

**WATERBURY DEVELOPMENT REVIEW BOARD
APPROVED GENERAL MINUTES
Thursday, January 17, 2013**

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Guest: Kristen Fountain, Waterbury Record

The following applications were heard:

#52-12-T, Deborah Talbot, Final Plat Approval

#68-12-V, Sparks Holding, LLC

#65-12-T, Phair Housing Company, LLC

At 6:30 the board reviewed Application #52-12-T, Deborah Talbot, Final Plat Approval for a 2-Lot Subdivision at Tayer Lane, Waterbury Center, VT. Tax Map #05-053.000.

Joel Baker moved and Jeff Whalen seconded the motion for the DRB to approve application #52-12-T, the final plat for a 2-lot subdivision at Tayer Lane in Waterbury Center, VT, tax map id #05-053.000 and that the board authorize the Chair to sign the final plat. This subdivision approval does not represent an approval for the location of the existing and unpermitted woodshed.

The motion passed unanimously.

Application #68-12-V, Sparks Holding, LLC

The chair continued the hearing of application #68-12-V to February 7, 2013 at 6:40 p.m. See separate minutes for the review.

Application 65-12-T, Phair Housing Company, LLC, Site Plan Review for a change of use (from retail sales / service to residential) at 2007 Guptil Road, Waterbury Center, VT. Tax Map # 09-223.000

The site plan review was approved, under separate minutes.

MINUTES OF PRIOR MEETINGS/HEARINGS

Martha Staskus moved and Joel Baker seconded the motion to approve the minutes and decisions from Dec. 20th, 2013 for the hearings for application #65-12-V and application #65-12-V, as amended.

Vote: The motion passed unanimously.

ADJOURNMENT

The meeting was adjourned by the Chair at 8:45 p.m.

Minutes Approved:

 _____, Chair

Date: 2/7/2013

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. An appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

THESE MINUTES WERE APPROVED ON FEBRUARY 7, 2013.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
APPROVED FINDINGS & DECISION
Date: January 17, 2013**

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Guest: Kristen Fountain, Waterbury Record

Second Order of Business: Application for Planned Unit Development Subdivision, Findings and Decision. The public hearing was opened at 6:40 pm

Permit Application #:	68-12-V
Applicant:	Sparks Holding LLC
Landowner:	SAME
Location of Project:	Perry Hill Road, Waterbury, VT

The following interested parties were present and sworn in:

Paul Arnot, Applicant

Gunner McCain, Consultant for the Applicant

John Woodruff, Judith Woodruff; Adjacent Landowners

Dan DeSanto, Dorianne Cedenno; Neighborhood

TESTIMONY:

1. Traffic count estimate is per a trip generation manual.
2. Need to meet Efficiency Vermont's Energy Code Plus standards will be in the covenant.
3. Premise is based on 3 bedroom homes.
4. Probably 1,200 to 2,500 square foot homes.
5. The DRB has the right to reduce the double setback criteria required for PUD's. They are not asking for anything less than the standard.
6. The density is less than what could be applied for by less than half of what could be applied for.
7. The DRB asked for consideration for a turn around that does not require using the driveway of the last home in the development.
8. The neighborhood would be a private drive.
9. Construction traffic was discussed. Limiting/regulating delivery times could be a condition.
10. The roads would be gravel.
11. It is walking distance to the park & ride.
12. Lots 14 & 15 are would need a 30 foot allowance.

13. The pedestrian traffic that may impact Lincoln Street and/or East Street was brought up. Sidewalks are not available.
14. Utilities will be underground.
15. There will be no street lights.
16. It is planned to be single-family homes.

CONTINUED HEARING

At 07:50 p.m. the hearing was continued to 6:40 p.m. on Thursday, February 7, 2013.

EXHIBIT LIST:

- Exhibit A Zoning Permit Application #68-12-V
- Exhibit B Project Narrative
- Exhibit C Response to Section 704 – Narrative
- Exhibit D Response to Section 705 – Standards for Review
- Exhibit E Draft Declaration of Protective Covenants and Conditions
- Exhibit F Draft Bylaws of Perry Hill Owners Association
- Exhibit G Sparks Holding Proposed Acreages Area of Land Uses Matrix
- Exhibit H Overview Site Plan, Sheet S-1, dated November 26, 2012, revision 12/18/2012
- Exhibit I Site Plan with Finished Grades, Sheet S-2, dated November 26, 2012
- Exhibit J Existing Conditions Site Plan, Sheet S-3, dated November 26, 2012
- Exhibit K Site Plan with Existing and Final Grades, Sheet S-4, dated November 26, 2012
- Exhibit L Landscaping Plan, Sheet S-5, dated November 26, 2012
- Exhibit M McCain Consulting Letter with additional information, dated December 19, 2012
- Exhibit N Copy of McCain Letter to Bill Shepeluk re: water and sewer allocation, dated December 6, 2012
- Exhibit O Copy of Village of Waterbury Application for Water & Sewer Allocation & Connection, signed December 5, 2012
- Exhibit P Copy of Act 250 School Impact Questionnaire for Residential Projects, signed December 10, 2012
- Exhibit Q Copy of McCain Letter to Waterbury Fire Chief Gary Dillion
- Exhibit R ANR Natural Resources Atlas map, dated January 10, 2013
- Exhibit S Copy of Letter re: adequate municipal water and wastewater capacity, dated Jan. 8, 2013
- Exhibit T Copy of Municipal Impact Questionnaire, signed by William Shepeluk, dated Jan. 8, 2013
- Exhibit U Notice sent to Adjacent Landowners dated December 31, 2012

Description of Project:

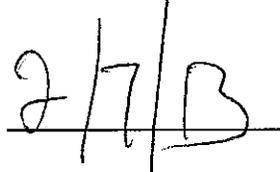
This project proposes to subdivide a 14.8 acre property into a 26-lot Planned Unit Development located off lower Perry Hill Road within the Village of Waterbury, VT (Tax Map 19-070.000)

Decision Approved,



Chair

Date:



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THESE MINUTES WERE APPROVED ON February 7, 2013.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
APPROVED FINDINGS & DECISION
Date: January 17, 2013**

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Guest: Kristen Fountain, Waterbury Record

Third Order of Business: Application for a Change of Use (from retail sales and service to residential), Findings and Decision. The public hearing was opened at 7:50 pm.

Permit Application #:	65-12-T
Applicant:	Phair Housing LLC
Landowner:	SAME
Location of Project:	2007 Guptil Road, Waterbury Center, VT

The following interested parties were present and sworn in:

John Mutchler, Applicant

TESTIMONY:

1. The structure currently has 3 units.
2. The proposal is to stay at 3 units by adding a unit and combining the two units on the second floor.
3. There are no changes other than complying with fire safety requirements.

EXHIBIT LIST:

Exhibit A	Zoning Permit Application #65-12-T
Exhibit B	Revised Site Plan, dated 1/17/2013
Exhibit C	Google Earth Map
Exhibit D	Photo of Building
Exhibit E	Building footprint, dated 1/17/2013
Exhibit F	Notice sent to Adjacent Landowners dated December 9, 2012

Description of Project:

This project proposes to convert approximately half of the ground floor of the building (former Center Bakery/ Center General Store) from retail sale and service to residential use. The property is located at 2007 Guptil Road, Waterbury Center, VT, Tax Map #09-223.000

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 3-story building at 2007 Guptil Road is currently permitted for the following uses:
 - a. retail sales and service on the ground floor (1,560 +/- sf)
 - b. home occupation on the ground floor in the rear of the building (336 +/- sf) for the applicant.
 - c. multi-family housing (3 units) on the second and third floor.
2. The project proposes retain approx. 448+/- sf of the ground floor as retail sales and service (for the existing commercial kitchen/whole sale bakery) and to convert 1,112 +/- sq. of the ground floor to residential (1 unit) retaining a total of 3 residential units in the building.
3. The remaining uses will remain the same.
4. The property is located within the Town Neighborhood Commercial (TNC) Zoning District where multi-family use is a conditional use. Yet as the property is already permitted as multi-family the conditional use criteria are not applicable.
5. The allowable residential densities for the TNC zone are 8 dwelling units per acre and 8 dwelling units per building.
6. The revised site plan identifies the lot size to be 13,200 sq. ft. (80'x165') or 0.3 acres.
7. Based upon the allowable densities the lot can accommodate up to 2.4 residential units.
8. Based upon the parking regulations 1.5 spaces are required per residential unit and the retail unit has 2 spaces. And each space should be 9'x 18'.
9. Based upon the proposed uses, 7 parking spaces are required.
10. The parking area in front of the building which has been used historically for parking is 54' x 25' and can accommodate 6 parking spaces. The adjacent driveway is 20' wide and can accommodate at least 2 parking spaces.
11. The project has been referred for Site Plan review and the applicable review criteria are listed below.

Section 301 Site Plan Review and Approval

(f) The DRB will take into consideration the following objectives prior to approval or denial:

- (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 application for change of use meets all site plan review criteria per section 301.

DECISION AND CONDITIONS

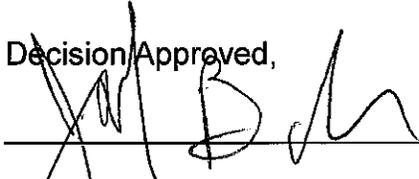
MOTION:

Joel Baker moved and Nat Fish seconded the motion to approve application #65-12-T for a change of use of the ground floor from retail sales and service to residential at 2007 Guptil Road, Waterbury Center, VT, Tax Map #09-223 with the following condition:

1. This permit is granted on the condition that the applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits.
2. That no lighting will be used in the interior of the structure to light the outside of the structure.

VOTE: The motion passed unanimously.

Decision/Approved,

 _____, Chair Date: 2/7/13

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