

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: June 26, 2014**

IN ATTENDANCE:

Board Members Present: Dave Rogers, Vice Chair; Nat Fish, Tom Kinley, Jeff Grace, Mike Bard

Staff Present: Steve Lotspeich, Community Planner; Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

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. There was not a quorum for the June 18, 2014 DRB meeting, so it was continued to June 26, 2014.

At 6:30 p.m. the following application was heard:

Application #21-14-T, Paul Reed Winter Woods, LLC, Subdivision Review for a five lot subdivision at Guptil Road, Waterbury Center, VT 05677 (Tax Map #09-206.000)

The public testimony for this hearing was closed at 7:33 p.m.

Deliberation will be at a future meeting.

At 7:30 p.m. Application #15-14-V, Jeffrey Hachmann, site plan review.

Application for a Site Plan Review to (1) relocate the location of the previously approved 2,400 sf storage shed (under Permit #06-13-V); (2) to reduce of the number of identified parking spaces to nineteen parking spaces; (3) to relocate/install existing/new propane tanks; (4) to relocate the dumpster and glycol chiller; (5) to extend the culvert on the westerly side of the property, install riprap to stabilize the steep bank, install a vegetated buffer strip, and install a berm to assist in stormwater management; and (6) to request a 90-day extension to a condition approved under Permit #06-13-V that requires the removal of existing storage trailers from the property by June 27, 2014 at 35 Crossroad, Waterbury, VT. The property is located within the Village Commercial Zoning District (VCOM).

Hearing minutes are under separate cover.

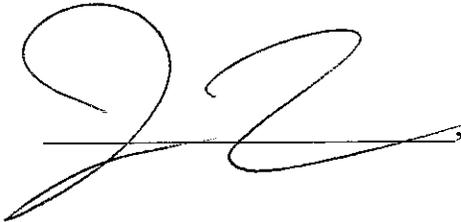
APPROVAL OF PRIOR MINUTES

Nat Fish moved and Tom Kinley seconded the motion to approve the general minutes of June 5th, 2014 and the hearing minutes of June 5th, 2014 for applications # 18-14-T and # 09-14-V.

VOTE: Passed unanimously.

APPROVAL OF APPLICATION

Tom Kinley moved and Mike Bard seconded the motion to approve App. # 15-14-V from June 26, 2014, as amended.

 Chair

Date: 7-2-14

THESE MINUTES WERE APPROVED ON 7-2-14.

Town & Village of Waterbury
Development Review Board
Approved Minutes & Decision #15-14-V
Date: June 26, 2014

IN ATTENDANCE:

Board Members Present: Dave Rogers, Vice Chair; Tom Kinley, Jeff Grace, Nat Fish, Mike Bard

Staff Present: Steve Lotspeich, Community Planner; Ryan Morrison, Zoning Administrator;
Patti Spence, Secretary

Public: Christopher Nordle, Greg & Amy Haskins

Permit Application #15-14-V, Jeffrey Hachmann, Alchemy Canning, LTD.

The hearing was opened at 7:30 p.m.

Application is for a Site Plan Review to (1) relocate the previously approved 2,400 sq. ft. storage shed (under Permit #06-13-V); (2) to reduce the number of identified parking spaces to nineteen parking spaces; (3) to relocate/install existing/new propane tanks; (4) to relocate the dumpster and glycol chiller; (5) to extend the culvert on the westerly side of the property, install riprap to stabilize the steep bank, install a vegetated buffer strip, and install a berm to assist in stormwater management; and (6) to request a 90-day extension to a condition approved under Permit #06-13-V that requires the removal of existing storage trailers from the property by June 27, 2014 at 35 Crossroad, Waterbury, VT. The property is located within the Village Commercial Zoning District (VCOM).

Permit Application #: 15-14-V
Applicant: Alchemy Canning, LTD.
Property Owner: Jeffrey Hachmann
Tax Map #: 13-043.000
Location of Project: 35 Crossroad, Waterbury, VT

Attending & Sworn in:

Chris Nordle, Applicant's Attorney

Amy & Greg Haskins, adjoining landowners

INTRODUCTION

The applicant seeks to make revisions to the outdoor layout of the existing Alchemy Canning, LTD site as described above, and to request a 90-day extension to the June 27, 2014 deadline to remove existing storage trailers.

EXHIBITS:

- Exhibit A: Application # 15-14-V
- Exhibit B: Letter from Christopher Nordle, dated June 2, 2014
- Exhibit C: Site Plan/Existing Conditions Plan/Erosion Control Plan
- Exhibit D: ANR Atlas map of property
- Exhibit E: DRB Approved Findings & Decision, dated June 27, 2013
- Exhibit F: Letter to Adjoining landowners, dated June 4, 2014

PROJECT DESCRIPTION:

On June 27, 2013, the Development Review Board made a decision to approve a permit application (06-13-V) for Site Plan Review, a Conditional Use Permit, and a Setback Waiver to expand the existing use, to install temporary storage trailers, to construct a new storage building, to expand the parking lot, and to construct a fence at 35 Crossroad, Waterbury, VT. (see Exhibit E)

Some of the more relevant Findings of Fact and Conditions of Permit 06-13-V that the applicant seeks to change are:

06-13-V - Findings of Fact:

- 7. The applicant's proposal is to expand the current parking lot, build a storage building at the rear of the property.
- 9. The parking lot will have 37 spaces plus 3 handicapped spaces.
- 21. The storage building will be 28 ft. from the rear property at the closest point and at least 24 ft. from the closest side property boundary...
- 23. The proposal also includes permitting the 4 existing trailers which are used for storage.

06-13-V - Conditions:

- 5. Trailers will be removed from the site upon completion of the storage building or no later than one year from the issuance of the permit.

TESTIMONY:

- 1. The prior approval was based on issuance vs. the valid date of permits.
- 2. The pre-treatment discharge permit was not approved until June, 2014, although it was applied for in May 2013.

3. The ACT 250 permit is being held up due to the other permits not being issued.
4. The ACT 250 hearings were held in January and April of 2014.
5. It was requested that the dumpsters be located on the southern side of the parking lot. It was also agreed to also have screening around the dumpsters, such as a 6 foot privacy screen.
6. The glycol cooler will be moved as soon as possible after the state permits are issued.
7. The cooling storage trailer will be moved within 30 days of the DRB decision to a location further away from the Haskins adjoining property.

FINDINGS OF FACT:

1. The 1.34 acre property at 35 Crossroad is located within the Village Commercial Zoning District.
2. Alchemy Canning moved into the facility at 35 Crossroad in 2010. The previous tenant included a chocolate-making facility which was permitted as a light industrial use. In 2010 Alchemy Canning received zoning approval to continue the light industrial use and change the use of 800 sf on the 1st floor from light industrial/business & professional offices to retail for the beer brewing and canning operation. Parking was previously permitted for 18 spaces.
3. Alchemy Canning obtained approval of 06-13-V on June 27, 2013 to place four temporary storage trailers on the site, to construct a new 20'x40' storage building (which would replace the four storage trailers), to expand the parking lot to 40 spaces, and to construct a fence.
4. In 2013, the retail aspect of the business was closed and plans are currently underway to move the retail portion of the business to Stowe.
5. The applicant's current proposal is to (1) relocate the location of the previously approved 2,400 sf storage shed (approved under Permit #06-13-V); (2) reduce of the number of identified parking spaces, as approved under 06-13-V, from forty to nineteen parking spaces; (3) relocate/install existing/new propane tanks; (4) relocate the dumpster and glycol chiller; (5) extend the culvert on the westerly side of the property, install riprap to stabilize the steep bank, install a vegetated buffer strip, and install a berm to assist in stormwater management; and (6) request a 90-day extension to a condition approved under Permit #06-13-V that requires the removal of existing storage trailers from the property by June 27, 2014.
6. Item numbers 1, 2, and 6 in the project description above represent changes to 06-13-V. Item numbers 3, 4 and 5 are new proposals for the site.
7. The setbacks for the zoning district are: side: 20 feet rear: 20 feet
8. The storage building will be at least 20 feet from the side property line at the closest point and at least 40 feet from the rear property line at the closest point.
9. The parking lot expansion approved under 06-13-V will be reduced down to 19 total spaces as a result of the onsite retail aspect having closed. According to the applicant, 19

parking spaces will be sufficient for the maximum number of employees that will be onsite at any given time.

10. Condition #5 of 06-13-V states "Trailers will be removed from the site upon completion of the storage building or no later than one year from the issuance of the permit." The storage building has not yet been constructed, and the June 27, 2014 deadline to remove the trailers is very near.
11. The applicant seeks an extension of the June 27, 2014 deadline because "the applicant has diligently pursued the required State permits for the construction of the new storage shed, there are several permit applications still pending."
12. The applicant feels that a 90-day deadline extension from the issuance of the final required (State) permit would "allow sufficient time for the appeals period to expire and for construction to be completed."
13. Excerpts from Site Plan Review are listed below:

CONCLUSION

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 15-14-V Jeffrey Hachmann/Alchemy Canning LTD for a site plan review to (1) relocate the location of the previously approved 2,400 sq. ft. storage shed (under Permit #06-13-V); (2) to reduce of the number of identified parking spaces to nineteen parking spaces; (3) to relocate/install existing/new propane tanks; (4) to relocate the dumpster to a position similar to that on the original plan, with screening; (5) to extend the culvert on the westerly side of the property, install riprap to stabilize the steep bank, install a vegetated buffer strip, and install a berm to assist in stormwater management; and (6) to request a 90-day extension for the removal of all existing trailers from the property and all must be done within six months of June 26, 2014 at 35 Crossroad, Waterbury, VT, meets the requirements of Section 301, Site Plan Review.

MOTION

On behalf of the Waterbury Development Review Board, Mike Bard moved and Tom Kinley seconded the motion to approve application #15-14-V, Jeffrey Hachmann/Alchemy Canning LTD 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 DRB approves an extension of 90 days for removal of all trailers, from the date of the issuance of all required State permits
3. The entire project must be completed within 6 months from June 26, 2014.
4. The trailer with the cooling unit shall be moved within 30 days from June 26, 2014.
5. The dumpster shall be relocated to a position at the southeast side of the proposed storage building and be screened by a 6' tall privacy fence.

VOTE: The motion passed unanimously.

Decision Approved,

 Chair

Date: 6-26-14

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 6-26-14.