

**WATERBURY DEVELOPMENT REVIEW BOARD  
APPROVED MINUTES  
Thursday, August 23, 2012**

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

Staff Present: Clare Rock

Public Present: Deb Talbot, Tom Vickery, Gunner McCain, Paul Arnot, Mark Frier, John Vincent.

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

**APPLICATION #51-12-V TED BRUNELL**

The Hearing was opening at 6:35pm. The Notices to Adjoining Landowners were not sent out therefore the Hearing was continued to September 20, 2012 at 6:30pm.

**SUBDIVISION DISCUSSION**

Landowner Deb Talbot & Municipal Assessor Tom Vickery met with the Board to informally gather input and direction on a 2-lot subdivision on a parcel owned by Talbot. Instead of creating a convoluted lot the Board suggested consideration of a variance to meet density and setbacks for existing buildings.

**APPLICATION #51-12-T, JOHN FARR**

The Hearing was opened at 7:06 pm. See separate minutes for DRB Decision

**APPLICATION #53-12-V, OVERTIME MANAGEMENT LLC**

The Hearing was opened at 7:20 pm. See separate minutes for DRB Decision.

**PUD PRE-HEARING CONFERENCE FOR SPARKS HOLDINGS, LLC**

Consultant Gunner McCain and Paul Arnot presented Maple Basin, a proposed residential Planned Unit Development off Perry Hill Rd (Tax Map #19-070.000). The Consultant requested direction on the setback requirements. The Board interprets Section 702 (b) to apply the double setbacks to the perimeter of the PUD project and setbacks requirements to structures within the project would not be subject to any further setback requirements.

**REVIEW & APPROVAL OF MINUTES**

Rick Boyle moved and Martha Staskus seconded the motion to approve the Minutes for this evenings Application #51-12-T and Application #53-12-V.

VOTE: 5 approved, Joel Baker abstained.

**APPLICATION #50-12-V, HANDS OFF MY CHEESE, LLC**

The Hearing was opened at 8:20 pm. See separate minutes for DRB Decision.

**DISCUSSION ABOUT THE PARKING REGULATIONS**

The Board discussed the need to change the parking requirements, especially those which apply to downtown businesses. Rick Boyle will draft a letter to the Trustees/Select Board outlining the Boards position to change the requirements, and circulate to other board members for review.

**REVIEW OF MEETING MINUTES & DECISIONS**

The following minutes and decisions from August 7, 2012, meetings were reviewed:

Approved Minutes, Findings of Fact & Decision, Tuesday August 7, 2012

Approved Findings & Decision Application # 41-12-T Barbara Blauvelt

Approved Findings & Decision for Application #49-12-V Mark Martin

Dave Rogers moved and Rick Boyle seconded the motion to approve the minutes and decisions.

VOTE: Passed unanimously (with the following members present Rick Boyle, Joel Baker, Dave Rogers, Jeff Larkin)

The Minutes and Decision for #46-12-V, Waterbury-Duxbury Union 45 were not approved. The Notices to Adjacent Landowners were not sent out by the applicant. The Hearing will be rescheduled for September 20, 2012.

**Adjournment**

The meeting was adjourned by the Chair at 9:55 p.m.

Minutes and Decisions Approved:

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

Date: 9.6.12

**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 September 6, 2012.

**Waterbury Development Review Board**  
**Approved Minutes**  
**August 23, 2012**

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

Staff Present: Clare Rock

Second order of Business: Boundary Line Adjustment and Final Plat Approval, Findings and Decision. The public hearing was opened at 7:06 pm.

Permit #: 51-12-T  
Applicant: John Farr, Farr's Tree Service, Inc  
Landowner: SAME  
Location of Project: Farr's Landing

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The following interested parties were present and sworn in:  
Gunner McCain, Consultant

**TESTIMONY:**

1. The only change to the subdivision plan is the addition of the view shed easement and the 50' right-of-way.

**EXHIBIT LIST:**

Exhibit A Zoning Permit Application # 51-12-T  
Exhibit B Wastewater, dated June 15, 2012 (from 70-11-T)  
Exhibit C 15 day warning to Waterbury Record  
Exhibit D DRB Approved Minutes of 70-11-T  
Exhibit E Notice to adjacent landowners (see condition #2)  
Exhibit F Subdivision Plan, date July 9, 2012

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**Description of Project:**

The project proposes to adjust the boundary line of Lot 3, Farr's landing, Waterbury (Tax map # 12-015.000). Lot 3 was originally approved under 37-10-T. The boundary line adjustment was previously approved by the Development Review Board (under application #70-11-T) on February 22, 2012 yet the Final Plat was not brought to the Zoning Administrator within 150 days as stipulated within the conditions.

The applicant has submitted a new application for the approval of the boundary line adjustment. The Final Plat has been brought to the Zoning Administrator ready for Development Review Board Approval.

**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 boundary line adjustment to increase the size of Lot 3 located on Farr's Landing by 1.5 acres, from 13.2 +/- acres to 14.7 +/- acres. Tax Map #12-015.000.
2. The property is located in the Conservation Zoning District, where the minimum lot size is 10 acres.
3. The project proposes to increase the size of Lot 3 to 14.7 +/- acres by decreasing the area of the adjacent lot from 388 +/- acres to 386.5 +/- acres.
4. The Final Plat was brought to the Zoning Administrator for DRB approval.

### DECISION AND CONDITIONS

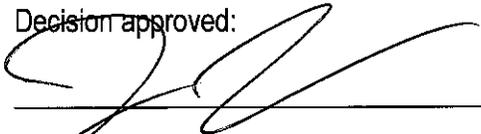
#### MOTION:

Joel Baker moved Jeff Whalen second the motion to approve Application No. 52-12T, John Farr, Farr's Tree Service, Inc., for a boundary line adjustment and final plat review for lot 3 off Farr's Landing, to increase lot 3 by 1.5 acres from 13.2 acres to 14.7 acres. This approval 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. The applicant brings the dated Notice to Adjacent Landowners with certified receipts dated 10-days prior to the Hearing date to the Zoning Administrator no later than 4pm by Monday August 27, 2012.

VOTE: The motion was unanimously approved.

Decision approved:

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

Date: 8-23-12

**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 August 23, 2012.

**TOWN OF WATERBURY  
DEVELOPMENT REVIEW BOARD  
APPROVED FINDINGS & DECISION  
Date: August 23, 2012**

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

Staff Present: Clare Rock

Third Order of Business: Application for Subdivision, Findings and Decision. The public hearing was opened at 7:20 pm

Permit Application #:	53-12-V
Applicant:	Overtime Management, LLC
Landowner:	SAME
Location of Project:	Stowe Street & Rolling Meadows Lane, Waterbury, VT

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The following interested parties were present and sworn in:

Joel Baker, Applicant  
Gunner McCain, Consultant

**TESTIMONY:**

1. The zoning dimensional requirements have not changed since the project was previously approved by the zoning administrator under #22-10-V.
  2. The only change to the subdivision is the addition of a utility easement.
  3. The Final Plat was brought to the meeting for approval.
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**EXHIBIT LIST:**

Exhibit A	Zoning Permit Application #53-12-V
Exhibit B	Letter from McCain Consulting, dated 8/1/2012
Exhibit C	Adjoining Landowners List
Exhibit D	Site Plan, dated August 20, 2012
Exhibit E	Previous Subdivision Map, #42-01-V, showing lot 1
Exhibit F	Previous Site Map from #22-11-V, showing location and setbacks of proposed duplexes
Exhibit G	Notice sent to Adjacent Landowners dated August 8, 2012

**Description of Project:**

This project proposes to subdivide Lot 1 on Rolling Meadows Lane for the creation of Lot 6 at the corner of Stowe Street and Rolling Meadow Lane, Waterbury, VT (Tax Map # 19-079.000)

The project was previously approved by the zoning administrator under application # 22-10-V. The Final Survey Plat was not recorded within 180 days from the issue date #22-10-V.

**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 lot is located within the Village Residential District, where the dimensional requirements are:
  - a. Minimum lot size: 10,000 sf for single family dwelling / 15,000 sf for two-family dwelling
  - b. Setbacks: Front 30, Sides=10 ft, Rear =30 ft
- 2. Lot 1 will be 1.03 acres.
- 3. Two duplexes on proposed Lot 1 have received zoning approval under permit # 22-11-V.
- 4. Lot 6 will be 0.55 acres.
- 5. An existing single-family dwelling is located on lot 6 and meets the minimum lot requirement.

**CONCLUSION**

The Development Review Board concludes the subdivision meets the requirements of the Zoning Bylaws.

**DECISION AND CONDITIONS**

**MOTION:**

Jeff Whalen moved and Rick Boyle seconded the motion to approve application # 53-12-V to subdivide Lot 1 on Rolling Meadows Lane for the creation of Lot 6 at the corner of Stowe Street and Rolling Meadow Lane, Waterbury, VT (Tax Map # 19-079.000) with the following conditions:

- 1. This permit is granted on the condition that the applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits.
- 2. The applicant brings a copy of the Final Plat to Zoning Administrator within 150 days so that the Development Review Board can review, approve, and sign off on the Final Plat and meet the 180 day timeline for recording the plat that is required by 24 V.S.A., Section 4463.

VOTE: The motion was unanimously approved.

Decision Approved,

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

Date: 8.23.12

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THESE MINUTES WERE APPROVED ON August 23, 2012.

**TOWN OF WATERBURY  
DEVELOPMENT REVIEW BOARD  
APPROVED MINUTES, FINDINGS & DECISION  
August 23, 2012**

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

Staff Present: Clare Rock

Fifth Order of Business: Continuation of August 23, 2012 Hearing for the application for Site Plan Review for the expansion of use for the Reservoir Restaurant, 1 South Main Street, Waterbury.

Permit Application: #50-12-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, property owner  
John Vincent, adjacent property owner

**TESTIMONY:**

1. The applicant anticipates buffet style dining or standing events in second floor special events rental room.
2. The applicant will limit event to 50 people in events rental room on second floor, per the determination of the Fire Marshall.
3. The applicant has conferred with the Division of Fire Safety regarding capacity, safety codes and building renovations.
4. John Vincent requests a compromise on the hours of occupancy for the special events rental room to ensure late night noise levels do not affect 2nd-floor residents in his adjacent property.
5. Applicant will not have any live amplified music in events rental room.
6. Applicant believes that the parking impact would be no greater than the impact of the current permitted use of business professional.

**EXHIBITS:**

Exhibit A Zoning Permit Application  
Exhibit B Site Plan  
Exhibit C Floor Plans  
Exhibit D Notice Sent to Adjacent Landowners dated July 20, 2012

**FINDINGS OF FACT**

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

This project requires Site Plan Review for expanding the use of 840 sq. ft. on the second floor of the building at 1 South Main St. to include business professional offices and restaurant use and a 90 sq. ft.

limited retail space. The remaining 1,700 sq. ft. on the second floor is business professional offices. Plus 190 sq. ft. on the third floor will include business professional use and/or restaurant use to accommodate a nano beer brewery. Beer brewed on-site would be for on-site consumption within the 1<sup>st</sup> floor restaurant below with limited retail distribution at the 2<sup>nd</sup> floor retail space. The remainder of the third floor will continue as one apartment. The first floor of the building is the Reservoir Restaurant.

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

The restaurant's special event rental space on the 2<sup>nd</sup> floor will have a maximum of 24 seats. The intended hours of operation for this space will be intermittent and on the days it is occupied the hours will typically be 10 a.m. to midnight.

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 1,700 sq. ft. of business professional offices on the second floor is six spaces (one space for each 300 sq. ft.). The additional restaurant space on the second floor requires eight parking spaces for the 24 seats which is an increase of three spaces beyond the four spaces previously approved for this space. The parking for the apartment on the third floor is two spaces. The total parking requirement for the building will be 57 spaces. There are four regular parking spaces shown on Exhibit B, the Site Plan.

The Development Review Board determined the parking need for the expanded restaurant use to be an additional 8 spaces.

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 reviewed the site plan criteria.

## **CONCLUSION**

The Development Review Board concludes the application meets the intent of the zoning regulations and that this application is for an expansion of use, not a change in use to enable flexibility of the use of space for business professional and restaurant use and not require site plan review if the applicant chooses to revert the space back to business professional use.

## **DECISION AND CONDITIONS**

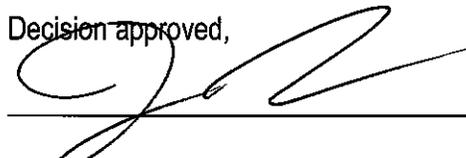
### **MOTION:**

Rick Boyle moved and Dave Rogers seconded the motion to approve application 50-12-V, Hands Off My Cheese LLC, for an expansion of restaurant use for 840 sq ft on the second floor for a 24-seat restaurant special events rental room and 190 sq ft on the third floor a small brewery for on-site restaurant consumption plus 90 sq ft of retail space on the second floor of the building at 1 South Main Street, with the following conditions:

1. *This permit is granted on the condition that the applicant completes the project consistent with the Development Review Board's findings and conclusions and the approved plans and exhibits;*
2. *The use of the restaurant special events rental room will be limited to 8 events a month;*
3. *There will be no more than 24 seats within the special events rental room;*
4. *There will be a midnight curfew in the special events rental room and an 11:30 pm liquor curfew;*
5. *There will be no amplified live music in the special events rental room;*
6. *The applicant will provide special events rental room renters with a parking map which is to be distributed to all guests directing guest to all municipal parking areas;*
7. *Prior to the issuance of the permit the applicant will have attained approval for the allocation of eight additional on-street parking spaces by the Village Trustees, pursuant to section 414 (c) (1);*
8. *Prior to the issuance of the permit the applicant will have attained a new municipal sewer and water allocation permit from the Town Managers office.*

VOTE: The motion was unanimously approved.

Decision approved,



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

Date:

9.6.12

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THESE MINUTES WERE APPROVED ON September 6, 2012.