal pool and other recreation facilities near Anderson field.

Exterior lighting will be as listed in the Exterior Lighting Schedule on Exhibit I, Deck Elevations, Sidewalk Detail, and Lighting Schedule, Exhibit H, the Lighting Cut Sheets, and in the locations shown in the other Exhibits.

Conclusion:

The Planning commission finds that all applicable Site Plan Review Criteria including the Special Considerations for projects bordering on Route 2, Route 100, and Interstate 89, are met.

MOTION:

Hal Ranney moved and Bob Murray seconded to approve Application No. 40-04-V, site plan for a change of use for the existing Ideal Market to a breakfast and lunch café at 47 N. Main Street in the Village of Waterbury, with the following conditions:

- 1. The applicant shall obtain permission for allotment of nine off-site public parking spaces from the Village Trustees so as to fulfill the parking requirements of Section 414 of the Waterbury By-Laws.*

2. *The applicant shall obtain permission from the Waterbury Selectboard for use of the onsite parking spaces that are partially on Town property.*
3. *This permit is granted on the condition that the applicant complete the project consistent with the Commission's findings and conclusions and the approved plans and exhibits.*
4. *Any lights on the interior of the building that are designed or directed so as to increase the amount of light outside of the building require a revision of the site plan.*
5. *Delivery trucks shall not block ingress or egress to the U.S. Post Office during regular business hours.*

VOTE: The Planning Commission voted: For: Joel Baker, Bob Butler, Hal Ranney, Bob Murray. Against: Joe Greene. The motion passed.

PROPOSED INTERIM ZONING REGULATIONS

The Village Trustees, the Planning Commission, and members of the public discussed the proposed interim zoning regulations for the Mixed Use District.

On behalf of Green Mountain Coffee Roasters (GMCR), Paul Comey stated that the company is concerned with mixing residential and industrial uses. GMCR welcome other commercial businesses but find the presence of families and children in the industrial park to be a major safety concern. The Trustees considered GMCR's concerns and the majority of the board agreed with GMCR.

The Planning Commission requested that the Village Trustees and GMCR participate in strategy meetings with representatives from the Vermont Smart Growth Collaborative and the Planning Commission to develop draft long-term zoning regulations for the proposed Mixed Use District.

MINUTES

The Planning Commission members reviewed the minutes of November 18, 2004.

MOTION: Bob Murray moved and Hal Ranney seconded the motion:

The Planning Commission approved the minutes of November 18, 2004, as amended.

VOTE: Members of the Planning Commission voted unanimously to carry the motion with no abstentions.

The Planning Commission members reviewed the minutes of December 9, 2004.

MOTION: Joe Greene moved and Hal Ranney seconded the motion:

The Planning Commission approved the minutes of December 9, 2004, as amended.

VOTE: Members of the Planning Commission voted unanimously to carry the motion with no abstentions.

The Planning Commission members reviewed the minutes of December 16, 2004.

MOTION: Hal Ranney moved and Joel Baker seconded the motion:

The Planning Commission approved the minutes of December 16, 2004, as amended.

VOTE: Members of the Planning Commission voted unanimously to carry the motion with no abstentions.

RIDGELINE/HILLSIDE/STEEP SLOPES PROJECT

The Planning Commission discussed next steps for developing draft regulations, non-regulatory development guidelines, and other possible products from the analysis of the ridgeline/hillside/steep slopes areas.

In order to help provide further guidance to LandWorks, the Planning Commission developed a list of objectives. Steve Lotspeich will prepare and distribute an outline of the draft regulations and guidelines for discussion at the next Planning Commission meeting.

PLANNER'S REPORT

STATE PERMITTING ACTIVITY

5W0022-4, Jeff Hachmann and Julie Kumin-Hachmann, Act 250 Land Use Permit issued for a 1,760 sq. ft. addition to the existing Mesa retail store behind the "Cabot Annex" on Route 100 in Waterbury Center.

5L1237-5A, Jan Nyquist, Act 250 Land Use Permit amendment issued to extend the construction date for the development of three residential lots off Stowe Hollow Rd.

5W0680-3, former Vt. Clay Studio, Act 250 Land Use Permit Construction Extension Application submitted for the former Vt. Clay Studio site on Route 100.

WW-5-3043, C. Paul Reed, Wastewater System and Potable Water Supply Permit issued for creating one residential 10.1+/- acre lot and a remaining 166+/- acre parcel off Ring Rd.

WW-5-2972-1, Arnot Development Group, Inc., Wastewater System and Potable Water Supply Permit issued for adjusting the lot sizes and the wastewater and water supply components for the previously approved 4-lot subdivision at the corner of Guild Hill Rd. and Route 100.

WW-5-2556-1, Top Notch Properties LLC, Wastewater System and Potable Water Supply Permit issued for a 40-seat restaurant in the Coffin's TV Building on Route 100 in Colbyville.

VELCO

Joe Greene reported on the pre-hearing conference that took place for the VELCO Lamoille Co. Reliability Project that involves upgrading the existing Green Mountain Power transmission lines that go from Duxbury, along Blush Hill and Gregg Hill, to Stowe.

MISCELLANEOUS

The Planning Commission will ask the Zoning Administrator to inquire about the stabilization of the Gateway structure. It was required to be completed by January 1, 2005.

ADJOURNMENT

The meeting adjourned at 10:00 p.m.

Respectfully submitted,

Dawn Lee Minter, Secretary