

**WATERBURY DEVELOPMENT REVIEW BOARD  
APPROVED GENERAL MINUTES  
Thursday, March 7, 2013**

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

Staff Present: Clare Rock, Patti Spence

The meeting was opened by the chair at 6:30 p.m.

**Application #06-13-T, Peter Aaron Flint**, subdivision review.  
Application #06-13-T was continued to March 21, 2013 at 6:30 p.m.

**MINUTES OF PRIOR MEETINGS/HEARINGS**

Dave Rogers moved and Nat Fish seconded the motion to approve the minutes and decisions from Feb.21, 2013, including the general minutes and the hearing and minutes for application #01-13-V, as amended.

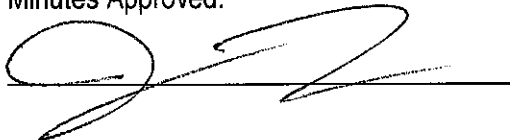
Vote: The motion passed unanimously.

**Applicaiton #05-13-V, Thatcher Brook Inn**, site plan and conditional use review.  
The hearing was opened at 7:00 p.m., minutes are separate.

**ADJOURNMENT**

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

Minutes Approved:

 , Chair

Date: 3-21-13

**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 21, 2013.

**TOWN OF WATERBURY  
DEVELOPMENT REVIEW BOARD  
APPROVED FINDINGS & DECISION  
Date: March 7, 2013**

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

Staff Present: Clare Rock, Patti Spence

First Order of Business: Application for Site Plan, Waiver and Conditional Use

Review Findings and Decision. The public hearing was opened at 7:00 pm

Permit Application #: 05-13-V

Applicant: Thatcher Hill LLC

Landowner: Thatcher Hill LLC

Location of Project: 1017 Waterbury Stowe Rd, Waterbury, VT

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The following interested parties were present and sworn in:

Greg Rabideau, Architect, Rabideau Architects

Bill Nedde, Engineer, Krebs and Lansing

Joe Larkin, Developer, Larkin Realty

Deborah Sherman, Associate, Larkin Realty

Lisa Fischer, Manager of Thatcher Brook Inn

Joe Greene, Adjoining Landowner

Brian Evans-Mongeon, Adjoining Landowner

**TESTIMONY:**

1. The original plan was presented to the Division of Historic Preservation (DHP) and as a result of a series of working sessions a new plan was designed. This new plan includes the relocation of the historic building to a site on the property that results in the need for a waiver for the decreased setback.
2. The new plan has moved some parking under the proposed structure, added rooms (increased to 84), and increased parking capacity (to 98 spaces).
3. Proposed underground garage parking is 30 spaces; outside parking is 68 spaces.
4. The new plan allows for buses to execute a 3-point turn within the new parking areas.
5. There is no planned use for the Wheeler House other than motel/inn.
6. It has been noted that keeping the internal travel lanes access clear for fire service or emergency access is vital.
7. The applicant offered to submit a copy of the letter from DHP outlining the recommendation to move the historic building up next to the existing Wheeler House. This letter will be added as Exhibit T.

**EXHIBIT LIST:**

- Exhibit A Zoning Permit Application 05-13-V
- Exhibit B Revised Proposed Site Plan with Planting Schedule, L-1, dated 1/21/2013 and rev. 3/14/2013
- Exhibit C Garage Floor Plan, A-120, dated 1/21/2013
- Exhibit D First Floor Plan, A-121, dated 1/21/2013
- Exhibit E Second Floor Plan, A-122, dated 1/21/2013
- Exhibit F Third Floor Plan, A-123, dated 1/21/2013
- Exhibit G Forth Floor Plan, A-124, dated 1/21/2013
- Exhibit H Elevations, A-202, dated 1/21/2013
- Exhibit I Revised Storm Water Plan, SP-1 dated 2/14/2013, rev. 3/18/2013
- Exhibit J Lighting Plan, LT-1 dated 2/14/2013
- Exhibit K Imaginary Lot Lines site plan
- Exhibit L Sidewalk and "Do Not Enter" sign site plan
- Exhibit M Bus Turning Diagram site plan
- Exhibit N Lighting Cut Sheets (includes 5 sheets)
- Exhibit O Letter from M.J. Wright
- Exhibit P Notice sent to Adjacent Landowners dated February 19, 2013
- Exhibit Q Traffic Impact Assessment, dated January 31, 2013
- Exhibit R DRB Decision for original application #31-11-V
- Exhibit S DRB Decision for subsequent site plan amendment #32-12-V
- Exhibit T Letter from Div. of Historic Preservation, dated 1/30/2013
- Exhibit U Letter from traffic engineer, dated \_\_\_\_\_ (pending)
- Exhibit V Elevation A2O1 (including exterior light fixture schedule), dated 2/1/2013

**Description of Project:**

The applicant is seeking a setback waiver, site plan and conditional use approval for the relocation of a historic building and for the construction of an 84-room motel/inn at 1017 Waterbury-Stowe Rd, Waterbury, VT (Tax map #13-090.000).

This project was originally proposed in 2011, under application #31-11-V. The DRB granted site plan and conditional use approval for a 78-room motel/inn and including preservation of two existing historic buildings on February 2, 2012. The proposal returned in late 2012 for a site plan amendment and boundary line adjustment under application #32-12-V. The DRB granted Site Plan and boundary line adjustment approval for a 73-room hotel, including the preservation of the two existing buildings on Tuesday July 17, 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:

1. The property is located within the Village Commercial (VCOM) Zoning District where the dimensional requirements are as follows:
  - a. Height: 40'
  - b. Coverage: 40%
  - c. Setbacks: Front 50'(2) Side 20' Rear 20'  
 Notes: (2) may be reduced to 25' if specific criteria are met during site plan approval
2. The former Thatcher Brook Inn currently occupies the 1.65-acre property which is currently comprised of three buildings with 14-rooms and 43 parking spaces.
3. The application proposes to demolish one building, partly demolish a second building, move the remaining historic portion of the second building and relocate it next to the third remaining building on the northeastern portion of the property. Build a new 50,940 sq. ft. 84-room hotel with accommodations for 98-parking spaces.
4. The Waterbury Zoning Regulations include the following Section:
 

Section 403 *More than One Building or Use on a Lot*  
*More than one principal use or structure on the same lot may be permitted provided that each of the principal uses or structures meets all of the dimensional and other requirements of this bylaw, including minimum lot size and setbacks, as if it were on a separate lot. Accessory dwelling units, as defined in Article X of this bylaw, are not considered principal uses or structures under this bylaw.*
5. Exhibit K, Imaginary Lot Lines site plan shows that each structure could be on its own lot meeting the minimum lot size.
6. The relocated historic building would need to meet the setback requirements "as if it were on a separate lot," the proposal is to locate the building 29' from the Wheeler House. This indicates the need for an 11' Waiver for the relocated historic building's side setback. The relocated historic building is also located within the district's front setback, requiring an 8' Waiver to meet the 25' front setback requirement. A Waiver can be granted under the Conditional Use criteria listed below.
7. A recent amendment to the Waterbury Zoning regulations includes the following section:
 

Section 309 Waivers  
*(a) Notwithstanding the minimum setback standards set forth in Table 5.2, in accordance with 24 V.S.A. § 4414(8), the Development Review Board may grant a waiver of building setbacks as a conditional use reviewed in accordance with Section 303; provided, however, that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties from which the setback waiver is sought.*
8. The new 50,940 sq. ft. hotel building meets the setback requirements (hypothetic/imaginary setbacks aside). The building is located 63' from the

right-of-way (street line) for Waterbury-Stowe Rd. and 158' from the right-of-way for Crossroad. The rear of the building is 20' from the rear property line and 76' from the south side property line.

9. The new building will be 4 floors with a parking garage below. The application states the height of the new building will be 38'. Based upon the elevation of the peak of the roof at 631' 4½" and the average finish grade elevation at the center of the four elevations of the proposed building is 591.695'. The difference between the roof elevation and the average finished grade is 39.68', per section 401a.
10. A motel/inn with more than 9 rooms is a Conditional Use in the VCOM District. Under original application #31-11-V for 78-room hotel, the project received Site Plan and Conditional Use approval – see Exhibit R, DRB Decision for original application #31-11-V.
11. This proposal requires Site Plan and Conditional Use (for both the Use and the Waiver) approval:

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.**

Vehicular traffic accesses the property from both RT 100 and Crossroads. The existing curb cut on RT 100 will be used as the main entrance. The sight distance on to Waterbury-Stowe Rd., to both the north and south, exceeds the recommended intersection sight distance for left turning vehicles of 390'.

According to the VT 100 Access Management Plan, dated November, 2004, the intersection of Waterbury-Stowe Rd. (RT 100) and Crossroad is a Level of Service F.

On Crossroads, the parking area at 25 Crossroads, owned by F.O.R.E. LLC will be improved and reconfigured and connected to the new hotel parking lot to provide one-way limited access onto the site. A previously approved boundary line adjustment and parking easement agreement outlines the access and shared use of the 9-space parking lot.

A second pre-existing curb cut for the Inn onto Crossroad will provide one-way IN only vehicular access, as identified on Exhibit L. A "Do not enter sign" will be installed to direct traffic. The existing upper parking lot will be expanded and connected to the other parking areas.

All curb cuts may be utilized by emergency vehicles.

Sidewalks are proposed along the front of the new building and along RT 100 to connect the relocated historic building, the Wheeler House and building at 25 Crossroad.

- (2) *Adequacy of circulation and parking. Considerations shall include:*  
(A) *Assurance that the criteria of Section 414 of this bylaw are met.*

The minimum parking requirement in the Zoning Regulations for this project is one space for each of the 84 rooms plus one space for each employee (8) at the maximum shift. The plan identifies 98 parking spaces.

(B) *The need for additional off-street spaces beyond the number required in Section 414.* n/a

(C) *The adequacy of surfacing and provisions for the runoff and discharge of stormwater.*

A storm water basin is located between the parking lot and Waterbury-Stowe Rd. (RT 100) and 12 spaces in the upper parking lot will be constructed with pervious concrete. Additional stormwater and erosion controls are identified on Exhibit I.

(D) *The provision of appropriate buffer space and landscaping to insulate parking areas from adjoining properties and public streets.*

A row of 4 street trees, 5 evergreens, and a collection of ornamental shrubs and perennials are proposed along RT 100. Additional trees and shrubs are proposed along the front of the new building and around the property as identified on the Planting Schedule on Exhibit B.

(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.*

The upper parking lot is larger than 20-spaces, with 30-spaces, there are at least 4 trees around this parking area.

(F) *The adequacy of parking, loading, refuse, and service areas.*

Development Review Board Approved Findings & Decision, #05-13-V Site Plan, Conditional Use, & Waiver Review

A port cochere / covered drop-off/pick-up area is located on the front of the building. An enclosed dumpster area is located behind the Wheeler House.

*(G) Provisions for clearing snow for maintaining parking areas.*

A snow management plan will be part of the inn's operating protocol.

*(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*

Exhibit B outlines the landscaping plan which includes a variety of salt-tolerant street trees (2 ½ - 3" caliper), evergreens, ornamental shrubs and perennials. Exhibit B also shows existing vegetation which will remain.

Exhibit H and Exhibit V show the location of exterior lights mounted on the building. There will be two 35 watt/2300 lumen LED wall pack lights, five 6" 12 watt/65 lumen recessed LED downlights, two 25 watt/2112 lumen LED floodlights with a swivel mount (to illuminate 2 signs), four 3600 lumen ceiling mounted LED lights.

Exhibit J shows 11 pole mounted fixtures around the parking areas. The pole lights will be a total of 14' to the top of the fixture. Each pole will have one Barcelona LED Series fixture with a 50-watt LED array, as shown on Exhibit N, the Lighting Cut Sheets. Each fixture will be downcast and shielded with the lighting pattern and lighting levels as shown on Exhibit J.

The fixtures on the Waterbury-Stowe Rd. (Route 100) side of the front parking area will have back-light control to prevent any significant amount of light from shining into Waterbury-Stowe Rd. Based on Exhibit J, the Site Lighting Plan; the range of the lighting level is in the 0 to 4 ft. candle range.

For additional lighting, refer to Exhibit V.

*(E) Screening of unloading zones, trash bins, storage, and other service areas.*

The enclosed dumpsters which are located behind the Wheeler House will be screened with evergreens.

*(F) The need for landscaping buffers, fences, or berms to reduce noise.*

*(j) Special considerations for projects bordering Route 2, Route 100, or Interstate 89:*

*1. Buildings shall be screened or located on a lot so as to take advantage of significant existing vegetation and topographic features and to enhance the visual impact of the development from the road.*

*2. Parking and loading areas may be required to be located behind buildings or otherwise screened from the road.*

*3. Development access roads shall be designed to limit curb cuts in the area. A development will be permitted only one access curb cut, unless the Development Review Board finds that more than one is required for safety or effective traffic flow. The Development Review Board may require that access to properties be limited to secondary, frontage, or common access roads. The Development Review Board may require designation of a portion of a lot as a right-of-way for a frontage or common access road. Where a frontage road or common access road is planned but not yet constructed, temporary access from the main road may be permitted.*

*(k) In the Village Commercial (VCOM) and Town Commercial (TCOM) Districts (see Article V), the front setback may be reduced, from 50 feet to a minimum of 25 feet, if the Development Review Board determines, during site plan review, that all parking is located in the rear of a structure and adequate landscaping exists in the front along the road.*

### Section 303            Conditional Uses

*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 accommodate it.*

*The proposed use:*

*a) Will not cause the level of service on roads and highways to fall below a reasonable standard.*

Traffic is as summarized by a report prepared by Lamoreaux and Dickenson Consulting Engineers and attached herewith.

*b) Will not cause an unmanageable burden on municipal water or sewer systems.*



Municipal Water service improvements required by a previously approved Blush Hill Meadows project will assure that there is sufficient capacity in volume and pressure to accommodate the project without adversely impacting water service.

*c) Will not lead to such additional school enrollments that existing and planned school system capacity is exceeded*

The project is a motel/inn. This type of project will not generate school impacts.

*d) Will not cause an unmanageable burden on fire protection services.*

The project as proposed will have a full fire suppression system. Access for firefighting is available from two road frontages, and sufficient hydrants are available on or near the project site. The building conforms to maximum building height regulations. Adequate fire separation distance exists between the existing and proposed buildings.

*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.*

The project will not adversely impact the character of the area. It continues an existing use, retains the historic structures while removing earlier, non-historic additions, and provides for underground parking.

*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;*

This project will not have an adverse impact on water pollution. The project maintains stream set backs on the southerly end. The work will include storm water improvements. New devices will include low flow shower and sink valves, low water flush toilets.

*b) The proposed use will not result in undue noise, light, or air pollution, including offensive odors, dust, smoke, or noxious gasses.*

The project does not involve processes for manufacturing or processing that would result in odors, dust, noise or noxious gasses, lighting will be designed to prevent light pollution per IESNA standards.

*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.* The project redevelops an already developed site. It does not include any natural areas in inventories of rare or irreplaceable natural areas. This site is sensitive as a Historic Site. On its face, the historic buildings are retained and preserved.

There is a need to discuss the impact of the new proposed structure on these buildings and those that surround it. The building was situated as far back on the site as possible, respecting the building lines of the smaller original structures. The details and materials chosen are traditional, and meant to be consistent with adjacent structures.

*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.*

The use is an existing use and the structure meets the scale of the designated 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.*

The project poses no specific hazard to fire safety, explosion or electrical problems, nor will it have any impact on the public health. Under the IBC, the motel/inn use is an ordinary hazard. As a hotel, this property will be subject to health department oversight.

*(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 proposed project will comply with by-laws and the zoning ordinance, however a waiver is needed for the front and side setbacks on the relocated historic building as encouraged by the Div. of Historic Preservation.

### **Section 309 Waivers**

The relocation of the historic house conforms to the general and specific and general standards of conditional use, as reference in above Section 303. Additional findings related to Section 303 (f) as the Board deems necessary.

### **CONCLUSION**

The Development Review Board concludes that the project, as described, meets the criteria outlined for site plan, conditional use, and waiver provision review.

**DECISION AND CONDITIONS**


**MOTION:**

Martha Staskus moved and Dave Rogers seconded the motion to approve application # 05-13-V for the construction of a 84-room motel/inn located at 1017 Stowe Waterbury Road, Waterbury (Tax map #13-090.000) for site plan and conditional use approval and a waiver for the relocation of the historic house, subject to 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.
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 to the site plan. All exterior lights shall be downcast and shielded.
3. Exhibits T, U and V are submitted. Exhibits B & I are revised.

**VOTE:** The motion was unanimously approved.

Decision Approved,

 , Chair Date: 3-21-13

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THESE MINUTES WERE APPROVED ON March 21, 2013.