

**Waterbury Development Review Board
Approved Minutes
February 2, 2012**

Board Members Present: Jeff Larkin, Chair; Joel Baker, Vice-Chair; David Frothingham; Dave Rogers; Rick Boyle, Jeff Whalen
Staff Present: Steve Lotspeich; Clare Rock; Patti Spence

MINUTES:

The minutes of January 19th were reviewed.

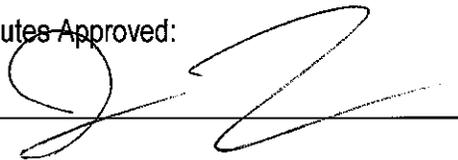
David Frothingham moved and Joel Baker seconded the motion to approve the minutes of January 19, 2012, excluding the decision for the Farr application, as amended.

Vote: Approved unanimously.

APPLICATION 31-11-V, Thatcher Hill LLC, was reopened at 6:45 p.m. and is documented in a separate set of minutes and decision.

The meeting was adjourned at 7:50 p.m.

Minutes Approved:

 _____, Chair Date: 2-22-12

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.

THESE MINUTES WERE APPROVED ON FEBRUARY 16, 2012.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
SPECIAL MEETING
APPROVED FINDINGS & DECISION
Thursday, February 2, 2012**

Board Members Present: Jeff Larkin, Chair; Joel Baker, Vice Chair; David Rogers, David Frothingham, Rick Boyle, Jeff Whalen

Staff Present: Patti Spence, Steve Lotspeich, Clare Rock

Public present:

Greg Rabideau, Architect

Deborah Sherman, Applicant company

Joe Larkin, Applicant company

Lisa Fischer, Applicant company

Ron Clausen, Best Western

First Order of Business: Thatcher Hill, LLC, Site Plan and Conditional Use Review

Permit #: 31-11-V

Applicant: Thatcher Hill LLC

Landowner: SAME

Location of Project: 1017 -- 1019 Waterbury-Stowe Rd.

The following interested parties were present and sworn in: *All public present had been sworn in at previous hearings for this application.*

EXHIBIT LIST:

- Exhibit A Zoning Permit Application
- Exhibit B Site Plan, Existing Conditions, and Site Details dated 2-2-12
- Exhibit C Building Floor Plans dated 9-16-11
- Exhibit D Rendering of Existing and Proposed Buildings
- Exhibit E Building Elevations dated 1-19-12
- Exhibit F Landscaping Plan date 2-2-12
- Exhibit G Narrative by Greg Rabideau address Conditional Use Criteria dated 11-3-11
- Exhibit H E-mail from William Nedde addressing the Water System dated 10-31-11
- Exhibit I Traffic Impact Assessment by Lamoureaux & Dickinson dated 11-3-11
- Exhibit J Letter from Gary Dillon, Chief, Waterbury Fire Dept.
- Exhibit K Lighting Photometric Plan dated 2-2-12
- Exhibit L Lighting Cut Sheets with cover letter from William Nedde dated 12-15-11
- Exhibit M Parking Worksheet dated 1-16-12
- Exhibit N Notice sent to Adjacent Property Owners dated 10-20-11

- Exhibit O Letter from the Municipal Manager regarding water and sewer allocation, dated 01-12-12
- Exhibit P Draft Letter of Intent with Joseph Architects dated 2-2-12
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TESTIMONY: Additional testimony presented at this hearing:

1. The new parking plan adds 14 spaces with appropriate pedestrian connections that is partially on the adjacent property owned by Joseph & Pamela Greene. The result is 6 parking spaces for the employees of the proposed inn on the portion of the property that is owned by the applicant.
2. Easements would be granted by Joseph Architects and an easement to Joseph Architects to use these parking spaces Monday - Friday during their daytime business hours.
3. Some flowering plants around the pool area have been added. Screening would be provided by beach roses.
4. The retaining wall would be made from Panton Stone.
5. A PVC privacy fence with a double gate of similar material would be used to secure the pool area.
6. Non-security lighting would be turned off daily at 11:00 p.m.

FINDINGS OF FACT:

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

This project is the Site Plan and Conditional Use Review for a proposed 78-room hotel and preservation of the two existing historic buildings at the current Thatcher Brook Inn site at 1100 Waterbury-Stowe Rd., Tax Map No. 13-090.000.

1. The applicant seeks approval for site plan and conditional use review to expand the Motel/Inn use on the site. 72 rooms will be added in a new five-story building that will be located in between the two existing buildings on the site creating a total of 78 guest rooms. The two existing buildings will be retained with the exception of a non-historic wing on the north side of the building in the southwestern portion of the site. This building will retain six of the existing guest rooms. The existing building on the northeast end of the site will be used for offices, laundry, and other maintenance facilities for the Inn. Other than the removal of the non-historic wing, these two buildings will retain their current appearance. The proposed five-story building will have a lobby/reception area and a 23' x 30' breakfast/meeting room to serve the guests.
2. The building is located on a 1.65-acre parcel in the Village Commercial Zoning District as described on the Village of Waterbury Zoning Map.
4. There will be a total of eight employees working in the inn at the maximum shift. The typical hours of operation will be seven days per week and 24 hours per day.
5. There will be no changes to the location of the two access drives into the site off Waterbury-Stowe Rd. and Crossroad. The sight distance at the main entrance on Waterbury-Stowe Rd., to both the north and south, exceeds the recommended intersection sight distance for left turning vehicles of 390'. Tour buses would access the site via Crossroad and would drop off and pick up people in the upper parking lot for the site on Crossroad.

6. The proposed on-site parking includes 65 outside spaces and 17 spaces in the garage underneath the building for a total of 82 spaces. This includes six spaces in the 14-space parking area that is a proposed shared use lot with the adjacent property owners, Joseph and Pamela Greene. The agreement for creating this shared use parking area is documented in Exhibit P, Draft Letter of Intent with Joseph Architects dated 2-2-12. The minimum parking requirement in the Zoning Regulations for this project is one space for each of the 78 rooms plus one space for each of the eight employees at the maximum shift for a total of 86 spaces.
7. The parking garage underneath the building will be accessed by one 18' wide doorway. All the spaces in the garage will be 9' wide by 18' long and will be at a 90 degree angle to the aisle. There will be two water standpipes, one at the north and one at the south end of the parking garage, for use by the fire department in case of a fire. The fire rating for the ceiling of the parking garage will be increased to a three hour rating. The Town of Waterbury Fire Department has concurred with this design.
8. Proposed landscaping for the site will be as shown on Exhibit F, the Landscaping Plan. The planting includes a street tree and shrubbery planting between the parking lot and Waterbury-Stowe Rd. Screening is also provided in front of the proposed outside pool and between the 9-vehicle parking area off Crossroad and the re-constructed parking area for the building at 25 Crossroad. The existing wooded area at the south-west end of the site will remain undisturbed as shown on Exhibit B, the Site Plan, and the Landscaping Plan. There will be two dumpsters at the rear edge of the front parking lot as shown on Exhibit F, the Landscaping Plan, that will be screened by a 6' tall solid and lattice white PVC privacy fence with a double gate of the same material. The retaining walls will be in the locations shown on Exhibit B, the Site Plan, and will be either dry-laid Panton stone or concrete walls faced in Panton stone, depending on the height of the wall. There will be a 42" tall black decorative metal fence between the pool and the front parking lot.
9. Exterior lighting will include ten pole mounted fixtures. The pole lights will be a total of 14' to the top of the fixture. Each pole will have one Barcelona LED Series fixture with a 50-watt LED array, as shown on Exhibit L, the Lighting Cut Sheets. Each fixture will be downcast and shielded with the lighting pattern and lighting levels as shown on Exhibit K, the Lighting Photometric Plan. The fixtures on the Waterbury-Stowe Rd. (Route 100) side of the front parking area will have back-light control to prevent any significant amount of light from shining into Waterbury-Stowe Rd. There will be a total of eight pole lights in the front parking area and two for the nine-space rear parking area off Crossroad. Based on Exhibit K, the Site Lighting Plan, the range of the lighting level is in the 0.2 to 3.0 ft. candle range.

There will be three wall-mounted 26-47 watt LED Wall Pack lights for the doors on the end of the building and for over the garage door. There will be four up/down 37-watt LED cutoff lights with a top cap so they will only shine down, on the front façade of the lobby portion of the building. There will be six Ruud Lighting 50-watt high pressure sodium 8" Square Up/Down Lights that will be cutoff fixtures located on the front of the main part of the building as shown on Exhibit E, the Building Elevations.

There will be six recessed can fixtures in the ceiling of the front canopy that will be Cooper, All-Pro 15-watt LEDs. The exterior lighting will be controlled by central timer/processor. Non-security lighting such as the decorative fixtures on the front of the main building, will be turned off at 11:00 p.m.

The Dimensional requirements are addressed at follows:

1. As proposed the new building is located 50' from the right-of-way (street line) for Waterbury-Stowe Rd. which meets the minimum front setback of 50'. The proposed building is located 20' from the rear property line and a minimum of 20' from the side property lines which meets the minimum rear and side yard

setbacks. Regarding side yard setbacks, the new building is connected to the existing building located in the southwestern portion of the site. The new building is also located approximately 60" from the existing building located in the northeastern portion of the site. Section 403 of the Waterbury Zoning Regulations applies to this situation and is included in these findings as follows:

Section 403 More than One Building or Use on a Lot

More than one principal use or structure on the same lot may be permitted provided that each of the principal uses or structures meets all of the dimensional and other requirements of this bylaw, including minimum lot size and setbacks, as if it were on a separate lot. Accessory dwelling units, as defined in Article X of this bylaw, are not considered principal uses or structures under this bylaw.

2. The maximum height limit in the Village Commercial Zoning District is 40'. The elevation of the peak of the roof is 639.07'. The average finish grade elevation at the center of the four elevations of the proposed building is 599.45'. This elevation is 39.62' below the peak of the roof.

SITE PLAN REVIEW:

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:

(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.

(C) The need for turning lanes, traffic-control devices, or special provisions for emergency vehicles.

(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.

CONDITIONAL USE:

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. Traffic is as summarized by a report prepared by Lamoreaux and Dickenson Consulting Engineers and attached herewith. Current Levels of Service on this section of Route 100 are LOS D and will not be significantly or adversely affected by this project

(B) Will not cause an unmanageable burden on municipal water or sewer systems. Municipal Water service improvements required by a previously approved project will assure that there is sufficient capacity in volume and pressure to accommodate the project without adversely impacting water service to the adjoining community. (Refer to memo prepared by Krebs and Lansing Consulting Engineers) It appears that by-passing a pressure reducing valve will provide sufficient pressures.

(C) Will not lead to such additional school enrollments that existing and planned school system capacity is exceeded

The project is a hotel. This type of project will not generate school impacts.

(D) Will not cause an unmanageable burden on fire protection services.

The project as proposed will have a full fire suppression system. Access for fire fighting is available from two road frontages, and sufficient hydrants are

available on or near the project site. The building conforms to maximum building height regulations. Adequate fire separation distance exists between the existing and proposed buildings.

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.

The project will not adversely impact the character of the area. It continues an existing use, retains the historic structures while removing earlier, non-historic additions, and provides for substantial underground parking. The building design is meant to compliment the Victorian style in evidence in the surrounding buildings and uses high quality materials.

(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;

This project will not have an adverse impact on water pollution. The project maintains and improves stream set backs on the southerly end. The work will include storm water improvements. New using devices will include low flow shower and sink valves, low water flush toilets.

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

The project does not involve processes for manufacturing or processing that would result in odors, dust, noise or noxious gasses. lighting will be designed to prevent light pollution per IESNA standards.

(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.

The project redevelops an already developed site. It does not include any natural areas in inventories of rare or irreplaceable natural areas. This site is sensitive as a Historic Site. On its face, the historic buildings are retained and preserved. There is a need to discuss the impact of the new proposed structure on these buildings and those that surround it. The building was situated as far back on the site as possible, respecting the building lines of the smaller original structures. The placement of the lobby is intended to act as a foil for the new building, and to continue this notion of a village of Victorian buildings. The details and materials chosen are traditional, and meant to be consistent with adjacent structures.

(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.

The use is as existing. The twenty two unit Inn and restaurant will be similar in terms of traffic (elimination of the restaurant frees up traffic and parking needs.) The use of basement parking will conceal a significant portion of the parking required.

(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.

The project poses no specific hazard to fire safety, explosion or electrical problems, nor will it have any impact on the public health. Under the IBC, the hotel use is an ordinary hazard. As a hotel, this property will be subject to health department oversight.

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

(4) The proposed use will comply with the specific lot area, setbacks, and lot coverage requirements set forth in this bylaw.

The proposed project will comply with by-laws and the zoning ordinance, including building set-back lines and building height.

Additional findings related to Section 303 (f) as the Board deems necessary.

CONCLUSION

The Development Review Board concludes that the project as presented complies with the site plan review and conditional use criteria, and Section 414(e)(2) regarding parking spaces that may be used for more than one use.

DECISION AND CONDITIONS

MOTION:

Dave Frothingham moved and Jeff Whalen seconded the motion to approve **App. No. 31-11-V, Thatcher Hill LLC**, for Site Plan and Conditional Use Review for a proposed 78-room hotel and including preservation of the two existing historic buildings at the current Thatcher Brook Inn site at 1100 Waterbury-Stowe Rd., Tax Map No. 13-090.000.

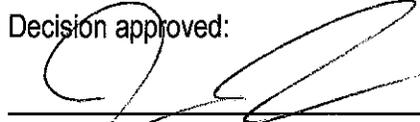
This approval is subject to the following conditions:

1. This permit is granted on the condition that the applicant complete the project consistent with the Board's findings and conclusions and the approved plans and exhibits.
2. 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 to the site plan. All exterior lights shall be downcast and shielded.
3. A signed letter of intent between Thatcher Hill LLC, and Joseph and Pamela Greene for the off-site parking shall be provided prior to the issuance of the zoning permit for this application. The letter of intent shall include a commitment to record the mutual easements for the shared parking area prior to the start of construction on this project.
4. The parking area to be shared with Joseph and Pamela Greene shall require a subsequent site plan review and approval prior to the start of construction on the Thatcher Hill LLC project.

VOTE:

The motion was approved unanimously.

Decision approved:

 _____, Chair

Date: 2-22-12

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THESE MINUTES WERE APPROVED ON FEBRUARY 16, 2012.