

Town of Waterbury
Development Review Board
Approved Minutes and Decision
Date: June 16, 2011

Board Members Present: *Jeff Larkin, Acting Chair; Martha Staskus; Rick Boyle; Jeff Whalen; David Rogers, Dave Frothingham*

Staff Present: *Steve Lotspeich, Alena Schnarr, Alec Tuscany, Patti Spence*

First Order of Business: Application for Site Plan Review, Findings and Decision

At 6:35 p.m. the chair opened the hearing for application 16-11-V.

Permit # 16-11-V

Applicant: Town of Waterbury

Landowner: Town of Waterbury

Location of Project: 43 S. Main St., Waterbury

The following interested parties were present and sworn in: *Roger Clapp, Rebecca Ellis, Sally Dillon, Ed Steele, Gary Dillon, Howard Rexford, Paul Sipple*

TESTIMONY:

The fire station is constructed and the municipality has been requested to change some lighting at the back entrance and to add lighting to the bell tower.

Alex Tuscany, Public Works Director, gave the following testimony:

1. The parking has been established so that the primary entrance is on the back of the building.
2. The current outdoor lighting does not provide enough light to light the parking lot or the key access pad.
3. The proposed solution is a photo cell light.
4. The Town would like to add two low powered solar lights in the bell tower.

Tesimony from neighbors:

1. Neighbors expressed concern with the projection of the lighting into their yards.
2. It was asked if other solutions had been considered.

The testimony was closed at 7:05 p.m.

EXHIBIT LIST:

- Exhibit A Zoning Permit Application dated 5-18-11
- Exhibit B Letter to Alena Schnarr from Alec Tuscany dated 4-15-11
- Exhibit C Cut sheet for Solar Light for Lighting Bell
- Exhibit D Photos of Bell and Bell Tower
- Exhibit E Cut Sheet for Existing RUUD Surface Mount Fixture
- Exhibit F Notice Sent to Adjacent Landowners dated 6-2-11

FINDINGS OF FACT:

Description of Project:

This project is Site Plan Review for changes to lighting for the Main St. Fire Station located at 43 S. Main St. including possible modifications to the lights near the rear entrance and the addition of solar powered lights to illuminate the existing fire bell in the tower on the station.

Based on the application, testimony, exhibits, and other evidence the Town of Waterbury Development Review Board makes the following findings:

1. The applicant seeks approval to modify the approved lighting for the Main St. Fire Station located at 43 S. Main St. on a 0.5+/- acre parcel in the Village of Waterbury, Tax Map # 19-354.000.
2. The property is located in the Downtown Commercial Zoning District as described on the Village of Waterbury Zoning Map
3. The Development Review Board finds that the application addresses the Site Plan Review Criteria in Section 301 of the Waterbury Zoning Regulations as follows:

(3) Adequacy of landscaping and screening. Considerations shall include:

(D)Reduction of lighting and glare to the necessary minimum, including provision of appropriate landscaping to reduce the impact of lighting and glare on adjacent properties.

CONCLUSION

The Development Review Board concludes that all applicable site plan review criteria are met.

DECISION AND CONDITIONS

MOTION:

Dave Frothingham moved and Dave Rogers seconded the motion for approval of application 16-11-V for the change of a 38-watt light at the rear entrance to a photo cell control so the light will remain on all night and the approval of the two solar lights for the bell tower per Exhibit C, with the following conditions:

1. 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.

- 2. The entry light for the back door of the building will be shielded on the rear side (parking lot side) of the fixture.
- 3. The Town will work to shield the light from glare to adjacent residential properties.

Rick Boyle moved and Jeff Whalen seconded the motion to table the motion for approval of application 16-11-V until this evening at dark when the board will take a site walk.

The motion passed with 4 in favor and 1 opposed.

After the site walk the original motion was voted on.

VOTE:

The original motion passed unanimously.

Respectfully submitted,

Patti Spence, Secretary Date: 7-7-11
[Signature], Chair Date: 7.7.11

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Zoning Board of Adjustment. 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.

THESE MINUTES WERE APPROVED ON 7-7-11

Town of Waterbury
Development Review Board
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Date: June 16, 2011

Board Members Present: *Jeff Larkin, Acting Chair; Martha Staskus, Rick Boyle, Jeff Whalen, David Rogers, Dave Frothingham*

Staff Present: Steve Lotspeich, Alena Schnarr, Alec Tuscany, Patti Spence

Second Order of Business: Application for Site Plan Review, Findings and Decision

The chair opened the hearing at 07:15 p.m.

Permit # 17-11-T

Applicant: Town of Waterbury

Landowner: Town of Waterbury

Location of Project: 158 Maple St., Waterbury

The following interested parties were present and sworn in:

Valerie Smith, Gary Dillon, Sally Dillon, Rebecca Ellis, Tom Murphy, Belle McDougall

TESTIMONY:

1. The exterior lighting for the Maple St. fire station was previously approved so that all the lights would be off unless the fire station was in use.
2. The reality is that having no light in the parking area at night is detrimental to the safety of the firefighters when they arrive at the station at night and the key pad to open the rear door is not visible until a light is turned on.
3. After review, the Select Board felt that it would be good to have the light at the rear entrance to the building on all night.
4. The proposed informational signage that is part of this application includes signs on Maple Street and Loomis Hill Road to assist the community in parking for events at Hope Davey field and to direct them away from using the Fire Station parking lot.

The public testimony portion of the review was closed by Jeff Larkin, Chair.

EXHIBIT LIST:

Exhibit A Zoning Permit Application dated 5-18-11

Exhibit B Letter to Alena Schnarr from Alec Tuscany dated 4-15-11

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Exhibit C	Location Plan showing Informational sign locations
Exhibit D	Detailed Site Plan showing Informational sign locations
Exhibit E	Mock-ups for Informational Signs
Exhibit F	Cut Sheet for Existing RUUD Surface Mount Fixture
Exhibit G	Notice Sent to Adjacent Landowners dated 6-2-11

FINDINGS OF FACT:

Description of Project:

This project is Site Plan Review for changes to lighting and signage for the Maple St. Fire Station located at 158 Maple St., including the installation of a photocell on the one exterior light at the rear entrance and the addition of informational signage for the parking lots for the station and Hope Davey Park.

Based on the application, testimony, exhibits, and other evidence the Town of Waterbury Development Review Board makes the following findings:

1. The property is located in the Town Mixed Residential Zoning District as described on the Town of Waterbury Zoning Map.
2. The applicant seeks approval to modify the timing for the approved light fixture located at the rear of the Maple St. Fire Station located at 158 Maple St., on a 0.5+/- acre parcel and a portion of a 28.2 acre parcel in the Town of Waterbury, Tax Maps #09-192.000 and #09-198.000 respectively. The applicant will install a photocell on the approved RUUD SSO-10 Surface Square fixture at the rear entrance to the building that will allow the light to stay on all night long and facilitate emergency access to the rear door in the event of a fire call.
3. The applicant also seeks approval for ten informational signs for the purpose of controlling the use of the parking at the rear of the fire station for firefighters only, and for directing park visitors to the appropriate parking areas for park use. The informational signs will have the content and sizes shown on Exhibit E, Mock-ups for Informational Signs. The locations of the signs will be as shown on Exhibit C, Location Plan showing Informational sign locations, and Exhibit D, Detailed Site Plan showing Informational sign locations.
4. The Development Review Board finds that the application addresses the Site Plan Review Criteria in Section 301 of the Waterbury Zoning Regulations as follows:
 - (2) Adequacy of circulation and parking. Considerations shall include:
 - (A) Assurance that the criteria of Section 414 of this bylaw are met.
 - (F) The adequacy of parking, loading, refuse, and service areas.
 - (3) Adequacy of landscaping and screening. Considerations shall include:
 - (D) Reduction of lighting and glare to the necessary minimum, including provision of appropriate landscaping to reduce the impact of lighting and glare on adjacent properties.

CONCLUSION

The Development Review Board concludes that all applicable site plan review criteria are met.

DECISION AND CONDITIONS

MOTION:

Rick Boyle moved and Jeff Whalen seconded the motion to approve application 17-11-T for a change to lighting and signage for the Maple St. Fire Station located at 158 Maple St., including the installation of a photocell on the one exterior light at the rear entrance, with the following conditions:

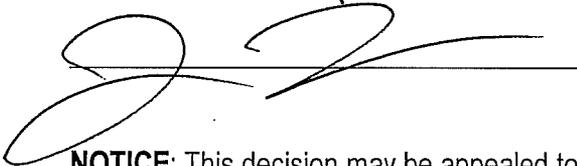
- 1. *This permit is granted on the condition that the applicant complete the project consistent with the Commission's findings and conclusions and the approved plans and exhibits.*

VOTE:

The motion passed unanimously.

Respectfully submitted,

, Secretary Date: 7-7-11

, Chair Date: 7.7.11

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Board Members Present: *Jeff Larkin, Acting Chair; Martha Staskus; Rick Boyle; Jeff Whalen; David Rogers, Dave Frothingham*

Staff Present: Steve Lotspeich, Alena Schnarr, Patti Spence

Third Order of Business: Application for Site Plan Review, Findings and Decision

At 8:30 p.m. the chair opening the hearing for permit #22-11-T.

Permit # 22-11-T
Applicant: Town of Waterbury
Landowner: Town of Waterbury
Location of Project: 116 Maple St., Waterbury

The following interested parties were present and sworn in:
Mike Moore, Mike Keiser, Izzy Keiser, Valerie Smith, Alex Tuscany, Rebecca Ellis, Tom Murphy, Carmel Kelley

TESTIMONY:

Rebecca Ellis, Chair of the Waterbury Select Board gave the following testimony:

1. The Select Board did a site walk to look at the parking lot on Loomis Hill, after taking numerous complaints from residents about park users parking along Loomis Hill Rd. and Maple St.
2. The Select Board decided to make the current grass overflow parking area accessed off Loomis Hill Rd. into a gravel lot to alleviate this parking and safety issue.
3. The Select Board also decided to add a timber guard rail between the two sections of the lot to encourage people to park correctly and use the parking lot efficiently.

Neighbors offered the following testimony

1. 21 spaces additional spaces still won't be enough for the demand
2. There is concern that the park is over-used with events happening simultaneously and the scheduling should be such that the use is more spread out.

3. There is concern with drainage on the north and south side of Loomis Hill Road in the vicinity of the parking area that might affect properties adjacent to the park.
4. One area resident proposes to keep the overflow parking with a grass surface, not gravel. The reason being that the overflow parking area it is still only used about "5%" of the time, even though it is heavily used at those times. Keeping a green area is more important to this resident and they feel that the proposed signage will be adequate to get users to park there.
5. Gravel is being proposed mainly to make a durable surface to drive on and to provide adequate parking for the existing uses in the park. Grass also requires more maintenance, especially if it gets rutted when the ground is wet.
6. The idea to add the skate park has been on-going and is timely now that the need to replace recreation back in the park, after the completion of the Maple St. fire station.
7. Proposed hours for the skatepark are 8am - 8pm
8. A trash barrel will likely be needed and would be provided by the Town.
9. A neighbor had done some research on wording for the skatepark signage and provided some suggestions.
10. It was suggested that a disclaimer could be added to signage limiting the Town's liability in the event of an injury.
11. The town has agreed to take out the skateboard park if it is not maintained.
12. The vertical surfaces of the skateboard ramps will be painted a solid color and may become a mural at a later date.
13. The Town has agreed to make the top coat of the expanded parking lot "staymat" crushed stone.

The public testimony portion of the review was closed by Jeff Larkin, Chair, at 8:51 p.m.

EXHIBIT LIST:

- | | |
|-----------|--|
| Exhibit A | Zoning Permit Application dated 5-22-11 |
| Exhibit B | Site Plan for New Fire Station showing Multi-purpose Court dated 6-09-10 |
| Exhibit C | Skatepark Plans and Perspective Views |
| Exhibit D | Detailed Site Plan showing Informational Sign locations |
| Exhibit E | Mock-up for Informational Sign |
| Exhibit F | Detailed Site Plan for Parking Lot Expansion dated 6-14-11 |
| Exhibit G | Notice Sent to Adjacent Landowners dated 6-2-11 |

FINDINGS OF FACT:

Description of Project:

This project is Site Plan Review for the addition of skatepark structures and signage for the existing multi-purpose court, and expansion of the gravel parking lot off Loomis Hill Rd. at Hope Davey Park located at 116 Maple St. in Waterbury Center.

Based on the application, testimony, exhibits, and other evidence the Town of Waterbury Development Review Board makes the following findings:

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1. The property is located in the Town Mixed Residential Zoning District as described on the Town of Waterbury Zoning Map.
2. The applicant seeks approval to add skatepark structures to half of the 50' x 80' multi-purpose court that is adjacent to the existing playground at Hope Davey Park located at 116 Maple St. the site is a portion of a 28.2 acre parcel in the Town of Waterbury, Tax Map #09-198.000. The skatepark ramps and related structures will be constructed as shown on Exhibit C, Skatepark Plans and Perspective Views. The railings on top of the ramps will be a minimum of 42" height and will meet or exceed the BOCA safety code. The vertical surfaces of the skateboard ramps will be painted a solid color.
3. The applicant also seeks approval to install two informational signs at the skatepark that will include rules for the use of the skatepark. Each sign will be 20" wide by 36" tall with a maximum overall height of 6' as shown on Exhibit E, Mock-up for Informational Signs. The signs will be in the locations shown on Exhibit D, Detailed Site Plan showing Informational Sign Locations.
4. The applicant also seeks approval to expand the existing gravel surface parking lot of Hope Davey Park that is located off Loomis Hill Rd. The existing grass overflow parking area will be changed into a gravel surface lot as shown on Exhibit F, Detailed Site Plan for Parking Lot Expansion dated 6-14-11. This new section of the parking lot will have space for 21 vehicles and the existing parking lot will retain 21 spaces for a total of 42 spaces. There will be a timber guard rail located in the center of the expanded parking lot that will be constructed out of sections of recycled utility poles. The guard rail will be approximately 3' tall. There will be a 25' x 25' gravel pad located on the southeast side of the parking area as shown on Exhibit F, that will be used to stockpile in-field mix for use on the Little League fields in the park.
5. The Development Review Board finds that the application addresses the Site Plan Review Criteria in Section 301 of the Waterbury Zoning Regulations as follows:
 - (1) Adequacy of traffic access. Considerations shall include:
 - (A) Traffic flows at the intersection of driveways or access roads with public roads and at other affected streets and intersections.
 - (B) Location of driveway entrances and exits so as to have sufficient sight distances.
 - (D) Pedestrian safety and convenience.
 - (2) Adequacy of circulation and parking. Considerations shall include:
 - (A) Assurance that the criteria of Section 414 of this bylaw are met.
 - (B) The need for additional off-street spaces beyond the number required in Section 414.
 - (C) The adequacy of surfacing and provisions for the runoff and discharge of stormwater.

(D) The provision of appropriate buffer space and landscaping to insulate parking areas from adjoining properties and public streets.

(E) Placement of trees and shrubs around the periphery of parking lots and in the interior so as to break up large parking areas. Large parking lots of 20 or more spaces shall include at least 1 tree for every 8 spaces.

(F) The adequacy of parking, loading, refuse, and service areas.

(G) Provisions for clearing snow for maintaining parking areas.

(3) Adequacy of landscaping and screening. Considerations shall include:

(A) Adequacy of landscaping, screening, and setbacks with regard to achieving maximum compatibility with and protection for adjacent properties and public roads.

(B) Preservation of attractive or functional existing vegetation.

(C) The adequacy of landscaping materials to meet seasonal, soil, and topographical conditions.

(D) Reduction of lighting and glare to the necessary minimum, including provision of appropriate landscaping to reduce the impact of lighting and glare on adjacent properties.

(E) Screening of unloading zones, trash bins, storage, and other service areas.

(F) The need for landscaping buffers, fences, or berms to reduce noise.

CONCLUSION

The Development Review Board concludes that all applicable site plan review criteria are met.

DECISION AND CONDITIONS

MOTION:

Jeff Whalen moved and Martha Staskus seconded the motion to approve Application No. 16-11-T, Town of Waterbury, Site Plan Review for expansion of the gravel parking lot off Loomis Hill Rd. and the addition of skatepark structures and signage for the existing multi-purpose court at Hope Davey Park located at 116 Maple St. in Waterbury Center, with the following conditions:

- 1. 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.*
- 2. Additional screening will be added with shrubs on the Loomis Hill side of the new parking area.*
- 3. The Town will topcoat the entire parking lot with staymat.*

VOTE:

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The motion was approved unanimously.

Respectfully submitted,

Patti Spivea, Secretary Date: 7-7-11
[Signature], Chair Date: 7-7-11

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THESE MINUTES WERE APPROVED ON 7-7-11

Town of Waterbury
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David Rogers, Dave Frothingham

Staff Present: Steve Lotspeich, Alena Schnarr, Patti Spence

Fourth Order of Business: Application for Site Plan Review, Extension of the non-conforming use,
and Variances - Findings and Decision

Permit #: App. No. 15-11-T
Applicant: Scott Carpenter
Landowner: Scott Carpenter
Location of Project: 75 McNeil Rd., Waterbury Center

The continuation of 15-11-T was opened at 8:50 p.m.

The following interested party was present and sworn in:
Scott Carpenter, Jamie Carpenter

EXHIBIT LIST:

Exhibit A Zoning Permit Application dated 5-6-11
Exhibit B Parking and Site Plan dated 6-2-11
Exhibit C Garage Building Isometric View, Floor Plan, and Elevations dated 6-1-11
Exhibit D Notices Sent to Adjacent Landowners dated 5-25-11
Exhibit E Photographs provided
Exhibit F Revised parking and site plan showing undeveloped land, dated 6-16-11

TESTIMONY:

The 13' x 50' addition will be on the rear of the existing auto/vehicle repair/service garage structure adding a net of 450 sq. ft. to the garage. The existing 484 sq. ft. garage near the residence will be removed and will not be replaced with another structure. The existing 484 sq. ft. garage to be demolished is used as part of the vehicle repair/service business. There will be a net reduction of 34 sq. ft. of commercial building footprint.

The addition to the garage will be used for additional equipment and tools for the existing bays. It will also provide space for an office for the service writer. A fourth service bay will be added on the north side of the addition. This will allow for the addition of one employee in the service garage for a total of five employees working in that building.

The garage does not have a floor drain in it.

The site currently does not have a state Act 250 land use permit.

All the buildings will have a stone pattern at the base of the walls and cedar siding on the upper part of the walls as shown on Exhibit C, Garage Building Isometric View, Floor Plan, and Elevations.

There are no streams located on or in close proximity to the property.

Mansfield Motorcars has had a state license for sales of vehicles since 1988. The business has also had a license to inspect vehicles during this time.

The open space is clustered on the north side of the site, adjacent to open area on the surrounding property.

A board member was concerned with the use of some green space to the rear of the garage that appears to be used for parts. Scott Carpenter responded that there is a bin in this location for used parts that are periodically recycled.

The applicant agreed that there will be no additional exterior lights and the four proposed pole lights shown on Exhibits B and F were removed.

The public testimony portion of the review was closed by Jeff Larkin, the Chair.

FINDINGS OF FACT:

Description of Project:

This project is located at 75 McNeil Rd. off Route 100 in Waterbury Center. The site currently has the pre-existing non-conforming uses of auto/vehicle repair/service and auto/vehicle sales. This project includes a 450 sq. ft. addition and renovation to the existing garage building at the rear of the site and demolition of the existing 484 sq. ft. garage on the north side of the site. The use of the reconstructed garage will continue as auto/vehicle repair/service. The existing Mansfield Motor Cars building in the south-west part of the site will remain and will continue to be used for auto/vehicle sales. The existing single-family dwelling in the north-west part of the site will continue to be used as a dwelling.

Based on the application, testimony, exhibits, and other evidence the Town of Waterbury Development Review Board makes the following findings:

1. The applicant seeks approval for site plan review to construct a 450 sq. ft. addition to the existing auto/vehicle repair/service garage located at 75 McNeil Rd. off Waterbury-Stowe Rd. (Route 100) in Waterbury Center on an approximately 1.27-acre acre parcel in the Town of Waterbury, Tax Map # 13-142.000.
2. The property is located in the Route 100 Zoning District as described on the Town of Waterbury Zoning Map

3. This project includes a 450 sq. ft. addition and renovation to the existing garage building at the rear of the site and demolition of the existing 484 sq. ft. garage on the north side of the site. The use of the reconstructed garage will continue as auto/vehicle repair/service. The existing Mansfield Motor Cars building in the south-west part of the site will remain and will continue to be used for auto/vehicle sales. The existing single-family dwelling in the north-west part of the site will continue to be used as a dwelling.

4. Exhibit B, Parking and Site Plan shows at least 27,489 sq. ft. of dedicated undeveloped land. This area is at least 50% of the entire 1.27-acre site. The undeveloped land does not contain any buildings, parking areas, driveways, or other developed areas. The applicant is going to reduce the existing grass and gravel parking lot by 18 x 27 as per Exhibit F, to achieve the minimum 50% undeveloped land requirement.

SITE PLAN REVIEW:

1. There will be no additional exterior lights to those previously approved.
2. The Development Review Board finds that the application addresses the Site Plan Review Criteria in Section 301 of the Waterbury Zoning Regulations as follows:

(1) Adequacy of traffic access. Considerations shall include:

(A) Traffic flows at the intersection of driveways or access roads with public roads and at other affected streets and intersections.

(B) Location of driveway entrances and exits so as to have sufficient sight distances.

(2) Adequacy of circulation and parking. Considerations shall include:

(A) Assurance that the criteria of Section 414 of this bylaw are met.

(B) The need for additional off-street spaces beyond the number required in Section 414.

(C) The adequacy of surfacing and provisions for the runoff and discharge of stormwater.

(D) The provision of appropriate buffer space and landscaping to insulate parking areas from adjoining properties and public streets.

(E) Placement of trees and shrubs around the periphery of parking lots and in the interior so as to break up large parking areas. Large parking lots of 20 or more spaces shall include at least 1 tree for every 8 spaces.

(F) The adequacy of parking, loading, refuse, and service areas.

(G) Provisions for clearing snow for maintaining parking areas.

(3) Adequacy of landscaping and screening. Considerations shall include:

(A) Adequacy of landscaping, screening, and setbacks with regard to achieving maximum compatibility with and protection for adjacent properties and public roads.

(B) Preservation of attractive or functional existing vegetation.

(C) The adequacy of landscaping materials to meet seasonal, soil, and topographical conditions.

(D) There will be no additional lighting. (as marked on Exhibit F)

(E) Screening of unloading zones, trash bins, storage, and other service areas. Applicant has agreed to move the dumpster from its existing location 5 feet east towards shop along hedge.

(F) The need for landscaping buffers, fences, or berms to reduce noise.

(G) Any land development in the Route 100 District, including division of land into two or more parcels, shall be reviewed by the Development Review Board under the standards set forth for planned unit developments in Section 705(c)-(l), and Subsections 705(m)(1)-(3) of this bylaw, in addition to the standards set forth in Section 301. These criteria are to be used in site plan review only and do not require that a planned unit development application be submitted.

(H) For any land development in the Route 100 District, the Development Review Board may require suitable protection, such as deed restriction, for proposed undeveloped land designated under the criteria in Subsections 705(m)(1)-(3).

CONCLUSION REGARDING SITE PLAN REVIEW CRITERIA:

Regarding the Site Plan Review Criteria the Development Review Board concludes that all applicable site plan review criteria are met including the special criteria that apply to the Route 100 Zoning District.

EXTENSION OF NON-CONFORMING USE / CONDITIONAL USE REVIEW:

Based on the application, testimony, exhibits, and other evidence the Zoning Board of Adjustment makes the following findings:

1. The applicant seeks approval to extend the existing non-conforming auto/vehicle repair/service use under the conditional use criteria as allowed in Section 304(a)(2) of the Waterbury Zoning Regulations. This auto/vehicle repair/service use on the Carpenter property is a non-conforming use that pre-dates the establishment of the Zoning Regulations in the Town of Waterbury in March, 1980. This use was extended in the past when the subject auto/vehicle repair/service garage was constructed under Permits #071-98-T and #50-00T. The pre-existing non-conforming auto/vehicle sales use of the property in the Mansfield Motorcars building to the front of the site will remain unchanged.
2. The auto/vehicle repair/service use currently takes place in the 484 sq. ft. garage on the north side of the site. That building will be removed and that use will shift to the new 450 sq. ft. addition to the main garage for a reduction in the footprint dedicated to this use of 34 sq. ft.

Section 303(e) states:

Prior to granting any approval for conditional use, the Board must find that the proposed use conforms to the following general and specific standards:

1. The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities to accommodate it.

The proposed use:

- (A) Will not cause the level of service on roads and highways to fall below a reasonable standard.
- (B) Will not cause an unmanageable burden on municipal water or sewer systems.

- (C) Will not lead to such additional school enrollments that existing and planned school system capacity is exceeded and
- (D) Will not cause an unmanageable burden on fire protection services.

2. The proposed use will not have an undue adverse impact on the character of the area affected as defined by the Municipal Plan and the zoning district in which the proposed project is located.

(A) The proposed use will not result in undue water pollution, undue adverse impacts to downstream properties, and will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result; in making this determination, the Board shall at least consider the elevation, the slope of the land, and the nature of soils and subsoils and their ability to adequately support waste disposal;

(B) The proposed use will not result in undue noise, light, or air pollution, including offensive odors, dust, smoke, or noxious gasses.

(C) The proposed use will not have an undue adverse effect on the scenic or natural beauty of the area, historic sites, or rare and irreplaceable natural areas.

(D) The proposed use will not be otherwise inconsistent with existing uses in the immediate area; in determining the appropriateness of the use or structure in an area, the Board shall consider the scale and design of the proposed use or structure in relation to the scale and design of existing uses and structures in the same district.

(E) The proposed use will not cause danger of fire, explosion, or electrical hazard, or in any other way jeopardize the health and safety of the area.

(3) The proposed use will not violate any municipal bylaws and ordinances in effect.

(4) The proposed use will not comply with the specific lot area, setbacks, and lot coverage requirements set forth in this bylaw.

CONCLUSION REGARDING CONDITIONAL USE CRITERIA:

The Development Review Board concludes that all the conditional use criteria are met.

VARIANCE REVIEW:

Based on the application, testimony, exhibits, and other evidence the Town of Waterbury Zoning Board of Adjustment makes the following findings:

1. The applicant seeks a variance to construct a 450 sq. ft. addition onto the existing auto/vehicle repair/service garage.
2. The property is located in the Route 100 Zoning District as described on the Town of Waterbury Zoning Map.

3. The following variance is sought by the applicant: The addition will be have a setback of 13' 6" from the side property line to match the existing garage building requiring a variance of 36' 6" from the required minimum side setback of 50'. The addition will have a setback of approximately 19' from the rear property line requiring a variance of 31' from the required minimum rear setback of 50'. These variances require review under Section 308 of the Waterbury Zoning Regulations:
4. The following unique physical circumstances or conditions peculiar to the subject property are found:
The lot is a pre-existing small lot that is 1.27 acres in size. The existing garage building does not meet the required side and rear setbacks.
5. Because of these unique circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaw and authorization of a variance is necessary to enable the reasonable development of the property. The applicant cannot put the structure on the north side of the parcel. The addition is placed such that it allows for the reduction of a non-conforming square footage on the property while still being functional for the applicant.
6. An unnecessary hardship has not been created by the applicant.
7. The variance will not alter the essential character of the neighborhood, or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
8. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

CONCLUSION REGARDING THE REQUEST FOR A VARIANCE

The Development Review Board concludes that all the variance criteria are met.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the applicant approval for the site plan review, approval for the extension of the non-conforming auto/vehicle repair/service use under the conditional use criteria, and approval for the variances.

As conditioned, the proposed development meets the requirements of Sections 301, 303, 304, 308, and all other applicable Sections of the Waterbury Zoning Regulations.

MOTION:

Dave Frothingham moved and Jeff Whalen seconded the motion to approve application 15-11-T for the extension of the non-conforming auto/vehicle service/repair use, and review for a variance for an addition to the existing auto/vehicle service/repair shop located at 75 McNeil Rd. in Waterbury Center. The variances include a 36'6" variance from the required minimum side yard setback of

50', and a 31' variance from the required minimum rear setback of 50'. The site plan review includes demolition of the existing 484 sq. ft. garage. This approval is subject to the following conditions:

1. The site plan review approval includes the changes to Exhibit F, the Site Plan, to meet the required 50% minimum of undeveloped land.
2. 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.

VOTE:

The motion was approved unanimously.

Respectfully submitted,

Patti Spence, Secretary Date: 7-7-11
[Signature], Chair Date: 7-7-11

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Zoning Board of Adjustment. 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.

THESE MINUTES WERE APPROVED ON 7-7-11