

WATERBURY DEVELOPMENT REVIEW BOARD
Approved Minutes
Thursday, April 19, 2012

Board Members Present: Jeff Larkin, Chair; Joel Baker; Jeff Whalen, David Rogers, Martha Staskus, and Rick Boyle
Staff Present: Steve Lotspeich, Patti Spence, Clare Rock

The meeting was called to order by Jeff Larkin at 6:30 p.m.

MINUTES

The minutes and decision for the Development Review Board meeting held on April 5, 2012 were reviewed.

Joel Baker moved and Jeff Whalen seconded the motion to approve the minutes of April 5, 2012, as amended.

The motion passed with four in favor and two abstention.

APPLICATION NO. 55-11-T, JODI GROUT, PETER O'BRIEN

The chair continued the hearing for application no. 55-11-T to Thursday, May 3rd at 6:45 p.m.

ZONING ADMINISTRATOR'S REPORT

Discussed the definition of mobile homes in our regulations and also within the State statutes.

MINUTES

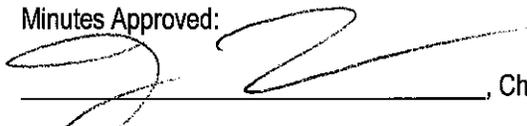
The minutes and decision for application 09-12-T were reviewed.

Joel Baker moved and Rick Boyle seconded the motion to approve the minutes and decision for application 09-12-T, as amended.

ADJOURNMENT

The meeting was adjourned by the Chair at 08:30 p.m.

Minutes Approved:

 _____, Chair Date: 5-3-12

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 May 3, 2012.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
APPROVED MINUTES & DECISION
Date: April 19, 2012**

Board Members Present: Jeff Larkin, Chair; Dave Rogers; Martha Staskus; Joel Baker; Rick Boyle; Jeff Whalen

Staff Present: Steve Lotspeich; Clare Rock; Patti Spence

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

Permit #: 09-12-T
Applicant: Waterbury Veterinary Services
Landowner: E & J Realty, LLC
Location of Project: 2597 Waterbury-Stowe Rd.

Description of Project: Site Plan and Conditional Use Review for changing the use of approximately 3,740 sq. ft. at 2597 Waterbury-Stowe Road, to an animal hospital/veterinary clinic, Tax Map No. 13-134.100.

The following interested parties were present and sworn in:
Chris Austin, Grenier Engineering, Agent for Applicant
Nolan Burkehouse, Applicant
Emily Crawford, Applicant

TESTIMONY:

1. There are other permits have been applied for.
2. They would be purchasing the property.
3. The existing sign would be used but the content of the sign changed.
4. They identified a spot that would be used to walk animals.
5. 32 parking spots have been identified. 20 will be used for employee parking.
6. Hours of operation, 8:00 a.m. -5:00 p.m. on Monday/Wednesday/Friday; 8:00 a.m. - 7:00 p.m. on Tuesday and Thursday; 8:00 a.m. – 2:00 p.m. on some Saturdays.
7. Long-term staffing is planned for 5 full-time and 2 part-time employees.

EXHIBIT LIST:

Exhibit A	Zoning Permit Application
Exhibit B	Site Plan dated 3-15-12
Exhibit C	Letter from John Grenier dated 3-21-12
Exhibit D	Notice Sent to Adjacent Landowners dated 4-3-12
Exhibit E	Detailed site plan dated 3-31-12
Exhibit F	Public hearing notice

FINDINGS OF FACT:

Detailed Project Description:

This project is for changing the use of approximately 3,740 sq. ft. at 2597 Waterbury-Stowe Road, to an animal hospital/veterinary clinic. The remaining 4,360 sq. ft. in the 8,100 sq. ft. building will continue to be used as a wholesale distribution center for fruits and vegetables. The retail space in the front of the building has been discontinued and that space will become part of the veterinary clinic.

The site is 13.9 acres and is located in the Route 100 Zoning District.

The project will be as shown on Exhibits B, C & E and is further detailed as follows:

The veterinary clinic will have a total of three full time and three part time employees with a maximum of four employees on site at any one given time.

There long term plans would be for a maximum of 5 full time and two part time employees. There will typically be a maximum of three clients visiting the clinic at one time. The typical hours of operation will be 8:00 a.m. to 5:00 p.m., Monday, Wednesday and Friday; 8:00 a.m. to 7:00 p.m., Tuesday and Thursday; and some Saturdays from 8:00 a.m. to 2:00 p.m.

A fenced enclosure, approximately 12' x 20', for pets will be constructed on the south side of the building as shown on Exhibit B, the Site Plan. It will be a 5-6' tall wooden picket fence.

There is an existing 20-space gravel parking lot for employees to the north of the building, that also serves as a truck maneuvering area for the loading dock. There are also 12 parking spaces adjacent to the building which will remain for use by the clients for the veterinary clinic and visitors to the distribution facility. These existing spaces will include one handicap space. There are a total of 32 vehicular spaces plus parking for trucks adjacent to the loading dock.

Vehicular access and circulation on the site will remain unchanged. The existing exterior lighting and landscaping will remain as it exists today as shown on Exhibit E, Detailed Site Plan.

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

SITE PLAN REVIEW:

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 REVIEW:

The Development Review Board finds that the Animal Hospital/Veterinary Clinic conforms to the following Conditional Use standards in 303(e) as follows:

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 comply with the specific lot area, setbacks, and lot coverage requirements set forth in this bylaw.

CONCLUSION

The Development Review Board concludes that all applicable site plan and conditional use criteria have been met.

DECISION AND CONDITIONS

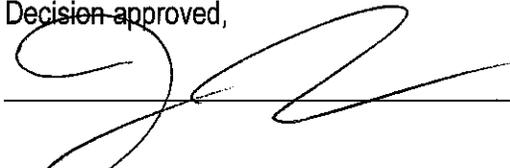
MOTION:

Joel Baker moved and Martha Staskus seconded the motion to approve application 09-12-T Waterbury Veterinary Services, E & J Realty, for a change of use from retail to animal hospital/veterinary clinic with 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 of the site plan.

VOTE: The motion passed unanimously

Decision approved,



Chair

Date: 4-19-12

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 4-19-12

**Town of Waterbury
Development Review Board
Approved Minutes
Date: April 19, 2012**

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

Staff Present: Steve Lotspeich; Clare Rock; Patti Spence

Third Order of Business: Final Plat Approval, Findings and Decision

The hearing was opened at 07:15 p.m.

Permit Application #: 05-12-T

Applicant: Jeffery & Paula Lyon

Landowner: SAME

Location of Project: 327 Gregg Hill Road, Waterbury Center, VT

Description of Project: To subdivide the existing 66 +/- acre parcel into 2 lots.

The following interested parties were present and sworn in:

Chris Austin

TESTIMONY:

Chris Austin presented the Final Plat for the 2-lot subdivision.

EXHIBIT LIST:

Exhibit A Final Plat for 327 Gregg Hill Road, Waterbury Center, VT

INTRODUCTION & PROCEDURAL HISTORY:

Zoning Permit Application #05-12-T for a 2-lot subdivision was approved by the DRB on April 5, 2012.

The DRB **DECISION AND CONDITIONS** included the following condition:

2. The applicant brings copy of Final Plat to Zoning Administrator within 150 days so that the Development Review Board can sign off on the Final Plat and meet the 180-day timeline required by 24 V.S.A., Section 4463.

This project has been warned for a Final Plat Approval per section 300.

FINDINGS OF FACT:

Description of Project:

The subdivision of the existing 66 +/- acre property at 327 Gregg Hill Road (Tax Map # 09-025.000) into 2 lots.

FINAL PLAT CONCLUSION & DECISION

The Final Plat as presented meets the all applicable dimensional and right-of-way requirements and has been prepared in accordance with Title 27 V.S.A. Chapter 17 Section 1403.

MOTION:

Joel Baker moved and Martha Staskus seconded the motion to approve the Final Plat as present in application #05-12-T and authorize the Chair to sign the Final Plat on behalf of the Development Review Board.

VOTE:

The motion passed unanimously.

Decision Approved,  _____, Chair Date: 5-3-12

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 May 3, 2012

**Town of Waterbury
Development Review Board
Draft Minutes & Decision
Date: April 19, 2012**

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

Staff Present: Steve Lotspeich; Clare Rock; Patti Spence

Fourth Order of Business: Application for Subdivision Review & Final Plat Approval, Findings and Decision

The hearing was opened at 7:30 p.m.

Permit Application #: 10-12-T
Applicant: Grenier Land Company
Landowner: SAME
Location of Project: 720 US Route 2, Waterbury, VT

The following interested parties were present and sworn in:
Chris Austin, Agent for the Applicant

TESTIMONY:

EXHIBIT LIST:

Exhibit A Zoning Permit Application #10-12-T dated 3/22/2012
Exhibit B 15-day Notice of Public Hearing
Exhibit C Notice to Adjacent Landowners date 4/3/2012
Exhibit D Previous Zoning Permit Application and Materials (includes copies of Application 36-11-T, Site Plan, DRB Approved Minutes [dated 9/15/2011], recorded Zoning Permit.
Exhibit E Letter of Final Plat Transmittal from Grenier Engineering, dated 3/12/2012
Exhibit F Final Plat for 720 US Route 2, Waterbury, VT

INTRODUCTION & PROCEDURAL HISTORY:

Zoning Permit Application #10-12-T is a resubmittal of the previously approved Zoning Permit Application 36-11-T. The applicant failed to submit the Final Plat for DRB approval within the time frame outlined within the 9/15/2011 DRB approved minutes.

DECISION AND CONDITIONS which stated:

2. The applicant brings copy of Final Plat to Zoning Administrator within 150 days so that the Development Review Board can sign off on the Final Plat and meet the 180-day timeline required by 24 V.S.A., Section 4463.

To ensure this project conforms to the Waterbury Zoning Regulations the current application #10-12-T was referred to the Development Review Board for a Subdivision Review per section 201, to ensure dimensional requirements are met. The project was also referred for a Final Plat Approval per section 300. As this project was previously approved by the DRB the Subdivision Review and Final Plat Approval will take place concurrently.

FINDINGS OF FACT:

Description of Project:

This proposed project is to subdivide a 3.8 acre parcel into 2 lots (Tax Map # 12-042.000). The property is located at 720 US Route 2, Waterbury, VT.

1. This existing parcel is 3.8 acres and is located in the Industrial Zoning District. Minimum lot requirement for this Zoning District is 20,000 sf (or 0.459136 acres.)
2. Lot #1 will be 2.0 +/- acres with the existing residential duplex.
3. Lot #2 will be 1.8 +/- acres with the existing storage warehouse facility.
4. The 2 lots exceed the districts minimum lot size requirement.
5. The 2-lot subdivision has an approved Wastewater permit, #WW5-0923-1 revised.
6. The 2-lot subdivision has an approved Act 250 permit, #5W=1249-1.
7. A 50 foot wide right-of-way will cross Lot #2 and then change to 25 feet for access to Lot #1, as shown on the Site Plan within Exhibit D.
8. All setbacks for existing buildings in the Storage Facility on Lot #2 meet or exceed the minimum setback requirements for the Industrial Zoning District
9. Setbacks for existing duplex on Lot # 1 are preexisting and predate zoning.
10. Final Plat for 720 US Route 2, Waterbury, VT was submitted.

SUBDIVISION REVIEW CONCLUSION

The Development Review Board concludes that all applicable dimensional and right-of-way requirements are met.

SUBDIVISION REVIEW DECISION AND CONDITIONS

MOTION:

Jeff Whalen moved and David Rogers seconded the motion to approve Application #10-12-T, Grenier Land Company, for a 2-lot subdivision of the 720 US Route 2 location with the following condition:

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

VOTE:

The motion passed unanimously.

FINAL PLAT CONCLUSION

The Final Plat as presented meets all the applicable dimensional and right-of-way requirements and has been prepared in accordance with Title 27 V.S.A. Chapter 17 Section 1403.

MOTION:

Jeff Whalen moved and David Rogers seconded the motion to approve the Final Plat as present in application #10-12-T, Grenier Land Co., and authorize the Chair to sign the on behalf of the Development Review Board.

VOTE:

The motion passed unanimously.

Decision approved,



Chair

Date: 5.3.12

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 5.3.12

**Town of Waterbury
Development Review Board
Draft Minutes & Decision
Date: April 19, 2012**

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

Staff Present: Steve Lotspeich; Clare Rock; Patti Spence

Fifth Order of Business: Application for Subdivision Review & Final Plat Approval, Findings and Decision

The public hearing was opened at 7:45 p.m.

Permit Application #: 11-12-T
Applicant: Grenier Land Company
Landowner: SAME
Location of Project: Lot 2 "Flea Market Lot", 430, 434 & 438 US Route 2, Waterbury, VT

The following interested parties were present and sworn in:
Chris Austin, Agent for Applicant

TESTIMONY:

EXHIBIT LIST:

Exhibit A Zoning Permit Application #11-12-T dated 3/22/2012
Exhibit B 15-day Notice of Public Hearing
Exhibit C Notice to Adjacent Landowners date 4/3/2012
Exhibit D Previous Zoning Permit Application and Materials (includes copies of Application 37-11-T, Site Plan, DRB Approved Minutes [dated 9/15/2011], recorded Zoning Permit.
Exhibit E Letter of Final Plat Transmittal from Grenier Engineering, dated 3/12/2012
Exhibit F Final Plat for Lot 2 "Flea Market Lot", 430, 434 & 438 US Route 2, Waterbury, VT

INTRODUCTION & PROCEDURAL HISTORY:

Zoning Permit Application #11-12-T is a resubmittal of the previously approved Zoning Permit Development Review Board Approved Minutes App. No. 11-12-T, Grenier Land Company 1

The Development Review Board concludes that all applicable dimensional and right-of-way requirements are met.

SUBDIVISION REVIEW DECISION AND CONDITION

MOTION:

Martha Staskus moved and Jeff Whalen seconded the motion to approve application #11-12-T, Grenier Land Company, for subdivision review for a 4-lot subdivision located at Lot 2 "Flea Market Lot", 430, 434 & 438 US Route 2 with the following conditions:

1. This permit is granted on the condition that the applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits.

VOTE:

The motion passed unanimously.

FINAL PLAT CONCLUSION

The Final Plat as presented meets the all applicable dimensional and right-of-way requirements and has been prepared in accordance with Title 27 V.S.A. Chapter 17 Section 1403.

FINAL PLAT REVIEW DECISION AND CONDITIONS

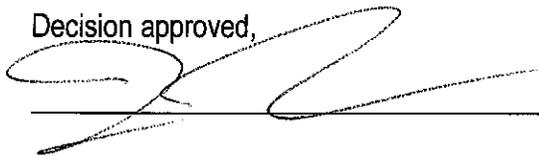
MOTION:

Martha Staskus moved and Jeff Whalen seconded the motion to approve the Final Plat as presented in application #11-12-T, Grenier Land Company, and authorize the Chair to sign on behalf of the Development Review Board.

VOTE:

The motion passed unanimously.

Decision approved,

 _____, Chair

Date: 5-3-12

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 May 3, 2012.