

**Town & Village of Waterbury  
Development Review Board  
Approved General Meeting Minutes  
Date: April 3, 2014**

**IN ATTENDANCE**

Board Members Present: Jeffrey Larkin, Chair; David Rogers, Nat Fish, David Frothingham, Tom Kinley, Mike Bard

Staff Present: Patti Spence, Secretary

Public: Miranda Orso, Waterbury Record

Final Plat Applications 07-13-V and 04-14-V:

Mike Stevens, Applicant

Paul Boisvert, Consultant for Applicant

**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 following application was heard:**

**Application #02-14-T**, Patrick Householder for a setback waiver request for the construction of a residential addition and residential accessory structure (garage) at 12 Adams Court, Waterbury, VT 05676 (Tax Map # 19-267.000)

*See separate Findings of Fact & Decision.*

**At 7:10 p.m. the following final plat was presented.**

**Application #07-13-V**, State of Vermont for a Final Plat Approval for the 5-lot Subdivision at 103 South Main Street, Waterbury, VT 05676 (Tax Map # 19-409.000).

**FINAL PLAT APPROVAL CONCLUSION**

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application 07-13-V State of Vermont for a Final Plat Approval for the 5-lot Subdivision at 103 South Main Street, Waterbury, VT 05676 (Tax Map # 19-409.000) meets all applicable dimensional and right-of-way requirements and has been prepared in accordance with Title 27 V.S.A. Chapter 17 Section 1403.

MOTION:

Tom Kinley moved and Mike Bard seconded the motion to approve the Final Plat as presented in application #07-13-V and authorizes the Chair to sign on behalf of the Development Review Board.

VOTE: Passed unanimously.

**At 7:25p.m. the following final plat was presented:**

**Application #04-14-V**, State of Vermont for a 2-lot Subdivision review (re-approval of application # 13-13-V) and Final Plat Approval at 103 South Main Street, Waterbury, VT 05676 (Tax Map # 19-409.000).

**FINAL PLAT APPROVAL CONCLUSION**

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application 04-14-V State of Vermont for a 2-lot Subdivision review (re-approval of application # 13-13-V) and Final Plat Approval at 103 South Main Street, Waterbury, VT 05676 (Tax Map # 19-409.000) meets all applicable dimensional and right-of-way requirements and has been prepared in accordance with Title 27 V.S.A. Chapter 17 Section 1403.

MOTION:

Tom Kinley moved and Mike Bard seconded the motion to approve the Final Plat as presented in application #04-14-V State of Vermont for a 2 lot subdivisions review and final plat approval at 103 S. Main Street, Waterbury VT and authorize the Chair to sign on behalf of the Development Review Board.

VOTE:

Passed unanimously.

**At 8:15p.m. the following review was heard:**

**Application # 03-14-V**, Arthur Loeffler (applicant Chad Rich) for a site plan review, conditional use review, flood hazard area review and downtown design review for the change of use of 2 Elm Street for the expansion of the adjacent restaurant (at 23 S. Main Street) and establishment of an accessory use (craft brewery production) at 2 Elm Street, Waterbury, VT 05676 (Tax Map # 19-348.000)

*See separate Findings of Fact & Decisions. Approved herein.*

**Review of General Minutes and Decisions**

MOTION:

David Rogers moved and David Frothingham seconded the motion to approve the General Minutes for the meeting held on March 20, 2014.

VOTE: The motion was passed unanimously.

MOTION:

Tom Kinley moved and Mike Barb seconded the motion to approve the hearing minutes from April 3, 2014 for application 03-14-V, as amended.

VOTE: The motion was passed unanimously.

Minutes Approved,

 , Chair

Date: 4-17-14

THESE MINUTES WERE APPROVED ON 4-17-14.

**Town & Village of Waterbury**  
**Development Review Board**  
**Approved Minutes and Decision, #02-14-V**  
**Date: April 3, 2014**

**IN ATTENDANCE**

Board Members Present: Jeffrey Larkin, Chair; David Rogers, Nat Fish, David Frothingham, Tom Kinley

Staff Present: Patti Spence, Secretary

Application for a setback waiver for the construction of a residential addition and residential accessory structure (garage) located within the Medium Density Residential (MDR) Zoning District.

Permit Application #:	02-14-V
Applicant:	Patrick Householder
Property Owner:	Householder Family Trust
Tax Map #:	19-267.000
Location of Project:	12 Adams Court

Present and sworn in:

Patrick Householder, Applicant

**INTRODUCTION**

The applicant seeks a rear setback waiver for the construction of a sunroom and a rear and side setback waiver for the construction of a garage. The applicant will demolish the existing garage for the construction of the new garage.

Testimony

1. The existing garage is half on the owner's property and half on the adjacent property.
2. The proposed new garage will be built 5' from the adjacent property line.

**EXHIBITS**

Exhibit A: Application # 02-14-V  
Exhibit B: Applicant responses to Conditional Use Criteria  
Exhibit C: Sketch Plan  
Exhibit D: Property photos

- Exhibit E: Property Survey  
Exhibit D: Notice of Public Hearing, dated March 10, 2014  
Exhibit E: Letter to Adjoining landowners, dated March 15, 2014

## **PROJECT DESCRIPTION**

1. The 0.22 acre property is located within the Village Residential Zoning District where the minimum lot size requirement is 10,000 square feet (0.229 acres) for a single-family residential lot.
2. The districts' setback requirements are: Front 30', Sides 10', Rear 30'
3. The existing single-family house does not meet the rear setback requirement. The house is located 6' from the rear property line. The house does meet/exceed the other setback requirements.
4. The applicant is proposing to build a residential addition (sun room) to the south side of the property.
5. The addition will encroach upon the rear setback and proposed to be 6' from the rear property line.
6. The sunroom requires a 24' rear setback waiver.
7. The applicant proposed to demolish the existing garage which is share with the adjoining property, with the approval of both parties.
8. The applicant proposed to construct a new garage which will also require a setback waiver.
9. The new garage will be located 5' from the rear property line and 5' from the side property line.
10. The new garage requires a 25' rear setback waiver and a 5' side setback waiver.
11. A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.

## **DECISION AND CONDITIONS**

### **CONCLUSION:**

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #02-14-V for a waiver request for a residential addition and construction of a residential accessory structure (garage) located at 12 Adams Court, Waterbury, tax map ID # 19.267.000, meets the Section 309 standards.

MOTION:

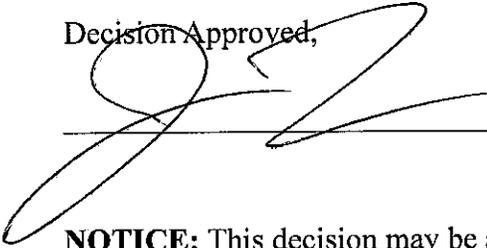
On behalf of the Waterbury Development Review Board, Dave Rogers moved and Tom Kinsley seconded to approve application 02-14-V with the following conditions:

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 was approved unanimously.

Decision Approved,

  
\_\_\_\_\_, Chair

Date: 4.17.14

**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 \* April 17, 2014 \*

**Town & Village of Waterbury**  
**Development Review Board**  
**Approved Findings & Decisions, Appl. 03-14-V**  
**Date: April 3, 2014**

**IN ATTENDANCE**

Board Members Present: Jeffrey Larkin, Chair; David Rogers, Nat Fish, David Frothingham, Tom Kinley, Mike Bard

Staff Present: Patti Spence, Secretary

Press: Miranda Orso, Waterbury Record

Jeffrey Larkin recused himself from the hearing.

Application #03-14-V, Arthur Loeffler (applicant Chad Rich) for a site plan review, conditional use review, flood hazard area review and downtown design review for the change of use of 2 Elm Street for the expansion of the adjacent restaurant (at 23 S. Main Street) and establishment of an accessory use (craft brewery production) at 2 Elm Street, Waterbury, VT 05676 (Tax Map # 19-348.000) located within the Downtown Commercial Zoning District.

Permit Application #03-14-V

Applicant: Chad Rich

Property Owner: Arthur Loeffler

Tax Map #19-348.000

Location of Project: 2 Elm Street

Present and sworn in:

Mark Frier, Business Owner

Bud Wilson, Architect

Chad Rich, Owner

Chris Austin, Consultant

Darren Winham, Consultant

P Howard Flanders, Trustee and Elm Street neighbor

Rick Hommel, Adjoining Landowner/VSECU

Bill Shepluk, Municipal Manager

Jeff Larkin, Adjoining Landowner

**INTRODUCTION**

Application # 03-14-V, Arthur Loeffler (applicant Chad Rich) for a site plan review, conditional use review, flood hazard area review and downtown design review for the change of use of 2 Elm Street for the expansion of the adjacent restaurant (at 23 S. Main

Street) and establishment of an accessory use (craft brewery production) at 2 Elm Street, Waterbury, VT 05676 (Tax Map # 19-348.000).

**TESTIMONY:**

1. The outdoor seating area is app. 600 sq. ft.
2. There will not be a retractable bridge.
3. The new alley will have app. 12 feet of functional width.
4. They will be adding one employee for busing and dishwashing.
5. The hours of service on the patio will be 11:30 a.m. to 10:00 p.m.

**EXHIBITS**

- Exhibit A: Application # 03-14-V
- Exhibit B: Site Plan dated August 13, 2013
- Exhibit C: Floor Plan, Elevation, and Photos dated February 26, 2014
- Exhibit D: Project Narrative
- Exhibit E: Notice of Public Hearing, dated March 10, 2014
- Exhibit F: Letter to Adjoining landowners, dated March 18, 2014
- Exhibit G: Email dated 4/3/14 from Alec Tuscany re: Prohibition Pig Brewery
- Exhibit H: Trustees minutes of March 26, 2014, page 2
- Exhibit I: Lighting cut sheet

**PROJECT DESCRIPTION**

This project is the renovation of the existing historic building at 2 Elm St. the expansion of the adjacent restaurant, the Prohibition Pig located at 23 S. Main Street and establishment of an accessory use of craft brewery production. The beer that will be brewed will be either consumed on site or sold at the site in growler jugs. There will be a covered porch patio and handicap ramp located on the Elm St. side of the building. There will a roofed breezeway connection the buildings at 2 Elm St. and 23 S. Main St. that will have a loading dock served by the existing 15'-wide alleyway off Elm St. The existing propane tanks in the alleyway will be removed and a new buried tank installed.

**FINDINGS OF FACT:**

The building is in the Village of Waterbury Historic District and is a contributing historic structure. Therefore the building meets the definition of an historic structure and is exempt from the substantial improvement definition in the Zoning Regulations that is part of the Flood Hazard Area Regulations. In order to meet the requirement of the Flood Hazard Area Regulations, the proposed renovation to the building must be reasonably safe in the event of a flood. The renovations to the building will include the following features:

1. The front porch and patio will be used seasonally for dining and will have 50 seats for app. 90 days from May to September, weather dependent. The parking requirement for these seats is 13 (one parking space for each three seats).
2. A new perimeter under drain system connected to 2 sump pumps in the basement will be installed along with a new foundation.
3. The new foundation will be constructed out of 10' tall reinforced concrete walls that will be 3,000 PSI in strength.
4. Reinforced concrete pads will be poured under the floor where columns are needed.
5. The new foundation will be sealed.
6. A new foundation floor will be poured with fiber mesh and be 3,500 PSI in strength.
7. The building will be renovated as shown on Exhibit C: Floor Plan, Elevation, and Photos, The siding will be white colored clapboards and the roof will be pewter colored architectural shingles.
8. 13 on street parking spaces were approved by the Waterbury Trustees and will be upheld by the approval of this application. The applicant has agreed to make improvements to minimize deliveries on Elm Street and they will pursue off street parking possibilities and obtain parking for their employees so they will park away from the Elm Street public lot and on street parking..
9. Hours of operation for the outdoor seating will be 11:30 a.m. to 10:00 p.m.
10. Lighting will be recessed and downcast.
11. Landscaping and planter needs will be handled by Evergreen Gardens.

This project is being reviewed under the following sections of the Waterbury Zoning Regulations: Section 301, Site Plan Review; Section 303, Conditional Use Review; Section 605, Development Standards in Article VI, Flood Hazard Area Review; and Section 1108, Design Review Standards in Article XI, Downtown Design Review. Exhibit D covers the applicant's responses to these criteria.

#### **CONCLUSION:**

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 03-14-V for *Arthur Loeffler (applicant Chad Rich) for a site plan review, conditional use review, flood hazard area review and downtown design review for the change of use of 2 Elm Street for the expansion of the adjacent restaurant (at 23 S. Main Street) and establishment of an accessory use (craft brewery production) at 2 Elm Street, Waterbury, VT 05676 (Tax Map # 19-348.000).*

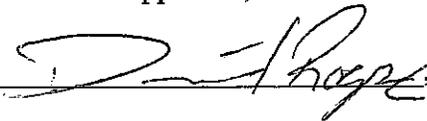
This project was reviewed and meets the criteria under the following sections of the Waterbury Zoning Regulations: Section 301, Site Plan Review; Section 303, Conditional Use Review; Section 605, Development Standards in Article VI, Flood Hazard Area Review; and Section 1108, Design Review Standards in Article XI, Downtown Design Review.

**MOTION:**

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Tom Kinley seconded the motion to approve application 03-14-V 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;*
3. *The outdoor tank will be anchored and detail added to site plan;*
4. *The detail on screening for the dumpster will be added to the site plan.*
5. *The awning will be added to the site plan. Detail for the dumpster pad will be added to the site plan.*
6. *Completion of the waste water allocations will be filed with the Zoning Administrator.*
7. *Regarding parking, the applicant has agreed to make improvements to minimize deliveries on Elm Street and they will pursue off street parking possibilities and obtain parking for their employees so they will park away from the Elm Street public lot and on street parking.*
8. *The applicant will provide a foundation plan stamped by a VT licensed structural engineer*

Decision Approved,

 Vice-chair

Date: 4-3-14

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THIS DECISION WAS APPROVED ON April 3, 2014.