

WATERBURY DEVELOPMENT REVIEW BOARD
SPECIAL MEETING
APPROVED GENERAL MINUTES
Thursday, May 30, 2013

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

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

6:30 p.m. **Continuation of Application # 07-13-V, VT Dept. of BGS** for Site Plan, Conditional Use, Flood Hazard Area Overlay, Campus Overlay, Subdivisions and Boundary Line Adjustments Review for the reconstruction of the State Complex at 103 South Main Street, Waterbury, VT (Tax map # 19-409.000).

See separate minutes, findings, and decision.

8:00 p.m. **Application #09-13-V, Apothecary Building LLC** for Site Plan Review for the change of use to include a salon at 2 North Main Street, Waterbury, VT (Tax Map #19-290.000).

See separate minutes, findings, and decision.

Dave Rogers moved and Nat Fish seconded the motion to approve hearing minutes, findings and decision for Application #09-13-V, Apothecary Building LLC, from May 30th.

VOTE: The motion passed unanimously.

8:30 p.m. Request to reopen and reconsider Application #06-13-V, Alchemy Canning LTD.

The written request to re-open and reconsider Application #06-13-V, Alchemy Canning LTD, dated May 23, 2013 was distributed. Rick Darby, attorney for Alchemy Canning LTD, presented his request to reopen and reconsider the application.

Martha Staskus moved and Dave Rogers seconded the motion to re-open and reconsider Application #06-13-V, Alchemy Canning LTD.

VOTE: The motion passed unanimously.

MINUTES OF PRIOR MEETINGS/HEARINGS

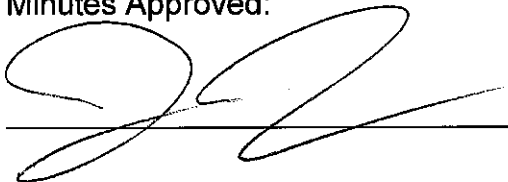
Martha Staskus moved and Jeff Whalen seconded the motion to approve the general minutes and decisions for application #05-13-T and #06-13-T from May 16, 2013.

Vote: The motion passed unanimously.

ADJOURNMENT

The meeting was adjourned by the Chair at 9:30 p.m.

Minutes Approved:


_____, Chair

Date: 6-6-13

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 * June 6, 2013 *

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Findings and Decisions
May 30, 2013**

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Guest: Darren Winham
Applicant: Kelly Richardson

The hearing was opened by the chair at 08:10 p.m

Application for Site Plan Review for a Change of Use

| | |
|-----------------------|--|
| Permit Application #: | 09-13-V |
| Applicant: | Kelly Richardson |
| Landowner: | Apothecary Building LLC / John and Val Vincent |
| Location of Project: | 2 North Main Street, Waterbury, VT |

The applicant was sworn in.

TESTIMONY

1. The applicant has met with the Town on water use.
2. There is no existing outdoor lighting. The applicant will not be changing the exterior lighting.

EXHIBIT LIST:

| | |
|-----------|---|
| Exhibit A | Zoning Permit Application #09-13-V |
| Exhibit B | Site Plan |
| Exhibit C | Interior floor plan |
| Exhibit D | Copy of Waterbury Village Board of Trustee's – on street parking request, dated May 8, 2013 |
| Exhibit E | Notice sent to Adjacent Landowners dated 5/11/2013 |
| Exhibit F | Survey 2010 |

Description of Project:

The applicant is seeking a Site Plan Review for a change of use to include a salon (in addition to the already permitted retail use) at 2 North Main Street, Waterbury, VT (Tax map #19-290.000).

1. The 0.16 +/- acre property at 2 North Main Street is located within the Downtown Commercial Zoning District.
2. The 1st floor of the building has historically been used as retail; the 2nd floor is permitted as residential with one dwelling unit.
3. The floor area of the 1st floor is approx. 2,117 sf.
4. The proposed use is for a beauty salon with a retail component.
5. The salon will offer the following services: hair styling, pedicures, facials and tanning.
6. Upon opening, there will be a total of 2 employees on site at peak times. The applicant envisions this may increase over time.
7. The salon and retail space will be open Monday – Saturday 8 – 7 pm, Sunday 10-3 pm.
8. The parking regulations for retail stores or services require 1 space for every 300 sf of floor area.
9. The parking requirement for the proposed use is 7 spaces.
10. Based the site plan there are 2 spaces behind the building, yet due to a boundary line adjustment in 2010 (see Survey 2010) there is space for three 9'x18' parking spaces. Two spaces are reserved for the 2nd floor dwelling unit. The remaining space is reserved for the 1st floor tenant.
11. The applicant has received approval from the Village Trustees to use up to 6 on-street parking spaces to contribute to the proposals parking requirement.
12. Based upon the onsite parking and the on-street parking the 1st floor salon/retail space has 7 parking spaces.
13. The applicant is requesting an expedited permit process.
14. Below is the Site Plan Review objectives:

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 DRB concludes that application meets the criteria of the DRB site plan review section 301.

MOTION:

Jeff Whalen moved and Martha Staskus seconded the motion to approve application 09-13-V for Kelly Richardson site plan review for change of use to include a salon (in addition to the already permitted retail use) at 2 North Main Street, Waterbury, VT (Tax map #19-290.000), 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. Any exterior lighting will be downcast and shielded.

VOTE: The motion passed unanimously.

Decision Approved,

 _____, Chair Date: 5.30.13

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 May 30, 2013.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Findings and Decisions
May 30, 2013**

Application for Site Plan and Conditional Use for the reconstruction of the State Office Complex, located in the Village Residential Zoning District, Campus Overlay District, Special Flood Hazard Area Overlay District, and for Subdivision and Boundary Line Adjustment Review.

Permit Application #: 07-13-V

Applicant: John Ostrum, Project Manager, VT Dept. of Buildings and General Services (BGS)

Landowner: Mike Obuchowski, Commissioner, VT Dept. of Buildings and General Services

Location of Project: 103 South Main Street, Waterbury, VT

The hearing was opened on May 2, 2013 and continued on May 30, 2013.

Hearing Date: May 2, 2013

Board Members Present: Jeff Larkin, Chair; Jeff Whalen, David Rogers, Martha Staskus, Tom Kinley, Mike Bard, Nat Fish, Jeff Grace

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Second Order of Business: Application 07-13-V. The public hearing was opened at 7:40 pm.

The following interested parties were present and sworn in:

- Brian Isham, Randall Street Resident
- Wanda Persons, Randall Street Resident
- Theresa Wood
- Kathleen Daye, Randall Street Resident
- Kathryn Grace, Main Street adjacent landowner
- Jeff Kempion, adjacent property owner
- Amy Shaffer, interested resident
- Kristen Fountain, Waterbury Record
- P Howard Flanders, Village Trustee, Randall Street Resident
- Roger Fraser, adjoining landowner
- Everett Coffey, Adjoining landowner
- G. Bjornlund, adjoining landowner
- Whitney Aldrich, adjoining landowner
- Robert Grace, Main Street, adjacent landowner
- Lisa Scagliotti, Hunger Mountain Children's Center
- David & Margaret Luce, adjoining landowners
- Judith Ehrlich, VT Div. for Historic Preservation

Paul Boisvert, Engineering Ventures, design team
Adam Portz, SE Group, design team
Jesse Beck, Freeman French Freeman Inc., Architects
Michael Hansen, BHB, design team
Chris Nordle, representing Hunger Mountain Childcare Center (adjoining property)

TESTIMONY:

1. Regarding the Heating Plant
 - a. Truck traffic will average of 1.5 vehicles per day at the busiest cold weather season. Weekday deliveries can be controlled by BGS as to time of day. Truck traffic will not increase from what the levels have been to the existing plant.
 - b. Heating units and generators will be inside the building which is insulated so that noise to the outside is well controlled.
2. Lighting for the parking lots is planned to be on a system that allows the lighting level to be adjusted as needed. It hasn't been determined yet what the hours need to be. The LED fixtures being proposed are such that the lighting can be controlled and will light just the parking areas, roads, and driveways. Lighting fixtures are a full cut off fixture. The historic acorn fixtures are a cut off fixture but there is minor up light due to the nature of the globe and the reflection of the light off from that. The replacement lighting at the horseshoe has a pole count that will be one for one in relation to the existing pole lights.
3. The lighting on the buildings is downcast.
4. Parking: 1,283 on the entire site, maintain the 1,283
 - a. 786 + 142 (future overflow) + 148 forensic lot + 47 lab lot + Stanley lot @ 164

The Hearing ended at 10:00 pm and was continued to May 30th at 6:30 pm.

Hearing Continuation Date: May 30, 2013

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

First order of business: Continuation of Application #07-13-V. The hearing was reopened by the chair at 6:30 p.m.

All Attendees were sworn in:

Lawrence Sayah, Village Trustee
Howard Flanders, Adjacent Landowner and Village Trustee
Bill Wolpert, FFF Architects
Jess Beck, FFF Architects
John Ostrum, Owner WSOC
Michael Stevens, Owner - BGS State of Vermont
Adam Portz, SE Group Design Team

Paul Boisvert, EV Design Team
Jane Brown, Resident; Revitalizing Waterbury and Waterbury Conservation Commission
Wade Hodge, Adjoining Landowner
Whitney Aldrich, Adjoining Landowner

TESTIMONY:

1. The storm water plans for the State Complex will be modified slightly behind Randall Street to ensure compatibility with the Main Street Reconstruction project and to ensure storm water flows away from Randall Street. Any modifications to the plans will not require a new permit process through ANR for the Main St. project. The existing permit can be modified. The parties are working together with final decisions pending approval.
2. Easements for the municipal stormwater outfalls on the state property will be established as part of the approved survey for State Office Complex reconstruction and subdivision.
3. The State anticipates employees of the Agency of Human Services (AHS) to be back in the new complex by the end of 2015. AHS employees will be on-site 24 hours a day.
4. The Main Street Reconstruction project is scheduled to start in 2015.
5. The hours of construction work will be 7 am to 6 pm, Monday - Friday and 8 am to 6 pm Saturday - excluding holidays and with coordination with the Town and Village of Waterbury on special events which may affect traffic needs.
6. Construction vehicles will primarily utilize the south entrance. The zoning permit for the demolition of buildings in the State Office Complex includes the hours and other details regarding construction activity.
7. Lighting at the current campus has not been programmable. The intent is to reduce overall exterior lighting and each exterior light will be programmable. The neighbors will have a contact person at BGS to discuss any lighting or other concerns related to reconstruction of the Complex.
8. Any temporary trailers located on the site in the flood area will be appropriately anchored (reference zoning permit approval for the demolition phase).
9. 15', 20' and 35' are the roof heights for the various buildings and are complimentary and compatible with other buildings in the area.

Testimony was closed at 08:05 p.m.

DESCRIPTION OF PROJECT:

The applicant is seeking site plan and conditional use approval for the reconstruction and subdivision of the State Office Complex, located within the Village Residential Zoning District, Special Flood Hazard Area Overlay District and in the Campus Overlay District, at 103 South Main Street, Waterbury, VT (Tax map # 19-409.000). The buildings at the State Office Complex sustained flood related damages as a result of Tropical Storm Irene in August, 2011.

In 2012 the State Office Complex obtained zoning approval to demolish 22 buildings, under permit #39-12-V. The project proposed under this application, #07-13-V, is to:

- construct a new 86,000 gross square foot (GSF) office building

- construct a new 20,000 gross square foot central heating and cooling plant and integrated maintenance facility
- dry flood proof and renovate the existing historic core building (115,000 GSF)
- restore floodplain connectivity
- reconstruct parking areas, upgrade storm water management systems, underground utility infrastructure, increase pedestrian circulation and upgrade site lighting.
- subdivide land to create 4 new lots (including the State Complex 'mother' parcel.)
- adjust the boundary line between the State Complex 'mother' parcel and 3 adjoining parcels.

EXHIBIT LIST:

- Exhibit A Zoning Permit Application #07-13-V
- Exhibit B Site Plan Application
- Exhibit C Large format plan set titled "Waterbury State Office Complex – Issued for Permitting documents", dated 3/29/2013
- Exhibit D Site Plan Review Application Narrative: Required clarification / statement
- Exhibit E Conditional Use Application and applicant response
- Exhibit F Campus Overlay District applicant response
- Exhibit G Special Flood Hazard Area (SFHA) Overlay District Application and applicant response
- Exhibit H ANR DEC Rivers Program comments to SFHA application, letter dated 5/1/2013
- Exhibit I Subdivision and Boundary Line Adjustment (BLA) Application and applicant response, including proposed lot configurations
- Exhibit J Appendices:
 Appendix A: Project Description memo, dated 3/22/2013
 Appendix B: Existing Parking Summary diagram, dated 5/30/2013
 Appendix C: Waterbury State Office Complex – Issued for permitting documents, dated 3/29/2013 (see Exhibit C)
 Appendix D: Proposed Water and Wastewater Demand memorandum, dated 3/14/13
 Appendix E: ANR Project Review Sheet, dated 12/10/12
- Exhibit K Notice sent to Adjacent Landowners dated 4/8/2013
- Exhibit L Waterbury DRB Approved Findings & Decision, Application #39-12-V, dated 6/28/2013 for the demolition phase of the State Office Complex redevelopment
- Exhibit M Petition from Randall Street residents re: Draft Environmental Assessment, Waterbury Office Complex.
- Exhibit N Parking Summary Memo, dated 5/15/2013

FINDING OF FACT:

- 1) The State Complex at 103 South Main Street is comprised of two adjoining properties, which total 118.5 +/- acres. The proposal is to reconstruct the flood-damaged office complex which is located on a parcel which is located within the Village Mixed Residential

Zoning District where governmental uses are a conditional use. The Conditional Use Criteria is listed at the end of this section.

- 2) The proposed development is also located within the Campus Overlay District where the dimensional standards are as follows: *Along the outside boundary of the Campus district, the setback shall be 15 feet for new structures and new additions to existing structures, and 5 feet for existing structures. Within the Campus Overlay District no other setbacks shall apply. The minimum lot size shall be 10,000 square feet. The maximum height shall be 50'. The maximum coverage shall be 30%.*
 - a. The new office building is located behind the historic core building and will be 43.65' tall.
 - b. The setbacks of the new office building exceed the minimum setback requirements.
 - c. The new central plant building will be 35' tall. This does not include the height of the vent stack as this equipment element is not included in the height calculation.
 - d. The setbacks of the new central plant building exceed the minimum setback requirements.
 - e. A 26' x 55'4" sq. ft. unheated storage building will also be constructed next to the central plant. The storage building will be 16'6" tall and meets the setback requirements.
 - f. This proposal also includes the subdivision of land. Information relative to the new lots and setback requirements are outlined within the Subdivision section of this Decision.
 - g. The new buildings will borrow building proportions of the historic core building and will use a color of mottled purples, gray and deep green. Building materials are borrowed from materials indigenous to Vermont such as slate and granite.
 - h. Details of the building materials and form are contained within the applicant's response to the Campus Overlay Standards, see Exhibit F.
 - i. The Campus Overlay District's Review Standards are listed at the end of this Decision.
- 3) The proposal is also subject to Site Plan Review which addresses traffic, circulation, parking, storm water, landscaping.
 - a. The hours of construction activity will be 7 am to 6 pm, Monday - Friday and 8 am to 6 pm on Saturday.
 - b. The existing State Complex had 1,283 parking spaces, the new redesigned Complex will have a total of 1,287 spaces minus 164 spaces and minus 47 spaces from the divestment properties to equal 1,076 spaces. See Exhibit N for the breakdown.
 - c. Under the Waterbury parking regulations 1 space is required for every 300 sq ft of office space.
 - d. The new office building will be 86,000 GSF, the historic core will have 115,000 GSF, and Weeks and Hanks have 21,330 GSF for a total of 222,330 GSF. $222,330/300=741$ parking spaces. There will typically be 8 maintenance employees working in the central plant requiring an additional 8 parking spaces for a total requirement of 749. Exhibit N identifies a total of 786 spaces for the Agency of Human Services employees.

- e. New sidewalks will line the front lawn driveway and new walkways will provide pedestrian access between and around the Complex, as shown in Exhibit C
 - f. A bus shelter is proposed for the east side of the Weeks building.
 - g. A new storm water treatment system will be designed to manage run off and LID (low impact development) techniques will be incorporated on the site wherever possible, including within the parking lot bays.
 - h. Water quality swales will be excavated between the parking areas on the east side and the river.
 - i. Storm water discharge that currently discharges west of Park Row and Randall Street will be re-routed to convey run off toward the river.
 - j. Existing vegetation will be retaining where possible and new trees and shrubs will be planted along the loop road and within the interior of the property.
 - k. A mixed evergreen and deciduous tree buffer will be planted to the south east side of the Central plant to screen the building from adjacent properties.
 - l. A riparian buffer will be planted along sections of the river bank.
 - m. Seasonal equipment, salt and sand will be stored in a 26 x 55'4" sq ft accessory structure adjacent to the central plant.
 - n. Exterior lighting includes:
 - i. Vehicular-scale, 24' tall, pole mounted lights located at the south entrance and in the parking lots (Fixtures A, B, C in lighting plan)
 - ii. Historic light fixtures, 14' tall, pole mounted lights with a decorative finial will be located around the horse shoe drive and along pathways (Fixtures D & E in lighting plan)
 - iii. Wall-recessed fixtures will be installed in the stone walls (at about 18" from the ground.) The stone walls are located along pathways to the employee entrances (Fixtures G in lighting plan)
 - iv. Bollard-style fixtures will be 42" tall fixtures and located within the courtyard.
 - o. Exterior wall mounted building lights will be a mix of 8" LED downlights (R1) and LED wall mount lamps (W2). The breakdown is as follows:
 - i. New office building: R1=20 lights, W2=20 lights
 - ii. New Central plant: R1=9 lights, W2=0 lights
 - iii. Central / Core Building: R1=14 lights, W2=10 lights
 - p. The Site Plan Review Standards are listed at the end of this Decision.
- 4) The property is located within the Special Flood Hazard Overlay District where development is required to meet additional standards to decrease flood related damages.
- a. The base flood elevation at the site ranges from 425 ft to 427 ft above sea level.
 - b. Fill will be removed from northwest side of the property to allow for increased river-to-floodplain connectivity.
 - c. Fill will be added to raise the level of the ground for the construction of the new office building and the central plant.
 - d. Nonresidential buildings are required to have the first finished floor located at least 2 ft. above the base flood elevation.

- e. A hydraulic Study was undertaken to demonstrate that the Complex redevelopment will not result in an increase of base flood levels. This is supported by a "No Rise / No Impact" certificate, see Exhibit G.
 - f. The first finished floor of the new office building will be located at 431'6" above sea level. The base of the elevator pit will be at 427'6" and will be flood proofed.
 - g. The first finished floor of the new Central plant will be at 431'6" above sea level. The base of the Biomass fuel conveyor pit will be at 414' 6" and will be flood proofed.
 - h. Utilities will be buried.
 - i. Site grading will guide floodwaters around and away from proposed structures.
 - j. The first finished floor of the Historic Core building is located at 431' 6" above sea level. The basement level of the Historic Core building will be reinforced and filled with fill material as specified within the applicant response to the SFHA section of the regulations.
 - k. The Flood Hazard Review Standards are listed at the end of this Decision.
 - l. Any temporary structures will be appropriately anchored.
- 5) The proposal also includes the subdivision of land and boundary line adjustments between the State Complex and adjoining properties. As referenced above the property is located within the Campus Overlay District where the dimensional requirements are as follows: Along the outside boundary of the Campus district, the setback shall be 15 feet for new structures and new additions to existing structures, and 5 feet for existing structures. Within the Campus Overlay District no other setbacks shall apply. The minimum lot size shall be 10,000 square feet.
- a. The subdivision proposal is to subdivide off 4 parcels from the 118.5 acre State Complex parcel(s):
 - i. Lot 1 (Ladd Hall) will be 0.99 acres (43,124.4 sf)
 - ii. Lot 2 (121 & 122 South Main) will be 0.40 acres (17,424 sf)
 - iii. Lot 6 (Wasson & Stanley Hall) will be 2.23 acres (97,138.8 sf)
 - iv. Lot 7 (43 Randall Street) will be 0.27 acres (11,761 sf)
 - v. The remaining State Complex property will be a total of 114.3 +/- acres.
 - b. Proposal also includes adjusting the boundary lines between the following properties:
 - i. Lot 6 and 28 Park Row. The 28 Park Row property will gain 0.05 acres.
 - ii. State Complex and 125 South Main and 129 South Main. No land will be exchange; the proposal is to cement the existing, currently surveyed land to define the existing property boundaries.
 - c. Lot 4 within the Subdivision Plans is an existing property, and no changes of use are proposed. The plan is included for reference purposes only.
- 6) Excerpts from Site Plan, Conditional Use, Special Flood Hazard Area, Campus Overlay, Subdivision and Boundary Line Adjustments 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.

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:
- (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.

Article VI Special Flood Hazard Area Section 605 Development Standards

(a) Special Flood Hazard Areas

(1) All development within the Special Flood Hazard Area shall be:

Reasonably safe from flooding; and

Recreational vehicles placed on sites within Zones A1-30, AH and AE must either: (1) be onsite for fewer than 180 consecutive days; (2) be fully licensed and ready for highway use; or (3) meet the elevation and anchoring requirements in Section 605(a)(2)(H); and All fuel storage tanks shall meet the requirements set forth in Sections 605(a)(2)(A) through (D) and shall be either elevated or floodproofed.

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

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.

(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.

(7) The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability.

(8) Bridge and culverts, which by their nature must be placed in or over the stream, must obtain a stream alteration permit from the Agency of Natural Resources, if required.

(b) Floodway Areas

(1) Encroachment or development above grade and less than one foot above the base flood elevation are prohibited unless hydrologic and hydraulic analyses are performed in

accordance with standard engineering practice, by a registered professional engineer certifying that the proposed development will:

(A) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood; and

(B) Not increase any risk to surrounding properties, facilities, or structures from erosion or flooding.

(2) Public utilities may be placed underground, and the analyses may be waived, where a registered professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.

ARTICLE XII SUBDIVISIONS Section 1202 Review Criteria

(a) Prior to granting approval for any subdivision of land into four (4) or more parcels, including the original parcel, within a continuous five (5) year period, the Board must find that the proposed subdivision conforms to the following standards, in addition to the relevant criteria in Section 401, Dimensional Requirements, and Section 504, General Dimension, Location, and Height Requirements:

- The proposed subdivision will not have an undue adverse impact on the capacity of existing or planned community facilities to accommodate it including public roads and highways, municipal water or sewer systems, public schools, and municipal fire protection services.
- 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 proposed subdivision 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 proposed subdivision will not result in undue adverse impact to water quality or downstream properties, and will not cause undue adverse impacts to soil through erosion or reduction in the capacity of the land to hold water.
- Will not have an undue adverse impact on aesthetics, the scenic or natural beauty of the area, identified scenic resources, or historic sites.
- Will not have an undue adverse impact on significant natural resources.

Section 1203 Exemptions

The following subdivisions shall be exempt from review under Section 1202 and subject to review under Section 1203(c):

A boundary line adjustment that affects fewer than five (5) lots shall be exempt from review under Section 1202.

ARTICLE XIII INTERIM CAMPUS OVERLAY DISTRICT Section 1306 Campus Overlay District Review Standards

(a) Prior to granting approval under this Chapter, the Development Review Board shall find that the proposed development meets the following standards, where applicable:

(1) Historic Structures:

(A) Original materials or materials typical of the architectural style of the structures shall be preserved or replaced with like materials to the extent feasible and appropriate.

(B) Historic building features shall be preserved or replicated to the extent feasible and appropriate.

(2) New Buildings and Additions to Existing Structures:

(A) New building designs shall reinforce historic streetscape patterns, including orientation and setbacks. Building sites, including road and pedestrian networks, shall be designed in a manner that is integrated and compatible with adjoining parcels and areas.

(B) New buildings shall maintain overall height, size, massing, scale, and proportions compatible with those of buildings in the vicinity. New buildings shall incorporate building forms, lines, roof shapes, features, and materials compatible with those of buildings in the vicinity, but are not required to conform to a particular architectural style.

(C) New additions should be designed to complement and be compatible with, rather than detract from or obscure, the original structure.

(D) Buildings, or portions thereof, having eave heights of twenty (20) feet or less above ground level shall incorporate moderately to steeply pitched roofs, unless the Development Review Board determines that another roof type is appropriate.

(3) All development shall comply with the following standards:

(A) Project design shall reinforce a pedestrian streetscape through the provision, where appropriate, of such features as connecting walkways, landscaping and street trees, the incorporation of architectural features such as porches, store fronts and windows, and pedestrian-scaled street furniture and lighting.

(B) On-site utilities shall be buried and utility boxes shall be screened from public view if the utilities along the street serving that structure are also buried.

(C) Clearly defined pedestrian walkways shall be provided through parking areas, between buildings, and from public sidewalks to the site.

CONCLUSION:

The board finds that application #07-13-V, VT Department of Buildings and General Services, meets the criteria as outlined for Site Plan, Conditional Use, Special Flood Hazard Area Overlay District, Campus Overlay District, Subdivision and Boundary Line Adjustment Review Findings and Decision for the reconstruction of the State Office Complex at 103 S. Main Street, Waterbury, VT.

DECISION AND CONDITIONS:

MOTION:

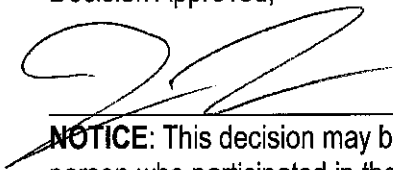
Jeff Whalen moved and Tom Kinley seconded the motion to approve application #07-13-V for Site Plan, Conditional Use, Special Flood Hazard Area Overlay District, Campus Overlay District, Subdivision and Boundary Line Adjustment Review Findings and Decision for the reconstruction of the State Office Complex, located at 103 S. Main St., 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.
2. All exterior lighting will be downcast and shielded.
3. Prior to the start of construction, Floodproofing Certificates for the Wood Chip Storage Area and Elevator Pit shall be provided to the Waterbury Planning Department to be filed with the zoning permit, as required by Section 606(a)(8);

4. Prior to the start of construction of the Central Plant, the FEMA designated floodway shall be staked in the field by a licensed land surveyor or registered professional engineer to ensure that fill does not encroach in the floodway, in compliance with Section 605(b)(1);
5. Within 90 days of project completion the following **as-built** information will be certified by a registered professional engineer and provided to document that the project was built as proposed:
 - Elevation Certificates for the new Central Plant and Office Building shall be submitted to the Waterbury Planning Department as required by Section 606(a)(5);
 - A Grading Plan verifying no encroachment in the FEMA designated floodway to document compliance with Section 605(b)(1) and to ensure the hydraulic analysis remains valid;
 - A statement that all mechanical, electrical, and plumbing servicing the Central Plant and New Office Building are either elevated above base flood elevation, or dry-floodproofed if below base flood elevation, to document compliance Section 605(a)(2)(D),(E), and (F);
6. The applicant brings the final plat to zoning administrator within 150 days for DRB approval within to meet the 180-day filing deadline.
7. All temporary structures be anchored and elevated and follow flood hazard regulations for temporary structures. The floor of the construction trailers need to be a minimum of 1 foot above the 100 year flood level as required in Article VI of Waterbury Flood Regulations.
8. The hours of construction activity will be 7 am to 6 pm, Monday - Friday and 8 am to 6 pm on Saturday.
9. The applicant will identify a designated liaison to interface with members of the community.

VOTE: The motion was approved unanimously.

Decision Approved,



_____, Chair

Date: _____

6-6-13

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 June 6, 2013