

**WATERBURY DEVELOPMENT REVIEW BOARD
MEETING
APPROVED MINUTES, FINDINGS OF FACT & DECISIONS
Thursday, June 21, 2012**

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

Staff Present: Steve Lotspeich, Patti Spence, Clare Rock

The meeting was called to order by Jeff Larkin at 6:00 p.m.
The following applications were warned and presented. The minutes and decisions are documented separately:

Application #11-12-V, Robert Provost/Andy Hunnewell

Application #60-11-T, Ripley Springs LLC (see decision below)

Application #30-12-T, Mark & Richelle Lafayette

Application #32-12-T, Brent Giroux

**Application #35-12-T, State of Vermont, Dept. of Forests, Parks & Recreation
(the hearing was continued, see below)**

Application #31-12-V, Coffey Family Enterprises, Site Plan Review

Application #30-12-V, Coffey Family Enterprises

Application 32-12-T, Thatcher Hill LLC (the hearing was continued, see below)

APPLICATION #60-11-T, RIPLEY SPRINGS LLC,

The Development Review Board reviewed the Final Plat for the boundary line adjustment for Ripley Springs, LLC.

MOTION:

Rick Boyle moved and Martha Staskus seconded the motion to approve Application #60-11-T, Ripley Springs LLC, the final plat for a boundary line adjustment for the property located at Woods Farm Road, Waterbury Center, tax map #14-084.80.

VOTE: Approved unanimously.

APPLICATION 35-12-T, STATE OF VERMONT DEPT. OF FORESTS, PARKS, ANDS RECREATION

Jeff Larkin, Chair, opened hearing for application 35-12-T State of Vermont, Dept. of Forests Parks and Recreation. Because the notices were not sent out to the adjacent landowners, the Chair continued the hearing to Tuesday, July 17th at 7:50 p.m. at the Thatcher Brook Primary School library.

APPLICATION 32-12-V, THATCHER HILL, LLC, F.O.R.E., LLC

Jeff Larkin, Chair, open the continuation of Application 32-12-V, Thatcher Hill, LLC., F.O.R.E., LLC. Because the notices were not sent out to the adjacent landowners, the Chair continued this hearing to Tuesday, July 17th at 8:20 p.m. at the Thatcher Brook Primary School library.

REVIEW OF MEETING MINUTES

The minutes, findings of fact, and decisions from June 7, 2012, were reviewed.

MOTION:

Rick Boyle moved and Joel Baker seconded to approve the minutes, findings of fact, and decisions from June 7, 2012 as amended.

VOTE:

The motion was approved with one abstention.

The minutes, findings of fact, and decision for the hearing on Application 32-12-T for Brent Giroux and Kelsey Petterborg were reviewed.

MOTION:

Joel Baker moved and Jeff Whalen seconded the motion to approve the minutes for the hearing on Application 32-12-T for Brent Giroux and Kelsey Petterborg, for a Variance Request to re-build a single family dwelling at 2029 Blush Hill Road, Waterbury. Tax Map # 09-322.000

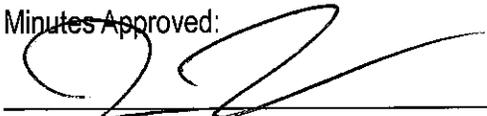
VOTE:

The motion was approved unanimously.

ADJOURNMENT

The meeting was adjourned by the Chair at 9:45 p.m.

Minutes Approved:


_____, Chair

Date: 6-28-12

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 28, 2012

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
FLOOD HAZARD AREA & CONDITIONAL USE REVIEW
APPROVED FINDINGS AND DECISION**

Thursday, June 21, 2012

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

Flood Hazard Area and Conditional Use Review for re-building Whalley Mobile Home Park.
Applicant: Andrew Hunnewell
Landowner: Robert L. Provost
Permit Application #11-12-V

The following interested party was present and previously sworn in:
Bob Provost, Applicant

Testimony:

1. Reviewed landscaping, existing landscaping is sufficient along the back of the units
2. The concept is that the homeowners will have a deeded interest in the property so that with their ownership they can control their destiny.
3. The parking was revised and now includes 17 spaces.
4. There will be a minimum of 4 trees in the green space and the trunk caliper will be a minimum of 4" in diameter. The tree on the east side of the property will be an evergreen 10-12 feet tall.
5. There will be plantings between the walkway and the houses
6. All lighting will be downcast. There will be three lights total on the carports that will be on timers.
7. The units will all be two-bedroom.

EXHIBITS:

- | | |
|-----------|---|
| Exhibit A | Zoning Permit Application |
| Exhibit B | Site Plan revision 3 |
| 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 December 2010 |
| Exhibit L | Notice Sent to Adjacent Landowners dated 5-21-12 |

Exhibit M Letter from Ed Robbins, P.E. Robbins, Inc. re: Unified Floor Systems dated 6-11-12
Exhibit N Applicants response to conditional use criteria
Exhibit O Prior testimony from the hearing on June 7, 2012, minutes approved
June 21, 2012

FINDING OF FACT:

PROJECT DESCRIPTION:

The applicant seeks a permit to reconstruct eleven single family residences and two associated carports (24' x 60' and 24' x 50') on a 0.97 acre parcel located at Whalley Park at the end of O-Hear Ct. in the Town/Village of Waterbury, Tax Map 19-237.000.

The property is located in the Village Residential Zoning District as described on the Town of Waterbury Zoning Map on record at the Town of Waterbury Municipal Office. There were 11 mobile homes located on the parcel that were destroyed by the flood associated with Tropical Storm Irene on August 28, 2011. These mobile homes are proposed to be replaced by 11 mobile homes of a modular nature that will be placed on a pier system described in this application. There is also one existing garage located on the parcel that will be demolished in conjunction with the construction of the new dwellings.

The following bylaw in the Waterbury Zoning Regulations applies to this application:

"Section 304 Nonconforming Uses and Noncomplying Structures

(b) Nothing in this section shall prevent the issuance of a building permit for restoration or reconstruction within one year of a structure damaged or destroyed by fire or other catastrophe to its condition prior to such damage or destruction."

The 11 mobile homes that were destroyed by the flooding associated with Tropical Storm Irene, were non-complying structures because the density of the dwelling units exceeded the allowed density in the Village Residential (VR) Zoning District. The minimum lot size in the VR Zoning District is 10,000 sq. ft. (approx. 0.23 acres) for a single family dwelling unit. The mobile homes also did not comply with all the setback requirements for the VR Zoning District.

Each dwelling unit will be elevated on 8" x 8" pressure treated posts that will be anchored into a concrete foundation as shown on Exhibit C, Footing/Foundation Detail. The finish floor of all dwelling units will be elevated a minimum of 12" above the base flood elevation that is 422.6' as documented on Exhibit E, Portion of Flood Insurance Rate Map (FIRM) Showing Site and in Exhibit G, E-mail from Rob Evans, and Exhibit H, E-mail from Rebecca Pfeiffer. This means that the finish floor of each dwelling unit will be at a minimum elevation of 423.6".

Exhibit G, E-mail from Rob Evans states that "...the project will not raise the base flood elevations by more than 0.25'.... The pier-type foundations of the proposed mobile homes would result in no detectable increase (in the base flood elevation).... In my opinion, Hydraulic calculations are unnecessary given the context of the site in the floodplain relative to the existing flood insurance study."

There will be two carports constructed as shown on Exhibit B, the Site Plan. One carport will be 24' deep by 60'+/- long and one will be 24' deep by 50'+/- long. The carports will each be constructed with three wood frame walls on a concrete slab and will be open on the third side where the vehicles enter. The anchoring system for the carports will be as shown on Exhibit D, Tie-down Detail for Carports.

FLOOD HAZARD AREA REVIEW:

Section 605

Development Standards

2) All substantial improvements and new construction (including fuel storage tanks) within the Special Flood Hazard Area shall meet the following criteria:

- (A) Be designed, operated, maintained, modified and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
- (B) Be constructed with materials resistant to flood damage;
- (C) Be constructed by methods and practices that minimize flood damage;
- (D) Be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (E) New and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters in the systems;
- (F) New and replacement sanitary sewer systems and onsite waste disposal systems must obtain a permit from the Agency of Natural Resources prior to commencement of construction.
- (G) All new subdivisions and other proposed developments that are greater than 50 lots or 5 acres, whichever is the lesser shall include within such proposal base flood elevation data. All new subdivisions: (i) shall be consistent with the need to minimize flood damage; (ii) shall have public utilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; and (iii) shall provide adequate drainage to reduce exposure to flood hazards.
- (H) The fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above the finished floor elevation. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(I) A non-residential, appurtenant structure of 500 square feet or less that represents a minimal investment need not be elevated to or above the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in Section 605(a)(6).

(3) In Zones AE, A, and A1 – A30 where base flood elevations and/or floodway limits have not been determined, new construction and substantial improvement shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a registered professional engineer.

(4) All new construction and substantial improvements of residential structures within Zones A1-30, and AE must have the lowest floor of all residential structures (including basement) elevated to at least one foot above the base flood level. All manufactured homes to be placed within Zones A1-30, A, and AE shall be installed using methods and practices which minimize flood damage. For purposes of this requirement, manufactured homes must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above base flood elevation, and they must be anchored to an adequately anchored foundation to resist flotation collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

(5) All new construction and substantial improvements of non-residential structures within Zones A1-30, and AE shall:

(A) Have the lowest floor (including basement) elevated to at least two feet above the base flood level; or

(B) Be designed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy to a point at least two feet above the base flood level.

(C) Where a non-residential structure is intended to be made watertight below the base flood level a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 605(a)(5)(B).

(6) Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.

Section 606 Application Submission Requirements

(4) Where an application requires Board review under Section 604(d), the application shall include certification by a registered professional engineer or architect demonstrating that the proposed development will not increase base flood elevations more than 0.25 foot. A flood elevation demonstration must be supported by technical data that conforms to standard hydraulic engineering principals and certified by a

registered professional engineer. Compensatory storage of displaced flood waters must be above the water table, hydrologically equivalent, and serve to reduce flood and storm water impacts. Development may not result in any adverse effects on existing structures during the occurrence of the base flood. A floodproofed structure must meet the floodproofing criteria of this Article;

(5) Where a development proposal is subject to one or more of the requirements set forth in Section 605 that require new construction, substantial improvement or other development to be located at or above a base flood elevation, and in cases where development is otherwise required to occur with reference to a specified elevation, the application for a permit shall include a certification by a registered professional engineer or architect demonstrating compliance with the elevation requirements. Thereafter, the permittee shall submit a FEMA Elevation Certificate, where applicable, or other certification providing as-built certification from a registered professional engineer or architect as to such elevation at the time the permittee applies for the a Certificate of Completion

CONDITIONAL USE REVIEW:

1. The application will not have an undue adverse impact the capacity of existing or planned community facilities.
2. The application will not have an undue adverse effect on the character of the area.
3. The application will not have an undue adverse effect on traffic and roads and highways in the vicinity.
4. The application will not have an undue adverse effect on the bylaws outlined in section 303.
5. The application will not have an undue adverse effect on utilization of renewable energy resources.

CONCLUSION:

The Development Review Board finds that the application is for the reconstruction of a pre-existing non-conforming use and the permit will be granted within the one year of the flood that destroyed the mobile homes on the site, as allowed in the bylaws. The Development Review Board also finds that all applicable Flood Hazard Area and Conditional Use criteria are met.

DECISION AND CONDITIONS:

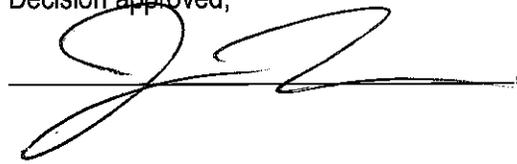
MOTION:

Rick Boyle moved and Joel Baker seconded the motion to approve application 11-12-V, Andrew Hunnewell, Robert Provost, for the replacement of 11 mobile homes in Whalley Park, including approval under the Flood Hazard Area and Conditional Use Review, 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. *An elevation certificate shall be submitted for each dwelling unit certifying that the finish floor elevation is at a minimum elevation of 423.6 feet above sea level.*
3. *Any use of exterior lighting as indicated or added will be installed as downcast and shielded lighting.*

VOTE: the motion passed unanimously.

Decision approved,

 Chair

Date: 6-28-12

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 28, 2012

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
APPROVED MINUTES
Date: June 21, 2012**

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

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

Permit #: 30-12-T

Applicant: Mark & Richelle Lafayette

Landowner: SAME

Location of Project: 237 Blackberry Lane, Waterbury, VT

Description of Project: Request for a setback variance to construct a deck.

The following interested parties were present and sworn in:

Mark & Richelle Lafayette, Applicants

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 June 6, 2012 |
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TESTIMONY:

1. There will be no floodlights added.
2. There might be some can lights in the ceiling of the porch but they will be downcast and shielded.

FINDINGS OF FACT:

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 deck at 237 Blackberry Lane, in the Town of Waterbury. Tax Map #13-048.100.
2. The property is located in the Medium Density Residential Zoning District as described on the Town of Waterbury Zoning Map where the dimensional requirements are as follows: Minimum Lot Area = 2 acres)
Front Setback = 60ft, Side Setbacks = 50ft, Rear Setback = 50ft
3. The project proposes the following setbacks:
Rear Setback = 31 ft
The applicant seeks the following variance:

19 ft 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]
Established orientation of the house suggests that the deck is best suited at this location.
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.

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]
9. The porch will be covered and there is one existing floodlights and any additional lights will be downcast.

DECISION AND CONDITIONS

Based upon these findings, [and subject to the conditions set forth below], the Development Review Board approves the following variance.

A 19 foot rear setback variance for a porch.

Conclusion: Due to preexisting conditions and the minimal impact of this desk on the neighborhood we find that this variance is acceptable.

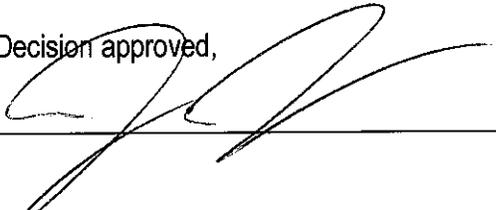
MOTION:

Joel Baker moved and Rick Boyle seconded the motion to approve application 30.12.T for a 19 foot rear set back variance for construction of a covered deck at 237 Blackberry Lane in Waterbury, Tax Map #13-048.100, 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: Approved unanimously.

Decision approved,


_____, Chair

Date: 6-28-12

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 6-28-12

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
APPROVED MINUTES
Date: June 21, 2012**

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

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

Permit #: 32-12-T

Applicants: Brent Giroux, Kelsey Petterborg

Landowner: SAME

Location of Project: 2029 Blush Hill Road, Waterbury, VT

Description of Project: Request for a setback variance to re-construct a single family dwelling.

The following interested parties were present and sworn in: Brent Giroux, Kelsey Petterborg, Jason Adams

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 6/10/12
-

TESTIMONY:

1. The applicants are replacing their home which was destroyed by fire less than one year ago.

FINDINGS OF FACT:

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 front and side setback variance to construct a single-family dwelling at 2029 Blush Hill Road, in the Town of Waterbury. Tax Map #09-322.000.
2. The property is located in the Medium Density Residential Zoning District as described on the Town of Waterbury Zoning Map where the dimensional requirements are as follows: Minimum Lot Area = 2 acres)
Front Setback = 60ft, Side Setbacks = 50ft, Rear Setback = 50ft
3. The project proposes the following setbacks:
Front variance = 33 ft.
Side variance = 42 ft.

4. The following unique physical circumstances or conditions peculiar to the subject property are found
[Refers to Section 308 (1) of Waterbury Zoning Bylaws]
This is a rebuild of an existing non-conforming home that was destroyed by fire.
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.
The applicants are replacing their home that was destroyed by fire.

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]

DECISION AND CONDITIONS

Based upon these findings, [and subject to the conditions set forth below], the Development Review Board approves the following variance:

Front variance = 33 ft

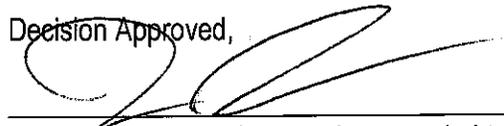
Side variance = 42 ft

Martha Staskus moved and Rick Boyle seconded the motion to approve building a single-family dwelling at 2029 Blush Hill Road, in the Town of Waterbury. Tax Map #09-322.000, as per application 32-12-T for Brent Giroux and Kelsey Petterborg and 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. All exterior lighting will be downcast and shielded.

VOTE: 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
APPROVED MINUTES, FINDINGS & DECISION
Date: June 21, 2012**

Board Members Present: Jeff Larkin, Chair; Joel Baker; Jeff Whalen; Martha Staskus, Rick Boyle,
Staff Present: Steve Lotspeich; Clare Rock; Patti Spence
Public: Kristen Fountain, Waterbury Record

Sixth Order of Business: Site Plan Review, Flood Hazard Review, Findings and Decision

Permit Application #31-12-V

Applicant: Everett and Annie Coffey
Landowner: Coffey Family Enterprises
Location of Project: 128 South Main Street, Waterbury, VT

Description of Project: Demolish existing commercial structure, place temporary trailer for up to 120 days, construct permanent 12-space parking lot.

The following interested parties were present and sworn in:

Joe Greene, Architect; Seth Mitchell, Designer; Everett Coffey, Applicant; Jay Provencher, Resident; Susan Rau, Adjacent Landowner; Edward Rau, Adjacent Landowner; Richard Morley, CVMC; Robert Patterson, CVMC; Ed Steele, Adjacent Landowner; Mary Martin, Adjacent Landowner; Trevor Parizo, Adjacent Landowner; Jamie Koehnlan & Tim Duvernoy, Adjacent Landowner

Testimony:

1. The applicant anticipates an expedited move to the new medical facility building and then the temporary trailers will be removed from the site.
2. The applicant committed to remove the trailers within one year from the date the permit is issued.
3. The lights in the parking fixtures will be on a timer that will coincide with the hours of operation.
4. One new LED light will be on the trailer, turning off at 10:00 p.m., and will be downcast and shielded.
5. The trailer will be anchored as per necessary flood hazard area requirements.

EXHIBIT LIST:

Exhibit A Zoning Permit Application #31-12-V
Exhibit B Letter to adjacent landowners dated 6-1-12
Exhibit C Certified mail receipts
Exhibit D Letter from Grenier Engineering describing project(s) dated 5-21-12
Exhibit E Elevation Certificate for existing building

Coffey approved DRB findings & decision, #31-12-V, 6-21-2012

- Exhibit F Site Plan "Phase I – Proposed Demolition Site Plan" dated 5-10-2012
- Exhibit G Site Plan "Phase II – Proposed Interim Site Plan" dated 5-10-2012
- Exhibit H Temp Trailer image, elevation and floor plan
- Exhibit I Temp Trailer "Modular Building Floor Plan" with ramp details
- Exhibit J Temp Trailer anchoring details
- Exhibit K Site Plan "Phase III – Proposed New Work Site Plan" dated 5-10-2012
- Exhibit L Grading Plan "Waterbury Medical Center Site Plan" dated 6-19-2012

INTRODUCTION AND PROCEDURAL HISTORY:

Application # 31-12-V was referred to the Development Review Board on 5/24/2012 for a Site Plan Review, Flood Hazard Area Review and Variance (for the temp trailer) for the demolition of the existing building, placement of a temporary trailer and construction of a 12-space parking lot at 128 South Main Street, Tax map # 19-438.000.

FINDINGS OF FACT:

Description of Project:

The property is located within the mapped 100-year floodplain. The Base Flood (100-year floodplain) Elevation (BFE) on the site is 426' as shown on Exhibit L, Grading Plan "Waterbury Medical Center Site Plan". The slab of the existing building at 128 S. Main St. (former Proud Flower shop) to be demolished is at 426.97'. No fill will be placed or removed as part of the demolition work.

A temporary trailer will be placed on the property following the demolition to provide temporary medical office space to Waterbury Medical Associates. The proposed location will be as shown on Exhibit G, Site Plan "Phase II – Proposed Interim Site Plan". The trailer will occupy the site for no longer than one year from the issuance of the permit and will provide temporary space for the neighboring clinic while the addition is being built. The trailer's finished floor elevation will be 429.47'. A handicap ramp will be constructed on front of the trailer to provide handicap access as shown on Exhibit G, Site Plan "Phase II – Proposed Interim Site Plan" and Exhibit I, Temp. Trailer "Modular Building Floor Plan" with ramp details. There will be one shoebox type fixture over the main pass door into the trailer.

The property is located within the Mixed Village Residential Zoning District where the setbacks for "other" uses that include all commercial uses, are front: 40', sides: 25' and rear: 50'. The front of the handicap ramp will be 55' to the center line of S. Main St. or 22' to the street line that is 33' from the center line of the street. The north side of the trailer is located on the side property line. The rear of the trailer is located four feet from the rear property line. Because it is a temporary structure variances to the setback are not required.

The finish floor elevation of the trailer will be 429.47' that is 3.47' above the BFE on the site. The trailer will be anchored as detailed in Exhibit J, Temp. Trailer Anchoring Details, to the ground on the site to prevent movement of the structure during a possible future flood event.

Four temporary parking spaces will be constructed for usage with the trailer as shown on Exhibit G, Site Plan "Phase II – Proposed Interim Site Plan". These spaces include one handicap parking space. Upon removal of the trailer the site will be developed as a 12-space parking lot as shown on Exhibit G, Site Plan "Phase II – Proposed Interim Site Plan". Entrance to the lot will be from the driveway for 130 South Main Street. The parking lot will be landscaped as shown on Exhibit K, Site Plan "Phase III – Proposed New Work Site Plan". A green strip along South Main St. will be planted with red maple and Japanese tree lilacs. The north side of the parking will be planted with Arborvitae to provide screening from adjacent residential property.

FLOOD HAZARD AREA REVIEW:

Section 605 Development Standards

2) All substantial improvements and new construction (including fuel storage tanks) within the Special Flood Hazard Area shall meet the following criteria:

- (A) Be designed, operated, maintained, modified and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
- (B) Be constructed with materials resistant to flood damage;
- (C) Be constructed by methods and practices that minimize flood damage;
- (D) Be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (E) New and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters in the systems;
- (F) New and replacement sanitary sewer systems and onsite waste disposal systems must obtain a permit from the Agency of Natural Resources prior to commencement of construction.

(5) All new construction and substantial improvements of non-residential structures within Zones A1-30, and AE shall:

- (A) Have the lowest floor (including basement) elevated to at least two feet above the base flood level; or
- (B) Be designed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy to a point at least two feet above the base flood level.
- (C) Where a non-residential structure is intended to be made watertight below the base flood level a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 605(a)(5)(B).

(6) Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.

Section 606 Application Submission Requirements

(4) Where an application requires Board review under Section 604(d), the application shall include certification by a registered professional engineer or architect demonstrating that the proposed development will not increase base flood elevations more than 0.25 foot. A flood elevation demonstration must be supported by technical data that conforms to standard hydraulic engineering principals and certified by a registered professional engineer. Compensatory storage of displaced flood waters must be above the water table, hydrologically equivalent, and serve to reduce flood and storm water impacts. Development may not result in any adverse affects on existing structures during the occurrence of the base flood. A floodproofed structure must meet the floodproofing criteria of this Article;

(5) Where a development proposal is subject to one or more of the requirements set forth in Section 605 that require new construction, substantial improvement or other development to be located at or above a base flood elevation, and in cases where development is otherwise required to occur with reference to a specified elevation, the application for a permit shall include a certification by a registered professional engineer or architect demonstrating compliance with the elevation requirements. Thereafter, the permittee shall submit a FEMA Elevation Certificate, where applicable, or other certification providing providing as-built certification from a registered professional engineer or architect as to such elevation at the time the permittee applies for the a Certificate of Completion

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.

CONCLUSION:

The Development Review Board finds that this will represent an improvement in the general landscape of the neighborhood and meets all the applicable criteria in the Zoning Regulations.

DECISION:

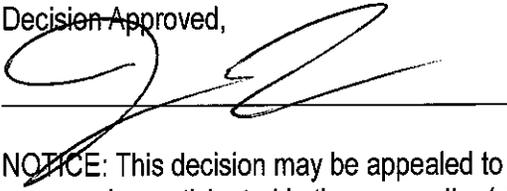
MOTION:

Jeff Whalen moved and Joel Baker seconded the motion to approve the demolition of the existing building at 128 South Main Street to be replaced by a temporary trailer for a period of up to one year from the issuance of the permit and to ultimately be replaced by the construction of a 12-space parking lot as presented in application #31-12-V, 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: The motion passed unanimously.

Decision Approved,



, Chair

Date:

6-20-12

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

6-20-12

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
APPROVED MINUTES, FINDINGS & DECISION
Date: June 21, 2012**

Board Members Present: Jeff Larkin, Chair; Joel Baker; Jeff Whalen; Martha Staskus, Rick Boyle
Staff Present: Steve Lotspeich; Clare Rock; Patti Spence
Public: Jason Wulff, Resident & Planning Commission member; Kristen Fountain, Waterbury Record

Seventh Order of Business: Site Plan and Conditional Use Review, Flood Hazard Review, Findings and Decision
The hearing was opened at 8:35 p.m.

Permit Application #:30-12-V

Applicant: Everett and Annie Coffey

Landowner: Coffey Family Enterprises

Location of Project: 130 South Main Street, Waterbury, VT

Description of Project: 3,266 sq. ft. clinic building addition and parking lot expansion at 130 S. Main St.

The following interested parties were present and sworn in:

Joe Greene, Architect; Seth Mitchell, Designer; Everett Coffey, Applicant; Jay Provencher, Resident; Susan Rau, Adjacent Landowner; Edward Rau, Adjacent Landowner;
Richard Morley, CVMC; Robert Patterson, CVMC; Ed Steele, Adjacent Landowner;
Mary Martin, Adjacent Landowner; Trevor Parizo, Adjacent Landowner; Jamie Koehnlan & Tim Duvernoy, Adjacent Landowner

TESTIMONY:

1. The maintenance of the property is the responsibility of the tenant, Central Vermont Medical Center (CVMC), and it is anticipated that they will maintain the property as described in this application.
 2. The new parking spaces at the rear of the building will be identified for employee parking. The employees generally work from 7:30 am - 5:30 pm.
 3. The applicant agreed to work with the adjacent neighbors to provide screening between the parking area and the adjacent Batchelder Street residence. The screening needs will be easier to determine once the work nears completion.
 4. There will be no vehicular or pedestrian access to the site from Batchelder Street, except for use by emergency vehicles.
-

EXHIBIT LIST:

Exhibit A	Zoning Permit Application #30-12-V
Exhibit B	New Work Site Plan dated 5-10-2012
Exhibit C	Waterbury Medical Center Site Plan dated 6-19-12
Exhibit D	New Work Photometric Site Plan
Exhibit E	Topographic Site Plan dated 5-2-01
Exhibit F	Proposed Exterior Elevations dated 5-10-12
Exhibit G	Letter from Grenier Engineering describing project(s) dated 5-21-11
Exhibit H	Elevation Certificate for existing building dated 11-23-09
Exhibit I	Lighting Cut Sheets
Exhibit J	Letter to adjacent landowners dated June 1, 2012 and certified mail receipts

INTRODUCTION & PROCEDURAL HISTORY:

Application # 30-12-V was referred to the Development Review Board on 5/24/2012 for a Site Plan and Conditional Use Review, and Flood Hazard Area Review for the expansion of the "Hospital/Clinic" use at 130 South Main Street, Tax map # 19-440.000.

FINDINGS OF FACT:

Description of Project:

The property is located partially within the mapped 100-year floodplain. The Base Flood (100-year floodplain) Elevation (BFE) on the site is 426' as shown on Exhibit C, Waterbury Medical Center Site Plan. The finish floor of the existing building at 130 S. Main St., Waterbury Medical Associates, is at 428.1'. The finish floor elevation of the proposed addition to the building will also be 428.1'.

The 3,266 sq. ft. addition to the existing building will be as shown on Exhibit B, New Work Site Plan dated 5-10-12, Exhibit C, Waterbury Medical Center Site Plan, and Exhibit F, Proposed Exterior Elevations. The exterior finishes on the building and the roofing material will match the existing building.

The property is located within the Mixed Village Residential Zoning District where the Hospital/clinic use is a conditional use. The setbacks for "other" uses that include all commercial uses, are front: 40', sides: 25' and rear: 50'. The building addition meets all required setback distances.

The finish floor elevation of the addition will be 428.1' that is 2.1' above the BFE on the site. 425 cu. ft. or 16.6 cu. yds. of fill will be placed in the 100-year floodplain in order to construct the addition and a sidewalk that will access the door into the addition. Exhibit G, Letter from Grenier Engineering describing project(s) states: "When distributed across the floodplain the placed fill will result in an increase of 0.006 ft., or 0.08 inches (in the elevation of the 100-year floodplain).

Access to the site will continue to me via the existing driveway off S. Main St. Vehicular circulation on the site will remain unchanged. The proposed parking lot expansion at the rear of the building will create an additional seven parking spaces. These parking spaces will be used by employees. An additional 12 parking spaces are proposed at the front of the site under Zoning Permit application 31-12-V.

Coffey approved DRB findings & decision, #30-12-V, 6-21-2012

There will be a new 5' wide concrete sidewalk with concrete curb constructed connecting the sidewalk at S. Main St. to the main building and 3.266 sq. ft. addition, as shown on Exhibit B, New Work Site Plan, and Exhibit C, Waterbury Medical Center Site Plan. All the sidewalk ramps at the driveway crossings will be constructed with tactile warning strips that meet all ADA handicap access standards.

Landscaping will be as shown on Exhibit B, New Work Site Plan, and Exhibit C, Waterbury Medical Center Site Plan. Existing trees and shrubs will be retained in all areas shown on Exhibit B, New Work Site Plan. The dumpsters will be relocated as shown on these Site Plans and a three-sided 6' tall wooden privacy fence will be constructed to screen the dumpsters from view from the neighboring properties.

All existing parking lights on standards will be modified with new LED fixtures as shown on Exhibit D, New Work Photometric Site Plan, and Exhibit I, Lighting Cut Sheets. There will be one new parking lights on 10' tall standards on a two ft. tall concrete base for a total height of 12' to match the existing lights. The new light will be installed in the locations shown on Exhibit D, New Work Photometric Site Plan. The LED fixtures for the parking lot lights will be 51 watt equivalent. There will also be four new bollard lights for the walkways in the locations shown on Exhibit D, New Work Photometric Site Plan. The LED bollard lights will be as shown in Exhibit I, Lighting Cut Sheets and will be 12.5 watt equivalent. The photometrics for all these lights will be as shown on Exhibit D, New Work Photometric Site Plan.

FLOOD HAZARD AREA REVIEW:

Section 605 Development Standards

2) All substantial improvements and new construction (including fuel storage tanks) within the Special Flood Hazard Area shall meet the following criteria:

- (A) Be designed, operated, maintained, modified and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
- (B) Be constructed with materials resistant to flood damage;
- (C) Be constructed by methods and practices that minimize flood damage;
- (D) Be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (E) New and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters in the systems;
- (F) New and replacement sanitary sewer systems and onsite waste disposal systems must obtain a permit from the Agency of Natural Resources prior to commencement of construction.

(5) All new construction and substantial improvements of non-residential structures within Zones A1-30, and AE shall:

- (A) Have the lowest floor (including basement) elevated to at least two feet above the base flood level; or
- (B) Be designed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy to a point at least two feet above the base flood level.

(C) Where a non-residential structure is intended to be made watertight below the base flood level a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 605(a)(5)(B).

(6) Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.

Section 606 Application Submission Requirements

(4) Where an application requires Board review under Section 604(d), the application shall include certification by a registered professional engineer or architect demonstrating that the proposed development will not increase base flood elevations more than 0.25 foot. A flood elevation demonstration must be supported by technical data that conforms to standard hydraulic engineering principals and certified by a registered professional engineer. Compensatory storage of displaced flood waters must be above the water table, hydrologically equivalent, and serve to reduce flood and storm water impacts. Development may not result in any adverse affects on existing structures during the occurrence of the base flood. A floodproofed structure must meet the floodproofing criteria of this Article;

(5) Where a development proposal is subject to one or more of the requirements set forth in Section 605 that require new construction, substantial improvement or other development to be located at or above a base flood elevation, and in cases where development is otherwise required to occur with reference to a specified elevation, the application for a permit shall include a certification by a registered professional engineer or architect demonstrating compliance with the elevation requirements. Thereafter, the permittee shall submit a FEMA Elevation Certificate, where applicable, or other certification providing as-built certification from a registered professional engineer or architect as to such elevation at the time the permittee applies for a Certificate of Completion

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 REVIEW:

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

CONCLUSION & DECISION:

The Development Review Board finds that this application meets all applicable review criteria for a development of this type at this location.

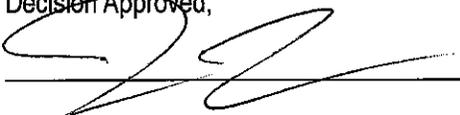
MOTION:

Joel Baker moved and Jeff Whalen seconded the motion to approve the 3,266 sq. ft. addition to the existing medical facility building at 130 South Main Street, including the associated parking lot expansion and associated site improvements as presented in application #30-12-V, 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: 6-28-17

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 6-28-17.