

**WATERBURY DEVELOPMENT REVIEW BOARD  
MEETING  
APPROVED MINUTES  
Thursday, June 7, 2012**

Board Members Present: Jeff Larkin, Chair; Joel Baker; Jeff Whalen, David Rogers, 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.

The following applications were warned and presented. The minutes and decisions are documented separately:

- 6:30 p.m. Application #03-12-T, Jack & Roselle Nickerson / David & Nora Grenier, Final Plat Approval for a boundary line adjustment, Bear Creek Lane, Waterbury Center. Tax Map #14-052.000
- 6:35 p.m. Application #24-12-V, Francis Trask, Variance Request for a shed, 148 South Main Street, Waterbury. Tax Map #19-452.000
- 6:50 p.m. Application #20-12-T, Aaron Flint & Jill Skovron, Site Plan Review for a single-family dwelling in the Ridgeline, Hillside & Steep Slope District, 379 Middlesex Notch Road, Waterbury. Tax Map #14-121.000
- 7:05 p.m. Application #26-12-V, Hands Off My Cheese, Site Plan Review for a Change of Use (to Business Professional Use), 1 South Main Street, Waterbury. Tax Map #19-303.000
- 7:30 p.m. Application #25-12-V, Hands Off My Cheese, Site Plan Review for an expansion of use (beer garden), 1 South Main Street, Waterbury. Tax Map #19-303.000
- 8:00 p.m. Application #11-12-V, Robert Provost/Andy Hunnewell, Conditional Use Review and Flood Hazard Area Review for a Whalley Mobile Home Park rebuild, O'Hear Court, Waterbury, VT. Tax Map #19-237.000
- 8:45 p.m. Application # 28-12-V, Village of Waterbury, Site Plan Review and Conditional Use Review for Change of Use (to Police Station), 46 South Main Street, Waterbury. Tax Map #19-355.000

**APPROVAL OF PRIOR MEETING MINUTES**

The minutes, findings of fact, and decisions for the meeting held on May 3, 2012, including Applications No. 13-12-T, Marilyn M. Goldstein, and No. 55-11-T, Jodi Grout, Peter O'Brien, were reviewed.

**MOTION:**

Rick Boyle moved and Joel Baker seconded to approve the minutes, findings of fact, and decisions from May 3, 2012.

**VOTE:**

The motion was approved unanimously.

**APPROVAL OF MINUTES FOR APPLICATION 28-12-V**

The minutes, findings, and decision for Application No. 28-12-V were reviewed.

**MOTION:**

Rick Boyle moved and Joel Baker seconded the motion to approve the June 07, 2012 minutes, findings of fact, and decision for Application No. 28-12-V, Village of Waterbury, as amended.

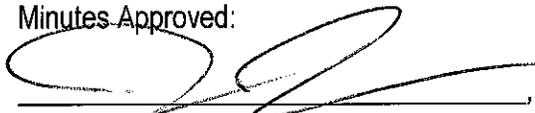
**VOTE:**

The motion was approved unanimously.

**ADJOURNMENT**

The meeting was adjourned by the Chair at 10:00 p.m.

Minutes Approved:

 \_\_\_\_\_, Chair

Date: 6-21-12

**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 June 21, 2012

**TOWN OF WATERBURY  
DEVELOPMENT REVIEW BOARD  
APPROVED MINUTES, FINDINGS & DECISION  
Date: June 7, 2012**

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

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

The hearing was opened at 6:30 p.m.

Permit Application #: 03-12-T

Applicant: Jack & Roselle Nickerson / David & Nora Grenier

Landowner: SAME

Location of Project: Bear Creek Lane, Waterbury, VT

Description of Project: Boundary line adjustment between Nickerson (Lot 3, Tax Map 14-057.000) and Grenier (Tax Map # 14-052.000)

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The following interested parties were present and sworn in:  
Jeff Kilgore, Attorney

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**EXHIBIT LIST:**

Exhibit A Final Plat for Lot 3 Bear Creek Lane, off Ring Road, Waterbury, VT, dated March 2012

**INTRODUCTION & PROCEDURAL HISTORY:**

Zoning Permit Application #03-12-T for a Boundary Line Adjustment and construction of a single family home was approved by the DRB on March 7, 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 boundary line adjustment between Nickerson (Lot 3, Tax Map 14-057.000) and Grenier (Tax Map # 14-052.000) decreases Grenier's 58+/- acres by 0.20 acres and increases Nickerson's property from 10.17 acres to 10.37 acres.

**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 117, Section 1403.

**MOTION:**

Joel Baker moved and Rick Boyle seconded the motion to approve the Final Plat as presented in application #03-12-T and to authorize the Chair to sign the Final Plat on behalf of the Development Review Board.

**VOTE:**

The motion passed unanimously.

Decision Approved,

 \_\_\_\_\_, Chair      Date: 6-21-12

**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 June 21, 2012

**TOWN OF WATERBURY  
DEVELOPMENT REVIEW BOARD  
APPROVED MINUTES, FINDINGS & DECISION  
Date: June 7, 2012**

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Second order of Business: Application for Variance, Findings and Decision

Permit #: 24-12-V

Applicant: Francis Trask

Landowner: SAME

Location of Project: 148 South Main Street, Waterbury, VT

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The following interested party was present and sworn in:  
Francis Trask, Applicant

**EXHIBIT LIST:**

- Exhibit A        Zoning Permit Application & Sketch Plan
- Exhibit B        Context Information
- Exhibit C        15-day warning to Waterbury Record
- Exhibit D        Notice to adjacent landowners dated May 24, 2012

**TESTIMONY:**

1. The location requested is the best flat place to put the shed.
2. The property is not within the 100 year floodplain.
3. There is no screening on the back side of the property.
4. Moving the shed location five feet towards the back of the house gets too close to existing gardens and makes it difficult to access the entry point of the shed.

**FINDINGS OF FACT:**

**Description of Project:**

This is a request for a side and rear setback variance to construct a garden shed.

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

1. The applicant seeks a side and rear setback variance to construct a garden shed at 148 South Main Street in the Town of Waterbury. Tax Map # 19-452.000.

2. The property is located in the Village Mixed Residential Zoning District as described on the Town of Waterbury Zoning Map where the dimensional requirements are as follows: Minimum Lot Area =10,000 sf, (0.23 acres)

Front Setback = 30ft, Side Setbacks = 10ft, Rear Setback = 30ft

3. The project proposes the following setbacks:  
Left Side Setback = 55ft, Right Side Setback = 6ft, Rear Setback = 25ft  
The applicant seeks the following variance:  
4ft right-side setback variance and 5ft rear setback variance

4. The following unique physical circumstances or conditions peculiar to the subject property are found  
[Refers to Section 308 (1) of Waterbury Zoning Bylaws]

Topography based on an existing garden and access to the shed within the contour of the land.

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.  
[Refers to Section 308 (2) of Waterbury Zoning Bylaws]

6. An unnecessary hardship *has not* been created by the applicant.  
[Refers to Section 308 (3) of Waterbury Zoning Bylaws]

7. For the following reasons, 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.  
[Refers to Section 308 (4) of Waterbury Zoning Bylaws]

The property is located within a residential neighborhood with existing sheds and a commercial neighbor.

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.  
[Refers to Section 308 (5) of Waterbury Zoning Bylaws]

#### **CONCLUSION:**

The Development Review Board finds that the variance criteria have been met and that a 4 ft. side setback variance and 5 ft. rear setback variance will not negatively impact the neighborhood.

#### **DECISION AND CONDITIONS**

##### **MOTION:**

Rick Boyle moved and Joel Baker seconded the motion to approve application 4-12-V for a variance for the construction of a garden shed at 148 S. Main Street, Waterbury, with variances of 4 ft. on the side and 5 ft. on the rear, subject to 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 was approved unanimously.

Decision Approved,

  
\_\_\_\_\_, Chair

Date: 6-21-12

**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 June 21, 2012

**TOWN OF WATERBURY  
DEVELOPMENT REVIEW BOARD  
RIDGELINE/HILLSIDE/STEEP SLOPE REVIEW  
APPROVED MINUTES, FINDINGS AND DECISION  
Date: June 7, 2012**

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Public present: Aaron Flint, Ivar and Sally Kasaks

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The third order of business was opened at 6:50 pm.

Applicant: Aaron Flint & Jill Skovron

Landowner: SAME

Permit Application #20-12-T:

The following interested parties were present and sworn in:

Aaron Flint, Applicant

Ivar and Sally Kasaks, Adjacent Landowners

**TESTIMONY:**

1. The neighbors were present because there is a deed stating that there will not be a second home built that would be visible from the Kasaks home.
2. There are no objections from the Kasaks as long as they can't see the house that is intended to be built.
3. Tree cutting would be limited to an area for the septic and to the area where the house would be built.

**EXHIBITS:**

Exhibit A	Zoning Permit Application #20-12-T
Exhibit B	Site Plan dated September 21, 2011
Exhibit C	Building Elevations and floor plans
Exhibit D	Context Information
Exhibit E	Notice to adjacent landowners dated May 29, 2012

**FINDINGS OF FACT:**

**Project Description:**

The applicant seeks a permit to construct a second single-family dwelling on a 30-acre property located at 379 Middlesex Notch Road, Waterbury, VT (Tax map # 14-121.000.) The property is located within the Conservation Zoning District and within the Ridgelines, Hillsides, Steep Slopes (RHS) Overlay District as depicted on the Town of Waterbury Zoning Map. Due to this projects location within the RHS Overlay District this proposal is subject to approval by the Development Review Board.

According to Section 403 of the Waterbury Zoning regulations "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."

The Minimum Lot size within the Conservation Zoning District is 10 acres. Currently the property is 30 acres with one single family dwelling, under current conditions the property provides sufficient acreage for the construction of a second single family dwelling as if it were on a separate lot.

The setback requirements for the Conservation District are as follows:

Front: 100 ft      Side: 100ft      Rear:100ft

The proposed second single-family dwelling is sited at least 100ft from the rear property line, and at least 120 ft from the closest side property line and over 200 ft from the existing single family dwelling. The proposed development 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.

The property is also located within the Ridgeline, Hillside, Steep Slope Overlay Zoning District which supplement the Conservation District standards. The proposed single-family dwelling is proposed to be built between 1,300 FIE and 1,400 FIE and is therefore considered a 'minor' development within the RHS Overlay Zone. Permitted uses within the Conservation District are treated as conditional uses in the RHS Zone, this proposal is therefore subject to Conditional Use Review.

#### RIDGELINE/HILLSIDE/STEEP SLOPE STANDARDS:

##### Section 1004      Standards of Review

(a) Development of lands identified within the RHS Overlay District shall comply with all other applicable regulations, including conditional use review standards, within this bylaw and with the standards of review set forth in the following subsections.

(b) Minor Development: Minor development projects shall be subject to conditional use review, as set forth in Section 303, and all other applicable regulations.

#### CONDITIONAL USE STANDARDS:

1. The subdivision will not have an undue adverse impact the capacity of existing or planned community facilities.
2. The subdivision will not have an undue adverse effect on the character of the area.
3. The subdivision will not have an undue adverse effect on traffic and roads and highways in the vicinity.
4. The subdivision will not have an undue adverse effect on the following bylaws per the Waterbury zoning regulations currently in effect.

5. The subdivision will not have an undue adverse effect on utilization of renewable energy resources.

6. The subdivision will satisfy the requirements of the zoning bylaws.

**CONCLUSION:**

The Development Review Board finds that this application meets all conditional use standards for the RHS Overlay District and has the ability to meet all setback requirements for future subdivision.

**DECISION AND CONDITIONS:**

**MOTION:**

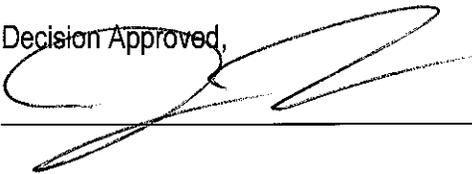
Jeff Whalen moved and Joel Baker seconded the motion to approve application 20-12-T for a second single family dwelling on a 30-acre property located at 379 Middlesex Notch Road, Waterbury, VT (Tax map # 14-121.000) and is subject to the following conditions:

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.
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. All exterior lights will be down cast and shielded.

**VOTE:**

The motion passed unanimously.

Decision Approved,

  
\_\_\_\_\_, Chair

Date: 6-21-12

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 June 21, 2010

**TOWN OF WATERBURY  
DEVELOPMENT REVIEW BOARD  
APPROVED MINUTES, FINDINGS & DECISION  
June 7, 2012**

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

Staff Present: Steve Lotspeich; Clare Rock; Patti Spence

Fourth Order of Business: Application for Site Plan Review

Permit Application #26-12-V:

Applicant: Hands Off My Cheese, LLC

Landowner: SAME

Location of Project: 1 South Main St.

The following interested parties were present and sworn in:

Mark Frier, Applicant, Georgeanne Baker, Bob Murray, Adjacent Landowner

**TESTIMONY:**

1. The business expressing interest in the new office space is an engineering firm that is intending to move from S. Burlington with three or possibly four employees.
2. An interested party asked about the capacity for parking. This is an issue that, based on the zoning regulations, will need to go to the Trustees for final approval for the use of on-street public parking to fulfill any additional parking requirement.

**EXHIBITS:**

- Exhibit A Zoning Permit Application
- Exhibit B Site Plan
- Exhibit C 2<sup>nd</sup> Floor Plan
- Exhibit D Notice Sent to Adjacent Landowners dated May 23, 2012

**FINDINGS OF FACT**

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

This project is Site Plan Review for changing the use of 1,700 sq. ft. on the second floor of the building at 1 South Main St. from a recreation center to business professional offices. The first floor of the building is the Reservoir Restaurant. The remaining 1,200 sq. ft. on the second floor is business professional offices and the third floor will remain as one apartment.

The property is located on a 0.22 acre parcel in the Downtown Commercial Zoning District, Tax Map No. 19-303.000.

The intended hours of operation for the business professional space will typically be 6:00 a.m. to 10:00 p.m., seven days per week.

The overall parking requirement for the building will be as follows: The requirement for the existing restaurant/bar space on the first floor is 33 spaces for the 99 seats plus 8 spaces for the 8 employees at the maximum shift, for a total of 41 spaces. The parking requirement for the new 1,700 sq. ft. of business professional offices will be six spaces (one space for each 300 sq. ft.). This is an increase of two spaces from the four spaces that were allocated for the recreation center. The remaining 1,200 sq. ft. of business professional office space on the second floor requires four parking spaces. The parking for the apartment on the third floor is two spaces. The total parking requirement for the building will be 53 spaces. There are five regular parking spaces shown on Exhibit B, the Site Plan.

There are no changes to the vehicular access to the site. A pedestrian walkway along the southeast side of the building will be marked with paint and signage. There will be a bike rack on the side of the building. Landscaping and screening will remain unchanged.

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.

## CONCLUSION

The Development Review Board concludes that the change of use for this space will meet the site plan review criteria in Section 301 and will have no additional undue impact to the neighborhood.

## DECISION AND CONDITIONS

### MOTION:

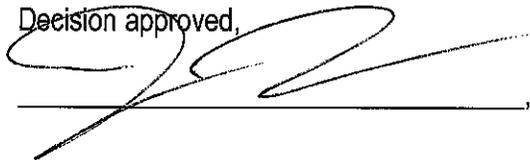
Joel Baker moved and David Rogers seconded the motion to approve application 26-12-V, Hands Off My Cheese, for a change of use for 1,700 sq. ft. of space on the second floor of the building at 1 South Main St. from a recreation teen center to business professional offices, with the following conditions:

1. *This permit is granted on the condition that the applicant complete the project consistent with the Development Review 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.*
3. *Prior to the issuance of the permit the applicant will have attained approval for the allocation of two additional on-street parking spaces by the Village Trustees, pursuant to section 414 (c) (1).*

### VOTE:

The motion passed unanimously.

Decision approved,

  
\_\_\_\_\_, Chair

Date: 6-21-12

**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

JUNE 21, 2012

**TOWN OF WATERBURY  
DEVELOPMENT REVIEW BOARD  
APPROVED MINUTES  
June 7, 2012**

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

Staff Present: Steve Lotspeich; Clare Rock; Patti Spence

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

Permit Application #25-12-V:  
Applicant: Hands Off My Cheese, LLC  
Landowner: SAME  
Location of Project: 1 South Main St.

The following interested parties were present and sworn in:  
Mark Frier, Applicant, Georgeanne Baker, Resident

**TESTIMONY:**

1. Concern was raised over lighting or enforcement if lighting regulations were not adhered to.
2. Parking concerns were raised.

**EXHIBITS:**

Exhibit A        Zoning Permit Application  
Exhibit B        Site Plan  
Exhibit C        Photo of Privacy Fence Detail  
Exhibit D        Notice Sent to Adjacent Landowners dated May 23, 2012

Jeff Larkin continued to hearing to June 28th at 6:00 p.m.

**Action items:**

1. Applicant should reconsider parking spaces that would be lost if the current layout is adhered to.

Minutes approved,



\_\_\_\_\_, Chair

Date: 6-21-12

**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 June 21, 2012

**TOWN OF WATERBURY  
DEVELOPMENT REVIEW BOARD  
FLOOD HAZARD AREA & CONDITIONAL USE REVIEW  
APPROVED MINUTES  
Thursday, June 7, 2012**

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Sixth Order of Business: Flood Hazard Area and Conditional Use Review for re-building Whalley Mobile Home Park.

Applicant: Robert L. Provost

Landowner: Andrew Hunnewell

Permit Application #11-12-V

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The following interested parties were present and sworn in:

Liam Murphy, Representing Landowner, Natalie Howell, Village Trustee, Bill Shepeluk, Municipal Manager  
Robert Provost, Applicant for Whalley Mobile Home Park

Testimony:

1. Units will all have HUD code approval as mobile homes.
2. There is approximately 10 feet of separation between the units.
3. The intention is to put up a model home and sell off the model, with the infrastructure constructed for all the units.
4. There will be 11 parking spaces in the carports and two additional parking spaces.

EXHIBITS:

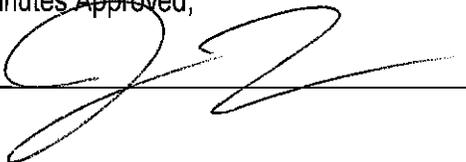
Exhibit A	Zoning Permit Application
Exhibit B	Site Plan dated 3-2-12
Exhibit C	Footing/Foundation Detail
Exhibit D	Tie-down Detail for Carports
Exhibit E	Smart Vent Detail
Exhibit F	Portion of Flood Insurance Rate Map (FIRM) Showing Site
Exhibit G	Narrative Addressing Conditional Use Criteria date 4-26-12
Exhibit H	E-mail from Rob Evans dated 3-19-12
Exhibit I	E-mail from Rebecca Pfeiffer dated 5-16-12
Exhibit J	School Impact Questionnaire for Residential Projects dated 4-19-12
Exhibit K	Excerpt from FEMA Home Builder's Guide to Coastal Construction re. Utility Protection Recommendations dated 12-10
Exhibit L	Notice Sent to Adjacent Landowners dated 5-11-12
Exhibit M	Tank tie down document
Exhibit N	Strap down detail

Jeff Larkin continued the hearing to June 21, 2012 at 6:00 p.m.

Action items:

1. Review parking - there should be a minimum of 17 total.
2. Consider landscaping to help reduce the top heavy feel of the proposed dwelling units.
3. Exterior lighting for the porches and carports needs to be identified.

Minutes Approved,

 \_\_\_\_\_, Chair

Date: 6-21-12

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/development review board]. Such 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 June 21, 2012

**TOWN OF WATERBURY  
DEVELOPMENT REVIEW BOARD  
APPROVED FINDINGS & DECISION  
Thursday, June 7, 2012**

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Seventh Order of Business: Steele Block, LLC, Village of Waterbury, Site Plan and Conditional Use Review

Permit Application #28-12-V  
Applicant: Village of Waterbury  
Landowner: Steele Block, LLC  
Location of Project: 46 South Main St.

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Jeff Larkin opened the Site Plan Review for Application No. 28-12-V.  
The following interested parties were present and sworn in:

Natalie Howell, Village Trustee  
Bill Shepeluk, Municipal Manager

**EXHIBIT LIST:**

Exhibit A Zoning Permit Application  
Exhibit B Site Plan dated 11-30-11  
Exhibit C As-Built Floor Plans dated 6-7-12  
Exhibit D Lease with commitment for off-site parking dated 5-30-12  
Exhibit E Notice sent to Adjacent Landowners dated 5-17-12

**TESTIMONY:**

1. There will be additional parking available at 51 S. Main Street as long as the Village owns that property.

Jeff Larkin closed the public testimony portion of the review.

**FINDINGS OF FACT:**

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

1. The applicant seeks approval for site plan and conditional use review for the change of use of 2175 sq. ft. on the first floor of the Steele Block located at 46 S. Main St., Tax Map No. 19-355.000, from

business professional offices to the Village of Waterbury Police Station and other local government offices. The remaining space in the building will remain in use as a medical office and business professional offices.

2. The building is located on a 0.34 acre parcel in the Downtown Commercial Zoning District as described on the Village of Waterbury Zoning Map.
4. There will be a total of up to 15 police officers and other municipal employees working in the police station at the maximum shift. The hours of operation will be up to 24 hours per day, seven days per week. Members of the general public will come to the Police Station periodically.
5. There will be no changes to the one access drive into the site off S. Main St. The on-site parking that includes a total of 13 spaces, pedestrian access and handicap ramp, landscape and screening, and exterior lighting. There are two of the thirteen on-site spaces that will be designated for the use for the Police Station and will typically be reserved for use by the Police cruisers. .
6. The landowner has committed the use of off-site parking spaces for the employees and visitors to the Police Station. These spaces are located at the Stone Shed parking lot at 35 Foundry St. See Exhibit D, "Lease with commitment for off-site parking" documents the commitment for the use of these spaces.
7. There are no changes to the landscaping and exterior lighting for the site.
8. 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.

The Development Review Board also finds that the application addresses the Conditional Use Criteria in Section 303(e) of the Waterbury Zoning Regulations 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.

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

## CONCLUSION

The Development Review Board concludes that the change of use from office commercial to municipal will meet site plan and conditional use criteria.

## DECISION AND CONDITIONS

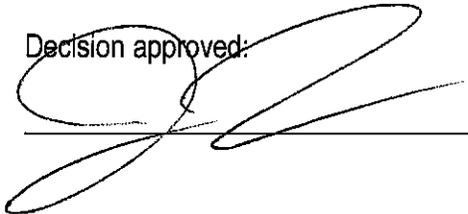
### MOTION:

Dave Rogers moved and Jeff Whalen seconded the motion to approve App. No. 28-12-V, Steele Block, LLC, Village of Waterbury, Site Plan and Conditional Use Review for changing the use of 2175 sq. ft. of the Steele Block located at 46 S. Main St., Tax Map No. 19-355.000, from business professional offices to a municipal Police Station/governmental use with the following condition:

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.

VOTE: Passed unanimously.

Decision approved:

 \_\_\_\_\_, Chair      Date: 6-7-12

**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 \* June 7, 2012 \*