

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: October 15, 2014**

IN ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Dave Rogers, Tom Kinley, David Frothingham, Jeff Grace

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

6:30 p.m. Meeting convenes on the second floor of the Main Street Fire Station located at 43 S. Main St. (enter at rear of building)

Tom Kinley moved and Dave Rogers seconded the motion to postpone the hearing for Application #27-14-V* to November 5, 2014 at 6:30 p.m.

Vote: Passed unanimously.

6:45 p.m.

Minutes from previous meetings were reviewed.

Tom Kinley moved and Dave Frothingham seconded the motion to approve the hearing minutes for app. 39-14-T, app. 21-14-T, app. #43-14-T and the general minutes of October 1, 2014, all as amended.

Vote: Passed unanimously.

8:00 p.m.

Application #22-14-V, Chad Rich, for a Zoning Permit and Site Plan Review for amending Site Plan Review 03-14-V to change the location of a handicap access ramp located at 2 Elm St. in Waterbury, Vermont 05676, in the 100-year floodplain (Tax Map #19-348.000).

Hearing minutes and approval under separate cover.

Adjourned: 0845 pm

 , Chair

Date: 11.5.14

THESE MINUTES WERE APPROVED ON

**Town & Village of Waterbury
Development Review Board
Approved Minutes & Decisions 22-14-V
Date: October 15, 2014**

N ATTENDANCE:

Board Members Present: Jeff Larkin, Chair; Dave Rogers, Tom Kinley, David Frothingham, Jeff Grace

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

Application #22-14-V, Chad Rich (owner Arthur Loeffler) for a site plan review amendment to reconfigure the layout of the entry ramp at 2 Elm Street, Waterbury, VT 05676 (Tax Map # 19-348.000) located within the Downtown Commercial Zoning District.

Permit Application #22-14-V
Applicant: Chad Rich
Property Owner: Arthur Loeffler
Tax Map #19-348.000
Location of Project: 2 Elm Street

PRESENT AND SWORN IN:

Chris Austin, Consultant
Chad Rich, Landowner

EXHIBITS

- Exhibit A: Application # 22-14-V
- Exhibit B: New Site Plan submitted September 26, 2014
- Exhibit C: Original Site Plan dated August 13, 2013
- Exhibit D: Letter from Chris Austin, dated September 26, 2014
- Exhibit E: Minutes of the Waterbury Select Board and Village Trustees Joint Meeting of September 2, 2014
- Exhibit F: Referral Notice, dated September 18, 2014
- Exhibit G: Letter to Adjoining landowners, dated October 1, 2014

FINDINGS OF FACT

The applicant originally obtained DRB approval for the change of use of 2 Elm Street for the expansion of the adjacent restaurant (at 23 S. Main Street) and the establishment of

an accessory use (craft brewery production) (Permit # 03-14-V). The approved site plan showed an approximate 22' long access ramp along a portion of the building's southwest side. After construction work had started several weeks ago, the applicant found that the approved access ramp was not long enough to provide adequate access to the building. As a result, the applicant has constructed the ramp along the entire southwest side of the building, and around to the building's southeast side for a short distance, with stairs at the end. The applicant now seeks to amend the site plan approved under Permit # 03-14-V to correctly show the footprint of the ramp at 2 Elm Street, Waterbury, VT (Tax Map # 19-348.000).

1. The existing 0.10 acre property is located at 2 Elm Street and falls within the Downtown Commercial (DC) Zoning District, and is also within the Historic/Commercial Downtown Design Review Overlay District. The property also lies within the Special Flood Hazard Area Overlay District.
2. The property contains a historic structure that is currently under renovations and remodeling to accommodate the expansion of the adjacent restaurant (Prohibition Pig) and the establishment of craft brewery production, as approved under Permit # 03-14-V.
3. The site plan approved under Permit # 03-14-V included an access ramp approximately 22 feet in length to serve the building. This access ramp proved too short to provide adequate access.
4. The applicant proposes to amend the approved site plan to accommodate the access ramp that runs the full length of the southwest side of the building, and wraps around for a short distance along the southeast side of the building. Stairs will extend off the end of the ramp on the southeast side of the building.
5. A portion of the constructed ramp extends into the Village of Waterbury's Elm Street parking lot property.
6. The Waterbury Village Trustees voted on September 2, 2014 to grant a 99 year lease on a 74 sq ft encroachment area located within the Village of Waterbury's Elm Street parking lot parcel. (Exhibit E)
7. The new site plan (Exhibit B) shows a relocated underground propane tank that straddles the property line between the subject parcel and the adjacent Northfield Savings Bank (NSB) property to the south. The applicant is negotiating a lease or easement agreement with NSB to accommodate the tank.
8. Below are excerpts of the Site Plan Review process and Historic/Commercial Downtown Design Review Overlay District.
9. The permit is for a total of 99 seats, 50 at 2 Elm Street.

Testimony:

1. The back door is a handicap entrance and an emergency exit from the inside but is locked to outside access, requiring it to be opened when needed for handicap access.

Section 301 Site Plan Review and Approval

(b) Before an application for site plan review is considered complete, the applicant shall file a site plan, clearly drawn to the largest practical scale, showing the following:

- (1) Location and dimensions of lot lines, names of adjacent landowners, all easements, utilities, and existing and proposed structures.*
- (2) All access to public streets or roads, parking and service areas, pedestrian walkways, curbs and stormwater drainage.*
- (3) Pedestrian and vehicular circulation, including parking lot layout, entrances to structures, signs, and lighting.*
- (4) Building elevations and footprints.*
- (5) Detailed site grading and landscaping, indicating existing and proposed trees, shrubs, and ground cover.*
- (6) The Development Review Board may request additional information it deems necessary and may visit the site to gather information.*

(f) The Development Review Board will take into consideration the following objectives prior to approval or denial:

(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 1108 Design Review Standards

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

(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

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #22-14-V (tax map #19-348.00) for a zoning permit and site plan review amendments to reconfigure the layout of the entry ramp at 2 Elm Street meets the criteria of Section 301, Site Plan Review and Approval and Section 1108, Design Review Standards.

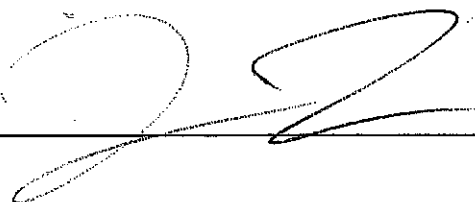
MOTION

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Tom Kinley seconded the motion to approve application #22-14-V 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. All exterior lighting be downcast and shielded.
3. Upon receipt of the easement for the propane tank a new site plan be submitted to the Waterbury Zoning Administrator.
4. The signed lease with the Village of Waterbury be filed with the application.

Vote: Passed unanimously, with Dave Rogers reclusing himself.

Minutes Approved:

 _____, Chair Date: 11-5-14

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.

THESE MINUTES WERE APPROVED ON * 11-5-14 .*