

**Town & Village of Waterbury  
Development Review Board  
Approved General Meeting Minutes  
Date: November 5, 2014**

**IN ATTENDANCE:**

Board Members Present: Jeff Larkin, Chair; Dave Rogers, Tom Kinley, David Frothingham, Nat Fish, Martha Staskus, 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.

**6:30p.m.** **Application #27-14-V, Town of Waterbury**, for a Zoning Permit, Site Plan Review, Conditional Use Permit, Downtown Design Review & Special Flood Hazard Area Overlay Districts Permit, and a setback waiver to 1) renovate the existing Historic Jane's House for the new Waterbury Municipal Offices AND 2) construct an addition to accommodate a new library and public meeting room at 28 North Main Street, Waterbury, VT 05676 (Tax Map #19-242.000).

Hearing minutes under separate cover.

**8:00 p.m.** **Application #48-14-T, Jake Blauvelt**, for a Zoning Permit, Conditional Use Permit and Ridgeline, Hillside, Steep Slope Overlay District Permit to construct a new garage with a second floor apartment located at 1002 Sweet Road in Waterbury Center, Vermont 05677 (Tax Map #10-020.300).

Hearing minutes under separate cover.

**8:30 p.m.** **Application #54-14-T, Keurig Green Mountain, c/o Peter Peterson** for a Zoning Permit, Conditional Use Permit and Site Plan Review to convert the existing 4-unit, 10-bedroom condominium building into office space, located at 228 Suss Drive in Waterbury Center, VT 05677 (Tax Map #09-264.000).

Review of previous meeting minutes:

Tom Kinley moved and Dave Rogers seconded the motion to approve the general minutes of 10/15/14 and the minutes of Application 22-14-V.

Vote: Passed unanimously.

Public:

The property owner adjacent to the Alchemist building on Crossroads Rd. came in to express his discontent that the trailers in the parking lot will not be removed by the November 6, 2014 deadline. This is tied to the fact that they have applied for an extension.

Adjourned at 9:52 p.m.

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

Date: 11.19.14

THESE MINUTES WERE APPROVED ON

**TOWN OF WATERBURY  
DEVELOPMENT REVIEW BOARD  
Approved Minutes, App. 27-14-V  
November 5, 2014**

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**IN ATTENDANCE:**

Board Members Present: Jeff Larkin, Chair; Tom Kinley, David Frothingham, Nat Fish, Jeff Grace, Martha Staskus

Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

Application for a Zoning Permit, Site Plan Review, Conditional Use Permit, Downtown Design Review & Special Flood Hazard Area Overlay Districts Permit, and a setback waiver for the 1) renovation of the existing Historic Jane's House for the new Waterbury Municipal Offices and 2) the construction of an addition to accommodate a new library, and public meeting room at 28 North Main Street, Waterbury, VT 05676.

Permit Application #:	27-14-V
Applicant:	Town of Waterbury
Landowner:	SAME
Location of Project:	28 North Main Street, Waterbury, VT

**HEARING MINUTES:**

Present and sworn in:

Steve Lotspeich, Applicant

Asher Nelson, Architect

Barbara Farr, Project Manager for Applicant

Theresa Wood, Historical Society

Everett Coffey, Adjoining Property Owner

Don Schneider, Selectboard

Zoe Gordon, Municipal Building/Design Committee

Mike Cunningham, Adjoining Landowner

Margaret Luce, Library Commissioner

Mary Kassamatsu, Library Director

**EXHIBIT LIST:**

Exhibit A	Zoning Permit Application #27-14-V
Exhibit B	Site Plan, dated 8/28/2014
Exhibit C	Survey Drawing
Exhibit D	Landscape/Planting Plan, dated 8/22/14, submitted 11/5/14
Exhibit E	Lighting Plan, dated 11/4/14
Exhibit F	Floor Plans, dated 8/15/14
Exhibit G	Roof Plan, dated 8/15/14
Exhibit H	Elevation Drawings, dated 8/22/14
Exhibit I	ANR Atlas Maps of the property
Exhibit J	Notice of Public Hearing, dated 10/6/14
Exhibit K	Letter to Adjoining Landowners, dated 10/9/14
Exhibit L	Wastewater Permit WW-5-6702, issued 9/17/14

- Exhibit M Letter to Rebecca Pfeiffer, dated 9/17/14
- Exhibit N Lighting Information
- Exhibit O Letter from Phelps Engineering, dated 11/4/14, including Floodplain Fill Area Calculations
- Exhibit P Stormwater Description sheet dated 8/28/14
- Exhibit Q Title 24 V.S.A. § 4413

**TESTIMONY:**

1. External lights are LED.
2. Lights will be set to turn off at 10 p.m. with an override if the building is in use.
3. The color scheme will be neutral tones.

The public testimony was closed at 08:00 p.m.

**FINDINGS OF FACT:**

This project proposes to 1) renovate the existing Historic Jane's House for the new Waterbury Municipal Offices and space for the Waterbury Historical Society and 2) construct an addition to accommodate a new library, part of the Municipal Offices, and public meeting room at 28 North Main Street, Waterbury, VT.

1. The existing Historic Jane's House, which currently houses the Waterbury Library, and the Waterbury Historical Society, sits on a 0.5 acre property in the Village Mixed Residential (VMR) Zoning District
2. The proposed addition crosses into the adjacent, Town of Waterbury owned, Dac Rowe Recreation Fields, which is in the Village Residential (VR) Zoning District.
3. Libraries are permitted uses within the VMR Zoning District, but in the VR Zoning District, they are conditional uses. Governmental Uses are conditional uses in both the VMR and VR Zoning Districts.
4. The VMR and VR Zoning District setback requirements for these uses are: Front 40', Sides 25', Rear 50'.
5. The applicant is seeking a Waiver from the Side and Rear yard setback requirements as the building addition proposes the following setbacks: Side (NW) 6', Rear (SW) 0'.
6. The proposed addition will meet/exceed the side (SE) and Front (NE) setback requirements.
7. The Setback Waiver request is: Side (NW) setback waiver of 19' and Rear (SW) setback waiver request of 50'.
8. A Setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.
9. Parking requirements in accordance with Section 414 are as follows:
  - Offices: one (1) space for every three hundred (300) square feet of floor area.
  - Assembly Halls: one (1) space for every three (3) seats or participants.
  - There is no specific parking designation for library uses – applying the rate of 1 space for every 300 sq ft of floor area may be the closest ratio.
10. Based upon parking regulations, the following number of parking spaces will be required:
  - Municipal Offices/Historical Society – 4,823 sq ft = 16 parking spaces
  - Public Meeting Room – 72 chairs = 24 parking spaces

- Library – 6,020 sq ft = 20 parking spaces
11. Based on the information in #11 above, a total of 60 parking spaces would be required. The site plan identifies 56 parking spaces.
  12. Section 414(e) states *“With the approval of the Development Review Board, parking requirements may be waived as follows:  
(2) Parking spaces may be used for more than one use, upon approval of the Development Review Board, provided that the applicant demonstrates that the spaces will be used at different times by each use.”*
  13. The Town of Waterbury Municipal Office maintains hours of 8:00 a.m. to 4:30 p.m., Monday thru Friday. The public meeting room will not be utilized each day; when it is, it typically will be used starting at or after 4:30 p.m.
  14. The DRB is tasked with reviewing landscaping under Section 301. Landscaping review should focus on:
    - 301(f)(2)(D) – *“The provision of appropriate buffer space and landscaping to insulate parking areas from adjoining properties and public streets.”*
    - 301(f)(2)(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.”*
    - 301(f)(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...”*
  15. The applicant has submitted a Landscape/Planting Plan (Exhibit D) to demonstrate compliance with the landscaping standards of Section 301.
  16. Northerly portions of the foundation for the existing structure and future addition lie within Zone AE of the 100-year floodplain (Special Flood Hazard Area Overlay District). According to FEMA FIRM Map Panel 209, the base flood elevation here is 423' above sea level.
  17. Phelps Engineering, Inc. submitted a letter dated November 4, 2014 certifying that the proposed development will not increase the base flood elevation (Exhibit O).
  18. The applicant states that the occupied space and access for the new complex will be 6 feet above the 423' base flood elevation (Exhibit A)
  19. As required in Section 607(b), staff forwarded a copy of this application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources on September 17, 2014. This office received no comments during their 30-day comment period.
  20. A stormwater discharge plan, prepared by Phelps Engineering, Inc. (Exhibit P), explains that there will be a total of 1.02 acres of impervious surface. Stormwater runoff will be controlled/treated via site grading which will promote sheet flow runoff to grass-lined channels, filter strips, and disconnection where feasible.

Pre-treatment settlement chambers will also handle stormwater runoff. Two stormwater discharge points have been identified: one at the Town of Waterbury municipal storm drain system in North Main Street, and one along the northern property that drains onto the Town ball fields.

21. Site lighting fixtures on the portion of the site close to North Main Street will be pole-mounted LED 'Acorn' fixtures to match the spec of other fixtures being installed along Main Street in Waterbury. Portions of the site away from North Main Street will be lit by pole-mounted LED fixtures selected primarily for their slim head profile, maximizing view past the fixtures. Pedestrian ways within the site will be lit by bollards and building mounted lights under entry canopies.
22. The current library parcel is also located within the Historic/Commercial Sub-District of the Downtown Design Review Overlay District. Development must be approved by the DRB prior to construction. The Design Review Standards are listed below.
23. The Site Plan, Conditional Use, Downtown Design Review and Special Flood Hazard Area 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 605 Development Standards**

(1) All development within the Special Flood Hazard Area shall be:

(A) Reasonably safe from flooding; and

(C) All fuel storage tanks shall meet the requirements set forth in Sections 605(a)(2)(A) through (D) and shall be either elevated or floodproofed.

(2) All substantial improvements and new construction (including fuel storage tanks) within the Special Flood Hazard Area shall meet the following criteria:

- (A) Be designed, operated, maintained, modified and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
  - (B) Be constructed with materials resistant to flood damage;
  - (C) Be constructed by methods and practices that minimize flood damage;
  - (D) Be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new construction and substantial improvements of non-residential structures within Zones A1-30, and AE shall:
- (A) Have the lowest floor (including basement) elevated to at least two feet above the base flood level; or
  - (B) Be designed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy to a point at least two feet above the base flood level.
  - (C) Where a non-residential structure is intended to be made watertight below the base flood level a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 605(a)(5)(B).

**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:**

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Appl. #27-14-V, for a Zoning Permit, Site Plan Review, Conditional Use Permit, Downtown Design Review & Special Flood Hazard Area Overlay Districts Permit, and a setback waiver for the 1) renovation of the existing Historic Jane's House for the new Waterbury Municipal Offices and 2) the construction of an addition to accommodate a new library, and public meeting room at 28 North Main Street, Waterbury, VT 05676 (Tax Map #19-242.000), meets the standards in Sections 301, 303, 605, and 1108 of the Waterbury Zoning Bylaws.

**MOTION:**

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Tom Kinley seconded the motion to approve Application #27-14-V, Town of Waterbury, 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. Exterior lights will be downcast and shielded.
3. All sidewalks shall have a physical barrier between parking and pedestrian walkways, for protection for pedestrians.
4. Parking lot lights will be set to turn off at 10 p.m. with an override if the building is in use.

**VOTE:**

The motion passed with 5 in favor and one abstention.

Decision Approved,

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

Date: 11.19.14

**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**

**TOWN OF WATERBURY  
DEVELOPMENT REVIEW BOARD  
Approved Hearing Minutes #48-14-T  
November 5 2014**

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**IN ATTENDANCE:**

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

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

Application to construct an accessory structure (garage) with a one bedroom apartment on a 5.97 acre property within the Medium Density Residential Zoning District, and within the Ridgeline, Hillside, Steep Slope Overlay District.

Permit Application #:	48-14-T
Applicant:	Jake Blauvelt
Landowner:	SAME
Location of Project:	1002 Sweet Road, Waterbury Center, VT

**HEARING MINUTES:**

Present and sworn in:

Kristin Hebert, Applicant

Tom Sweet, Adjoining landowner

Wm & Tanya White, Adjoining landowners

Everett Coffey, Interested party

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**EXHIBIT LIST:**

Exhibit A	Permit Application #48-14-T
Exhibit B	Photo showing location of new garage
Exhibit C	ANR Atlas maps of property
Exhibit D	Notice of Public Hearing, dated October 9, 2014
Exhibit E	Building plans/elevations
Exhibit F	Notice to Adjacent Landowners, dated October 19, 2014

**Testimony:**

1. The color scheme will be neutral, as with the existing house.
2. Exterior lighting will be downcast and shielded.

**Findings of Fact:**

The applicant is seeking approval to construct a garage with a second floor, one bedroom apartment on a 5.97 acre property located 1002 Sweet Road, Waterbury Center, VT (Tax map # 10-020.300).

1. The existing 5.97 acre parcel is located at 1002 Sweet Road and falls within the Medium Density Residential (MDR) Zoning District, and is also within the Ridgeline, Hillside, Steep Slope Overlay Zoning District.
2. The property currently contains a 2,048 sq ft single family dwelling.

3. Section 503(d) states: "An accessory dwelling unit that is located within or appurtenant to a single-family dwelling shall be a permitted use. An accessory dwelling may be located in an accessory structure that is separate from the primary dwelling. An accessory dwelling unit shall be located on the same lot as the primary dwelling. An accessory dwelling unit is an efficiency or one-bedroom apartment, located within or appurtenant to a single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all of the following:
  1. The owner occupies either the primary dwelling or accessory dwelling.
  2. The property has sufficient wastewater capacity.
  3. The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling, or the unit does not exceed 1,400 sq. ft. of habitable floor area, whichever is greater.
  4. Applicable setback, coverage, and parking requirements specified in this bylaw are met.
4. The 2<sup>nd</sup> floor apartment totals 720 sq ft, and complies with Section 503(d).
5. According to the site plan, the proposed garage/apartment will comply with the minimum 50' side/rear yard setback requirement of the MDR Zoning District.
6. The property lies within the Ridgeline, Hillside, Steep Slope Overlay District, with an elevation range between ~1,270 feet in elevation (FIE) and 1,330 FIE. Section 1001(b) states that development at or above 1,200 FIE but below 1,500 FIE shall be considered "minor" development.
7. The new garage/apartment will located at approximately 1,330 FIE.
8. Section 1003(a) states that a site development plan for a minor development shall include information as required pursuant to Section 301(b) with the exception of a grading plan unless otherwise determined by the Development Review Board.
9. Development projects in the RHS District are also subject to review under the conditional use criteria.
10. Below are excerpts of the RHS Review Criteria for 'minor' projects and Conditional Use criteria:

**ARTICLE III                    PERMITS, APPEALS, AND ENFORCEMENT**

**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.*

?)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.

## **ARTICLE X            RIDGELINES, HILLSIDES, STEEP SLOPES**

### **Section 1001**

(b) Development at or above 1,200 FIE but below 1,500 FIE shall be considered "minor" development.

### **Section 1003**

(a) *Minor Development Projects—Basic Submission Requirements:* The applicant shall submit a site development plan and all other information as required pursuant to Section 301(b), with the exception of a grading plan unless otherwise determined by the Development Review Board. The Development Review Board may request additional information it deems necessary and may visit the site to gather information.

### **Section 1004**

(a) *Development of lands identified within the RHS Overlay District shall comply with all other applicable regulations, including conditional use review standards, within this bylaw and with the standards of review set forth in the following subsections.*

(b) *Minor Development:* Minor development projects shall be subject to conditional use review, as set forth in Section 303, and all other applicable regulations.

**Conclusion:**

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Appl. #48-14-T, to construct an accessory structure (garage) with a one bedroom apartment on a 5.97 acre property within the Medium Density Residential Zoning District, and within the Ridgeline, Hillside, Steep Slope Overlay District (Tax Map #10-020.300) meets the standards in Sections 303, and Article X, Sections 1001, 1003 and 1004 of the Waterbury zoning bylaws.

**MOTION:**

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Tom Kinley seconded the motion to approve Application #48-14-T, (Tax Map #10-020.300) 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: 11.19.14

**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*

**Town & Village of Waterbury  
Development Review Board  
Approved Minutes #54-14-T  
Date: November 5, 2014**

**IN ATTENDANCE:**

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

Staff Present: Ryan Morrison, Zoning Administrator; Patti Spence, Secretary

Application #54-14-T for Zoning Permit, Site Plan and Conditional Use for the change of use (from a multiple family residential use to an office use) located within the Town Commercial (TCOM) Zoning District.

Permit Application #: 54-14-T  
Applicant: Keurig Green Mountain (c/o Peter Peterson)  
Property Owner: Keurig Green Mountain  
Tax Map #: 09-264.000  
Location of Project: 228 Suss Drive, Waterbury Center, VT

**HEARING MINUTES**

Present and sworn in:  
Joe Greene, Consultant  
Chris Austin, Consultant

The applicant proposes to change the use of an existing 4-unit, 10-bedroom condominium building to office space for approximately 35 employees. Onsite parking that currently serves this building, and parking serving Keurig Green Mountain's research and development facility, will be used for the new office.

**EXHIBITS**

Exhibit A: Application # 54-14-T  
Exhibit B: Letter from Chris Austin, dated 10/9/14  
Exhibit C: Site Plan  
Exhibit D: ANR Atlas Map of Property  
Exhibit E: Notice of Public Hearing, dated 10/9/2014  
Exhibit F: Letter to Adjoining landowners, dated 10/16/14

**Testimony:**

1. There will be no changes to the outside of the building.
2. There will be interior changes.
3. Amended the State wastewater permit to reallocate the water needs.
4. There is no change in the site plan.

## FINDINGS OF FACT

1. The 57+/- acre property lies within the Town Commercial Zoning (TCOM) and the Route 100 (RT100) Zoning Districts. A small portion of the property also lies within the Town Mixed Residential (TMR) Zoning District. All existing development on the property is located within the TCOM Zoning District.
2. The property currently contains a research and development facility (38,206 sq ft), the condominium building (approx. 6,360 sq ft), and an associated garage (approx. 1,580 sq ft).
3. The project proposes a change of use from residential to office space. 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.
4. Business professional offices are conditional uses within the TCOM Zoning District.
5. Conditional Use permits require review by the Development Review Board. Conditional Use review criteria are contained within Section 303 of the Waterbury Zoning Regulations.
6. Parking requirements, as set forth in Section 414, are as follows:
  - Office Space – 1 space per 300 sq ft of floor area
  - Research & Development – 1 space for every person employed at peak hours
7. The converted office space will occupy 6,360 sq ft of floor area, which results in 21 parking spaces needed. The existing Research & Development facility currently has a peak time employee count of 115 persons. As a result, 115 parking spaces are required.
8. The total number of parking spaces required is 136. The site plan shows 160 parking spaces, plus a 4 bay garage near the condominium building.
9. 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.
10. Vehicular access will continue to utilize the existing access off Waterbury-Stowe Road.
11. Below are excerpts of the Site Plan Review criteria and Conditional Use criteria:

### **Section 301      Site Plan Review and Approval**

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

*(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.

(j) Special considerations for uses of property bordering Route 2, Route 100, or Interstate 89:

- (1) Buildings shall be screened or located on a lot so as to take advantage of significant existing vegetation and topographic features and to enhance the visual impact of the development from the road.
- (2) Parking and loading areas may be required to be located behind buildings or otherwise screened from the road.
- (3) Development access roads shall be designed to limit curb cuts in the area. A development will be permitted only one access curb cut, unless the Development Review Board finds that more than one is required for safety or effective traffic flow. The Development Review Board may require that access to properties be limited to secondary, frontage, or common access roads. The Development Review Board may require designation of a portion of a lot as a right-of-way for a frontage or common access road. Where a frontage road or common access road is planned but not yet constructed, temporary access from the main road may be permitted.

(k) In the Village Commercial (VCOM) and Town Commercial (TCOM) Districts (see Article V), the front setback may be reduced, from 50 feet to a minimum of 25 feet, if the Development Review Board determines, during site plan review, that all parking is located in the rear of a structure and adequate landscaping exists in the front along the road.

### **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.*

(f) *The Board may attach any reasonable conditions and safeguards it may deem necessary to implement the purposes of the district in which the use is located and other provisions in this bylaw, including, but not limited to, the following conditions:*

(1) *For uses that will cause the level of service on a road or street to exceed a Level of Service C, as defined by the Vermont Agency of Transportation, the Board may require modifications to the proposed access, circulation, and parking or may require contributions,*

based on the project's share of the projected volume of traffic above the Level of Service C, for making the following possible modifications:

- (A) Reduction in curb cuts, change in location or number of access points, and shared access with adjoining property owners.
  - (B) Installation of acceleration or deceleration lanes on the street or highway adjacent to any driveway, frontage, or service road;
  - (C) Improvements to access or other intersections burdened by a project.
- (2) With the exception of agricultural uses, the Board may require the installation of devices or methods to prevent or control fumes, gas, dust, smoke, odor, noise, or vibration.

**Conclusion:**

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Appl. #54-14-T, for Zoning Permit, Site Plan and Conditional Use for the change of use (from a multiple family residential use to an office use) located within the Town Commercial (TCOM) Zoning District (Tax Map #09-264.000) meets the standards in Sections 301 and 303 of the Waterbury zoning bylaws.

**MOTION:**

On behalf of the Waterbury Development Review Board, Martha Staskus moved and Tom Kinley seconded the motion to approve Application #54-14-T 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. Any exterior lighting be downcast and shielded.

**VOTE:**

The motion

Decision Approved,

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

Date: 11-19-14

**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**