

**WATERBURY DEVELOPMENT REVIEW BOARD
APPROVED GENERAL MINUTES
Thursday, July 18, 2013**

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

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

6:30p.m.

Application # 11-13-T, Laura Fried, Final Plat Approval of a 2-lot subdivision off Barnes Hill Road, Waterbury Center, VT. (Tax Map #06-066.000)

Present: Laura Fried, Owen McDermott

Nat Fish moved and Martha Staskus seconded the motion to approve application 11-13-T, Laura Fried, for final plat approval.

Passed with 4 in favor and 1 abstension.

6:35 p.m.

Application # 06-13-T, Peter Aaron Flint, Final Plat Approval of a 2-lot subdivision at 379 Middlesex Notch Road, Waterbury, VT. (Tax Map # 4-121.000)

Jeff Whaled moved and Nat Fish second the motion to approve application #06-13-T, Peter Aaron Flint, for final plat approval.

Passed unanimously.

06:40 p.m.

Application # 30-13-T, Grant and Mona Eckfeldt, Setback Waiver Request for a residential building addition at 353 Maggies Way, Waterbury Center, VT. (Tax Map # 09-072.000).

The hearing was continued to August 1st, 2013 at 6:00 p.m. for a site walk to be held at the property at 353 Maggie's Way, Waterbury Center, VT.

7:20 p.m. Application # 12-13-V, Billy Bob's Building / Ryan Smith, see hearing minutes

8:10 p.m. Application # 13-13-V, State of Vermont / John Ostrum, see hearing minutes

APPROVAL OF MINUTES AND DECISIONS

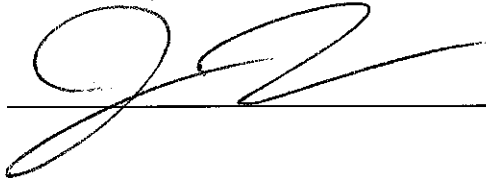
Martha Staskus moved and Tom Kinley seconded the motion to approve the general meeting minutes from June 27, 2013, as amended.

VOTE: Passed unanimously.

ADJOURNMENT

The meeting was adjourned by the Chair at 8:35 p.m.

Minutes Approved:


_____, Chair

Date: 8-1-13

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 August 1, 2013.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Minutes and Decision
July 18, 2013**

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Application for a Subdivision at 103 South Main Street, Waterbury, VT.

Permit Application #: 13-13-V
Applicant: John Ostrum
Landowner: Michael Obuchowski
Location of Project: 103 North Main Street, Waterbury, VT

Applicants, sworn in:

John Ostrum, Applicant
Mike Stevens, Applicant

Attending from public:

Kristen Fountain, Waterbury Record
Everett Coffey, Abutting landowner

Testimony:

1. This application is to subdivide a piece of the land that will be retained as open space. It may allow some additional FEMA funding.
2. The subdivision is to meet conditions for FEMA funding via an application for the Hazardous Mitigation Grant Program (HMGP). If the grant is not received future development plans are not determined.
3. More than 2/3 of this area is in the floodway.

EXHIBIT LIST:

Exhibit A Zoning Permit Application #13-13-V
Exhibit B Subdivision Plan, dated 6/11/2013
Exhibit C Site Master Plan, dated 5/2/2013
Exhibit D Notice sent to Adjacent Landowners dated July 2, 2013
Exhibit E Overall site plan rendering

Description of Project:

This project proposes to subdivide off one additional lot from the State Complex Property located at 103 South Main Street, Waterbury, VT.

1. The State Complex received approval for a 5 lot subdivision under permit # 07-13-V. This approval included the creation of Lot 1 (Ladd Hall), Lot 2 (120 & 121 South Main Street), Lot 6 (Stanley & Wasson Halls) and Lot 7 (43 Randall Street). The additional lot created by default is the affected 'mother' lot on which the core historic building is located.
2. This proposal is to subdivide off an additional 3.67-acre lot from the 'mother' lot.
3. Under the Waterbury Zoning Regulations the following applies:
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:
 1. *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.*
 2. *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.*
 3. *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.*
 4. *Will not have an undue adverse impact on aesthetics, the scenic or natural beauty of the area, identified scenic resources, or historic sites.*
 5. *Will not have an undue adverse impact on significant natural resources.*
4. The State of Vermont owns two adjoining properties: one 60-acre parcel on which is located the State Office Complex (tax map #19-409.000) and undeveloped 60-acre property, locally known as Randall Meadow (tax map #19-325.000)
5. The State Office Complex property is located wholly within the Village Residential Zoning District and within the Interim Campus Overlay District. The majority of this property is also located within the Flood Hazard Area

Overlay District. The minimum lot size within the prevailing Campus Overlay District is 10,000 square feet.

6. The Randall Meadow property is wholly located within the Conservation Zoning District and within the Flood Hazard Area Overlay District. The minimum lot size in the Conservation District is 10-acres.
7. The additional lot which the State proposed to subdivide off is mostly located within the Village Residential Zoning District and Campus Overlay District and partly located within the Conservation Zoning District. The new lot is also located within the Flood Hazard Area Overlay District.
8. The new lot is proposed to be 3.67 acres and no new development is proposed.
9. The Waterbury Zoning regulations include the following provision:
Section 400 Compliance With This Bylaw
(c) In the case of lots lying in more than one district, the following shall apply:
(2) If the lot size requirement has been met in any district, any amount of additional acreage may be added to the lot from the adjacent district, but any development in the adjacent district shall meet the dimensional requirements of that district except as provided for in subsection 400(c)(3).
10. The Flood Hazard Area *Development Standards* do not apply.

DECISION AND CONDITIONS

The Board concludes that application 13-13-V, State of Vermont, subdivision review for tax map ID #19.409.000 meets all the conditions for section 1202 subdivision criteria and section 400, Compliance with this Bylaw.


MOTION:

Jeff Whalen moved and Tom Kinley seconded the motion to approve application 13-13-V, State of Vermont, to subdivide off one additional lot from the State Complex Property located at 103 South Main Street, Waterbury, VT, tax map # 19-409.000 with the following conditions:

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. The applicant brings copies of the Final Plat to the Zoning Administrator within 150 days so the Development review Board can sign off on the Final Plat and meet the 180-day timeline required by 24 V.S.A., section 4463.

VOTE: The motion was passed unanimously.

Decision Approved,


_____, Chair

Date: 8-1-13

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 August 1, 2013.

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Hearing and Decision Minutes
July 18, 2013**

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

Staff Present: Steve Lotspeich, Clare Rock, Patti Spence

Application for a Change of Use from a restaurant to a clinic at 6 North Main Street Waterbury, VT.

Permit Application #:	12-13-V
Applicant:	Greg Ward, Copley Hospital
Landowner:	Ryan Smith (formerly Billy Bob's Building)
Location of Project:	6 North Main Street, Waterbury, VT

Attending and sworn in:

Tyler Scott, Project Architect
Melvyn Patashnick, Copley Hospital President
Greg Ward, Copley Hospital, Applicant
Everett Coffey, Waterbury Resident
Kristin Fountain, Waterbury Record

Testimony:

1. The clinic that Copley is proposing is an orthopedic clinic. There would be a radiology room built into the facility.
 2. The back entrance would be the main entrance to the facility.
 3. No structural or facade changes will be made on the South Main Street side of the building.
 4. The radiology room will be lead lined, approved by a physicist and inspected annually.
 5. Hazardous medical waste will be transported off site.
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EXHIBIT LIST:

Exhibit A Zoning Permit Application #12-13-V
Exhibit B Site Plan, dated 7/8/2013
Exhibit C Floor Plan, dated 6/24/2013
Exhibit D Exterior Elevation (rear), dated 6/24/2013
Exhibit E Photos of existing rear elevation
Exhibit F Notice sent to Adjacent Landowners dated July 1, 2013

Description of Project:

This project proposes to change the use of the 1st floor (approx. 3,000 square feet) from a 45-seat restaurant to a clinic and to build a handicap accessible ramp at the rear of the building located at 6 North Main Street, Waterbury, VT.

1. The property is located within the Downtown Commercial (DC) Zoning District
2. No Setbacks apply within the DC District.
3. A change of use requires site plan review. The Site Plan Review Criteria is listed below.
4. A hospital/clinic is a conditional use within the Downtown Commercial Zoning District
 - a. A hospital/clinic is defined as: *A facility providing health-care services and medical or surgical care to persons on an in-patient or out-patient basis for physical or mental ailments; includes related facilities such as laboratories, outpatient facilities, or training facilities.*
5. The proposed use will have 6 exam rooms, 2 – 3 providers on staff, 1 medical assistant and reception staff. The medical office / clinic will be open Monday – Friday, 8 – 5 pm.
6. The main entrance to the clinic will be located, along with the parking lot, at the rear of the building. The historic front entrance will not be altered and will not provide a public access.
7. A new handicap ramp will extend 20' 9 ½" off the existing rear porch and will be constructed with materials to match the existing rear porch.
8. The existing propane tanks will be removed.
9. One exterior recessed light will be added to the rear entry of the building.
10. The buildings parking lot currently has 38 spaces (including 1 handicap space), the proposed ramp and the inclusion of an additional handicap parking space will decrease the overall parking to 36 spaces (including 2 handicapped spaces)
11. Additional existing uses at the property require a total of 15 spaces. They are as follows:
 - a. Three residential units are located on the 2nd floor which requires 5 spaces.
 - b. A gym or 'exercise studio' (Curves) is located in the basement and based upon permit #33-07-V requires 10 spaces.
12. The parking requirements as listed within the Zoning Regulations for a hospital/clinic are listed below:
 - a. *Motels, hotels, lodging or boarding houses, hospitals: one (1) space for every guest room or patient room, plus employee parking with one space for every person normally working on premises during any one shift.*
 - i. Based upon these regulations the parking requirement for the new use is 11 parking spaces.

13. As stated above, the parking lot will have 36 parking spaces minus 15 spaces for the existing uses equals a remainder of 21 spaces. There is ample parking for the proposed change of use.
14. The property is also located within the Historic/Commercial Sub-District of the Downtown Design Review Overlay District where additional design standards apply to the construction of the ramp.
15. The Site Plan, Conditional Use and Downtown Design Review Criteria are listed below.

Section 301 Site Plan Review and Approval

(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.

Section 1108 Design Review Standards

(1) Historic Structures (applying to all structures listed on the National Register of Historic Places):

(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) Historic/Commercial Sub-District:

(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) 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.

(E) 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.

(F) Buildings, or portions thereof, having eaves 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.

CONCLUSION

The board finds that application #12-13-V for a clinic for Copley Hospital to be located at 6 North Main Street, Waterbury, VT, meets conditional use, site plan and design review for change of use from a restaurant to a clinic.

DECISION AND CONDITIONS

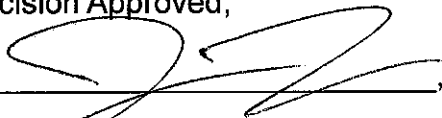
MOTION:

Jeff Whalen moved and Mike Bard seconded the motion to approve application #12-13-V, formerly Bill Bob's Building, owned by Ryan Smith, for a change of use on the first floor at 6 North Main Street from a restaurant space to a clinic, 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. All lighting shall be downcast and shielded.

VOTE: The motion was passed unanimously.

Decision Approved,

 _____, Chair

Date: 8.1.13

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