

**TOWN & VILLAGE OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved General Meeting Minutes
Thursday, February 6, 2014**

IN ATTENDANCE

Board Members Present: Jeff Larkin, Chair; Dave Rogers, Mike Bard, David Frothingham, Martha Staskus, Nat Fish

Staff Members Present: Steve Lotspeich, Clare Rock, Patti Spence

MEETING MINUTES

At 6:30 p.m. the meeting convened on the second floor of the Main Street Fire Station located at 43 South Main Street (enter at rear of building), Waterbury, VT.

At 6:30 p.m. the Chair opened the following Hearing:

Continuation of Application #50-13-V, TVRA Realty (applicant Shaughnessy) for Site Plan and Conditional Use Review for the change of use (to a gym) of 53 North Main Street, Waterbury, VT 05676 (Tax Map # 19-022.000)

See separate Findings of Facts & Decision

At 7:00 the Chair opened the following Hearing:

Application #04-14-T, Felix and Geraldine Callan, for a 4 lot sub-division and boundary line adjustment at Moose Run Lane, Waterbury Center, VT, was continued to March 6th, 2014, at 6:30 p.m.

Application #73-13-T, Joseph & Judy Duffy, scheduled at 8:15 p.m., was withdrawn.

REVIEW OF MINUTES

07:15 p.m. the Development Review At Board reviewed the Minutes and Decisions for the meeting held on January 23, 2014.

Motion: David Frothingham moved and Nat Fish seconded the motion to approve the special meeting minutes of January 23, 2014 and the Decisions for the following applications: 02-14-T, Blush Hill Trust Sub-Division, and 50-13-V, TRVA Realty, LLC, change of use.

Vote: Passed unanimously.

The next meeting will be held with the Planning Commission on Monday, February 24th, 2014 at 7:00 p.m. The discussion and presentation will be on the Floodplain Management Project.

At 08:15 p.m. the meeting was adjourned.

Minutes Approved,

 _____, Chair

Date: 3.6.14

THESE MINUTES WERE APPROVED ON March 6, 2014.

**Town & Village of Waterbury
Development Review Board
Approved Findings of Fact & Decision
Date: February 6, 2014**

Application for Site Plan and Conditional Use for the change of use (from retail use to recreation facility use [gym]) located within the Village Neighborhood Commercial (VNC) Zoning District.

Permit Application #: 50-13-V
Applicant: Shea Shaughnessy
Property Owner: TRVA Realty LLC
Tax Map #: 19-022.000
Location of Project: 53 North Main Street, Waterbury, VT

IN ATTENDANCE

Board Members Present: Jeff Larkin, Chair; Mike Bard, Dave Rogers, David Frothingham, Nat Fish, Martha Staskus

Staff Members Present: Steve Lotspeich, Clare Rock, Patti Spence

Interested Persons Present:

Shea Shaughnessy, Applicant

Robyn Fulton, Applicant

INTRODUCTION

The applicant proposes to open a Crossfit Gym within a portion of the building which was occupied by the equipment rental aspect of the Valley Rental All business. The gym/fitness business will offer Crossfit exercises classes to the public 7 days a week.

The application was scheduled to be heard before the Development Review Board on 1/23/2014 and continued to 2/6/2014 to ensure adjoining property owners received appropriate notice from applicant.

EXHIBITS

Exhibit A: Application # 50-13-V
Exhibit B: Site Plan
Exhibit C: Notice of Public Hearing, dated 12/20/2013
Exhibit D: Letter to Adjoining landowners, dated 1/9/14

TESTIMONY:

1. The space is being leased.

2. The largest shift will be 2 employees on site.
3. 18 parking spaces are identified on the site plan.
4. Renovations will include a second bathroom.
5. Classes are conducted using music. No undue noise levels will occur.

FINDINGS OF FACT

1. The project proposes a change of use from retail to recreation facility. Change of use applications require site plan review by the Development Review Board. The Site Plan review criteria are contained within Section 301 of the Waterbury Zoning Regulations.
2. The change of use applies to 2,300 sq ft of the approx. 6,900 sq ft building footprint.
3. The property was most recently occupied by Valley Rental All, a retail/ service and equipment sales/rental use. A gym/fitness business is defined as a recreation/amusement facility use under the Waterbury Zoning Regulations. A recreation/amusement facility use is a conditional use and requires conditional use review by the Development Review Board. Conditional Use review criteria are contained within Section 303 of the Waterbury Zoning Regulations.
4. The change of use will not require any exterior changes or modifications to the property. No exterior changes to the existing building, parking lot, access or landscaping are proposed. If a new sign is erected at the property a sign permit may need to be obtained separately.
5. Vehicular access will utilize existing curb cuts off Main Street and Butler Street.
6. Parking requirement within Section 414 of the Waterbury Zoning regulations do not contain specific parking requirement for this proposed use. Parking on both sides of the building will be utilized. Parking as proposed on the site plan provides enough spaces for each employee on site plus one space per exercise class attendee. Exercise classes will be timed to provide class attendees to vacate the property before the next class is scheduled to start.
7. 18 parking spaces are identified on the site plan, 4 for the existing 1,000 sq. ft. of retail, as noted in Permit No. 11-03-V, and 14 remaining available for the gym.
8. Typical hours of operation will be 5am - 8pm, Monday-Sunday.
9. Class capacity is 12 people per class and a maximum of 2 employees on site.
10. Pedestrian access to the building will utilize an existing entrance on the northeastern side of the building.
11. Interior renovations will be minimal and include dry wall, paint and renovation of an existing bathroom and the addition of one new bathroom.
12. The change of use has received approval for a change in the property's municipal water/sewer allocation.
13. Refer to Site Plan review criteria as contained within Section 301 & Conditional Use review criteria as contained within Section 303.
14. Classes are conducted using music. No undue noise levels will occur.

DECISION AND CONDITIONS

CONCLUSION:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 50-13-V, TRVA Realty LLC, tax map 19-022.000 located at 53 North Main Street, Waterbury, VT, meets the standards of site plan review, section 301; conditional use review, section 303; and section 414 of the Waterbury Zoning Regulations with the DRB concluding that 14 spaces are adequate for the proposed gym use.

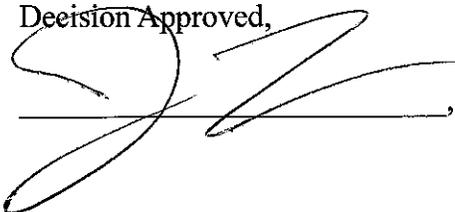
MOTION:

On behalf of the Waterbury Development Review Board, Dave Rogers moved and Mike Bard seconded the motion to approve application 50-13-V for Site Plan and Conditional Use Review for the change of use of a portion of the building to a gym, with the following conditions:

- 1. 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.*

VOTE: The motion passed unanimously.

Decision Approved,


_____, Chair

Date: 2.6.14

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.

THIS DECISION WAS APPROVED ON February 6, 2014.