

**WATERBURY DEVELOPMENT REVIEW BOARD
APPROVED GENERAL MINUTES
Thursday, February 21, 2013**

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

Staff Present: Steve Lotspeich, Patti Spence

The following application was heard:

Application #01-13-V, Jeremy Ayers, Site Plan Review, Conditional Use Review, and Special Flood Hazard Area Review for change of use.

MINUTES OF PRIOR MEETINGS/HEARINGS

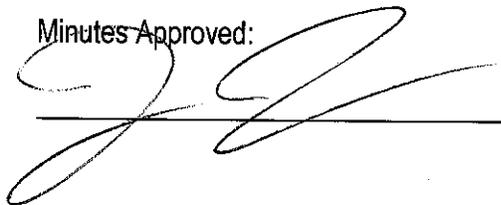
Joel Baker moved and Dave Rogers seconded the motion to approve the minutes and decisions from Feb. 7, 2013, including the general minutes and the hearing and minutes for application #68-12-V, as amended.

Vote: The motion passed unanimously.

ADJOURNMENT

The meeting was adjourned by the Chair at 8:15 p.m.

Minutes Approved:


_____, Chair

Date: 3-7-13

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 *March 7, 2013.*

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
APPROVED FINDINGS & DECISION**

Date: February 21, 2013

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

Staff Present: Steve Lotspeich, Patti Spence

First Order of Business: Application for Site Plan, Conditional Use and Special Flood Hazard Area Review Findings and Decision. The public hearing was opened at 6:35pm

Permit Application #:	01-13-V
Applicant:	Jeremy Ayers
Landowner:	Ayers Trust
Location of Project:	18 Elm Street, Waterbury, VT

The following interested parties were present and sworn in: Jeremy Ayers

TESTIMONY:

Jeremy Ayers presented his project to create a craft production pottery studio in one of the carriage buildings with a small espresso bar and retail gallery space, and create studio space in the carriage building next to the main house located at 18 Elm St.

EXHIBIT LIST:

Exhibit A	Zoning Permit Application #01-13-V
Exhibit B	Letter from Jeremy Ayers, dated 1-21-13
Exhibit C	Property photos
Exhibit D	Exterior Light Cut Sheet
Exhibit E	Site Plan
Exhibit F	Notice sent to Adjacent Landowners dated 2-5-13
Exhibit G	Letter from Gary Dillon, Chief, Waterbury Fire Dept. dated 2-3-13

Description of Project:

The applicant is seeking site plan and conditional use approval for a change of uses at 18 Elm Street, Waterbury, VT (Tax map # 19-346.000). The new uses include retail sales and service, and craft production. The applicable Site Plan, Conditional Use, and Flood Hazard Area Review criteria were considered.

FINDINGS OF FACT:

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

Development Review Board Approved Findings & Decision, 01-13-V Site Plan and Conditional Use

1. The historic property located at 18 Elm Street is 0.6 acres and currently consists of a 3-unit apartment building and 3 accessory structures.
2. The property is split between the Downtown Commercial District and the Village Residential District.
3. The Waterbury Zoning Regulations state:
 - Section 400 (c) In the case of lots lying in more than one district, the following shall apply:*
 - (1) The less restrictive use may extend into the more restrictive portion to a maximum of 30 feet; and*
 - (3) The dimensional requirements of a less restrictive district may extend into and be applied in any adjacent district up to a maximum of 50 feet.*
4. Therefore allowable uses within the Downtown Commercial District may apply to the property.
5. The Applicant seeks to move his permitted home occupation (pottery) from the basement of the residential building to a 312 sf portion of the garage building on the northeast side of the property and to include a retail pottery shop, gallery and espresso bar (take out/no seating).
6. Craft production is a conditional use in the Downtown Commercial District and retail sales/service (<2,000sf) is a permitted use in the Downtown Commercial District.
7. The Applicant is also seeking to convert 456 sf of the barn building to 3 studio units to be rented to arts/crafts people for the purpose of craft production.
8. The parking requirements for the existing and proposed uses on the site are as follows:
 - a. Retail sales/service and similar businesses is one (1) space for every three hundred (300) square feet of floor area.
 - b. Wholesale establishments, warehouses, and similar facilities: one (1) space for every person employed at peak times.
 - c. Dwellings: one and one-half (1.5) spaces for each dwelling unit.
9. Based upon the parking regulations 1-2 spaces are required for the retail space, 2-3 for the craft production aspect (studio units), and 5 for the existing 3 dwelling units for a total maximum of 10 parking spaces. The site plan identifies 11 parking spaces.
10. The property is located within the Special Flood Hazard Area Overlay District where development is required to be reasonably safe from flooding. The change of use does not constitute a substantial improvement under the regulations and the buildings are historic.
11. The Applicant states that flood resistant techniques and materials will be utilized in the interior conversions which include foam insulation and outlets above the base flood elevation.
12. With the exception of adding one exterior light to the garage building to illuminate the proposed retail entry, no other exterior changes are proposed.

Section 303 Conditional Uses

(e) 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:

Development Review Board Approved Findings & Decision, 01-13-V Site Plan and Conditional 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.
 - (E) The Board may seek or require advisory input from the Municipal Manager, Fire Department, Police Department, School Board, or other municipal officials regarding relevant facilities. The Board will also take into account sections of the Municipal Plan and of any duly adopted capital plan which specify anticipated demand growth, service standards, and facility construction plans.
- (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. Specifically, the proposed use:
- (A) 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) Will not result in undue noise, light, or air pollution, including offensive odors, dust, smoke, or noxious gasses;
 - (C) 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) 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; and
 - (E) 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. The Board may require the proposed use to conform to more stringent lot area, setback, and lot coverage requirements as it may deem necessary to implement the purposes of the district in which the use is located and other provisions in this bylaw.

Section 605 Development Standards (SFHA)

(a) Special Flood Hazard Areas

- (1) All development shall be:
Reasonably safe from flooding;

CONCLUSION

The Development Review Board concludes that the project will have minimal impact on the surrounding neighborhood and will meet all the requirements of the applicable Site Plan, Conditional Use, and Flood Hazard Area Review criteria.

DECISION AND CONDITIONS

MOTION:

David Rogers moved and Nat Fish seconded the motion to approve application # 01-13-V for site plan and conditional use approval for the change of use (to include retail and craft production) at 18 Elm Street, 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: 3-7-13

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