

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: December 17, 2014**

IN ATTENDANCE:

Board Members Present: Dave Rogers, Chair; Tom Kinley, Nat Fish, Martha Staskus, Mike Bard

Staff Present: 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 #32-14-V, Mary Koen & Marie-Andree Gervais, for a Zoning Permit, a Downtown Design Review Overlay District Permit, and a setback waiver for the construction of additions to the existing residential structure at 5 Park Street, Waterbury, VT 05676 (Tax Map #19-397.000)

The hearing was continued to January 7, 2015 at 7:00 pm.

The applicant will revise the site plan so that any projection is within 6" of the property line.

7:00 p.m.

Application #64-14-T, USINE, LLC, for a Zoning Permit, Conditional Use Permit and a Site

Plan Review Permit to construct an approx. 14,400 sq ft light industrial building that will include a coffee roasting facility, a tasting lab, a classroom, and a café on a 7.6 acre property off of Waterbury-Stowe Road, Waterbury Center, VT 05677 (Tax Map #09-037.000)

8:30 p.m.

Reconsideration of Minutes for Application #60-14-T, Ripley Springs, LLC, to amend the DRB's Findings of Fact within the approved Hearing Minutes (approved Dec. 3, 2014) for Application #60-14-T, for the pre-development site preparation of one future home site within the Ridgeline, Hillside, Steep Slope Overlay District, Waterbury Center, VT 05677 (Tax Map #14-084.080)

MOTION:

Tom Kinley moved and Mike Bard seconded the motion to approve the revised minutes of application #60-14-T, finding of fact #11, as presented.

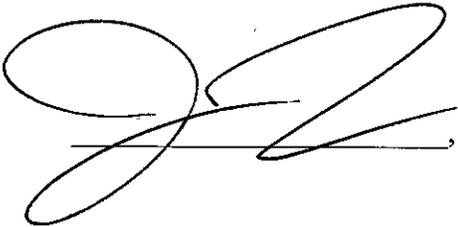
Vote: Passed unanimously.

PREVIOUS MEETING MINUTES:

Review of previous meeting minutes:

Tom Kinley moved and Mike Bard seconded the motion to approve the general minutes of 12/03/14 and the minutes of application #57-14-T.

Vote: Passed unanimously.

 _____, Chair

Date: 1.7.15

THESE MINUTES WERE APPROVED ON

**Town & Village of Waterbury
Development Review Board
Approved Hearing Minutes App. 64-14-T
Date: December 17, 2014**

IN ATTENDANCE:

Board Members Present: Dave Roger, Chair; Tom Kinley, Nat Fish, Martha Staskus, Mike Bard

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

Application for Zoning Permit, Site Plan and Conditional Use to construct a light industrial building that will include a coffee roasting facility, a tasting lab, a classroom, and a café in the Route 100 (RT100) Zoning District.

Permit Application #: 64-14-T
Applicant: USINE, LLC
Property Owner: Don & Gail McCain
Tax Map #: 09-037.000
Location of Project: Off of Route 100, Waterbury Center, VT

INTRODUCTION

The applicant proposes to construct a new 14,452 sq ft light industrial building that will house a coffee roasting facility, a tasting lab, a classroom, and a café.

PRESENT AND SWORN IN:

Gunner McCann, Consultant
Manuel Alves, Applicant
Holly Alves
Joe Greene, Consultant
Robert McLeod, Public
Cindy Lyons, Public
Andy and Mary Ellen Gordon, Adjoining Landowner
Jesse Wing, Adjoining Landowner

EXHIBITS

Exhibit A: Application # 64-14-T
Exhibit B: Site Plan, dated November 4, 2014
Exhibit C: Landscaping/Lighting Plan, dated November 7, 2014
Exhibit D: Floor Plans, dated November 7, 2014
Exhibit E: Elevation drawings, dated October 24, 2014

- Exhibit F: Lighting specifications
Exhibit G: Letter from George McCain Jr., dated December 9, 2014
Exhibit H: ANR Atlas Maps of Property
Exhibit I: Notice of Public Hearing, dated November 20, 2014
Exhibit J: Letter to Adjoining landowners, dated November 26, 2014
Exhibit K: Email from Joseph Bahr, dated December 9, 2014
Exhibit L: Letter from Rosemary Dunn, dated December 12, 2014
Exhibit M: Letter from GMC, dated December 17, 2014
Exhibit N: Conformance with Town plan document, dated December 17, 2014
Exhibit O: Revised elevation, sheet L-1.2

Testimony:

1. The footprint is app. 12,000 sq. ft +/-.
2. The hours of business operation (roasting facility, tasting lab and classroom) would be 8a-5p, Monday - Saturday.
3. The hours for the cafe would be 10am-7pm, 7 days per week. The cafe will serve fresh, individually made cups of coffee and limited menu items to accompany the coffee.
4. The cumulative roasting schedule is 25 hours per week.
5. The septic capacity is permitted.
6. There is no water usage in the process. Water usage is presented as "insignificant".
7. The 25% road frontage requirement is met.
8. The remaining 50% conservation is indicated on the site plan.
9. The building site is lower than Route 100.
10. The color scheme proposed is barn red with non-reflective grey roof, similar to the Waterbury Ice Center. Material would be a non-combustible steel building.
11. They are not promoting drive in traffic for a cup of coffee, hours or operation are
12. Ventilation is through the roof cupola or will be located on the backside of the building. The smoke is eliminated with the roasting process that will be used. The odor cannot be 100% eliminated.
13. The roasting process is not noisy.
14. There would be an average of one tractor trailer delivery per week.
15. Any solar panels would be placed on the far side of the building, away from route 100 and shielded by the building.
16. Outdoor lighting would remain on approximately 60 minutes after business hours.
17. The surrounding land will be kept natural but not manicured.
18. The applicant agrees with the importance of keeping the apron and road surface of Cabin Lane in good condition and will discuss the upkeep with the Green Mountain Club, 4711 Waterbury-Stowe Rd.
19. Sheet L-1.2 was reviewed and approved for the avg. building height to be increased by 3 feet.

Public testimony was closed at 8:08 p.m.

FINDINGS OF FACT

1. The vacant, 7.6+/- acre property lies within the Route 100 (RT100) Zoning District. The RT100 Zoning District has a minimum lot size requirement of 5 acres for non-residential uses.
2. The project proposes a coffee roasting facility, a tasting lab, a classroom, and a café within a 14,452 sq ft facility. The building's footprint is app. 12,000 sq. ft.
3. The RT100 Zoning District lists light industry, restaurants/bars, and commercial schools as Conditional Uses.
4. "Light industry" is defined as *"An enterprise engaged in the manufacture, assembly, or handling of goods that does not result in the emission of pollutants into the air or water, noise discernible from outside a building, heavy truck traffic, the use of water in the manufacturing process, the production of waste other than from employee's toilets, outside storage of goods or materials, or other similar impacts."*
5. The proposed use is required to obtain Site Plan Review and Conditional Use approval from the Development Review Board.
6. The RT100 Zoning District sets a maximum height limitation of 35'. The applicant states that the building height was calculated as a weighted average of the building peak elevation compared to the proposed final grade around the perimeter of the building. The dominant elevation (facing Route 100) will be significantly lower than the calculated average height, as the final ground elevation is highest along the east side of the building (Exhibit G).
7. Parking requirements, as set forth in Section 414, are as follows:
 - Light Industrial – 1 space for every person employed at peak hours
 - Eating/Drinking Est. – 1 space for every 3 seats, plus 1 space per employee during any one shift.
8. The applicant states that the café will have a maximum of 12 seats with 2 employees, and the remaining space within the facility will have up to 12 employees. A total of 18 parking spaces will be required.
9. The site plan (Exhibit B) identifies 36 parking spaces, which doubles the required number of 18 parking spaces.
10. The applicant states that the classroom portion of the project, which will run intermittently, roughly 6 times per year for 1 to 6 days, will include a maximum of 16 students per class (generally less).
11. The applicant states that the majority of deliveries/shipments will be utilized via box van style trucks. It is anticipated that no more than 1 tractor trailer delivery/shipment will occur in a week.

12. The facility does not propose access directly off of Waterbury-Stowe Road. It will gain access from Cabin Lane, which also provides access for Evergreen Gardens and the Green Mountain Club headquarters building to the north.
13. Landscaping and site lighting will be provided as identified on the landscape/lighting plan (Exhibit C). Landscaping is provided in a manner to most effectively screen parking areas from Route 100. Additionally, the loading area is located on the rear of the building, non-visible from Route 100.
14. The applicant has submitted lighting specifications (Exhibit F).
15. The applicant states that the facility will utilize state-of-the-art exhaust systems to prevent any fumes, dust, smoke, or odor from affecting the surrounding area.
16. Section 301(g) requires any use located in the RT100 Zoning District to also be reviewed under the standards set forth for planned unit developments in Section 705(c)-(l), and Subsections 705(m)(1)-(3).
17. Section 705(c) requires adequate preservation of streams, wetlands, etc. The site plan identifies wetland areas to the south and west of the proposed facility. Coincidentally, as required under Section 705(m), the wetland areas will be included as part of the required 50% minimum amount of conserved open space.
18. The facility's water and wastewater system will be supplied via a private well and a private leachfield, respectively.
19. Below are excerpts of the Site Plan Review criteria, Conditional Use criteria, and PUD 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.

(g) Any use in the Route 100 District shall be reviewed by the Development Review Board under the standards set forth for planned unit developments in Section 705(c)-(l), and Subsections 705(m)(1)-(3) of this bylaw, in addition to the standards set forth in Section 301. These criteria are to be used in site plan review only and do not require that a planned unit development application be submitted.

(h) For any use in the Route 100 District, the Development Review Board may require suitable protection, such as deed restriction, for proposed undeveloped land designated under the criteria in Subsections 705(m)(1)-(3). A minimum of 25 percent of the Route 100 road frontage shall be reserved as undeveloped land with a minimum depth of 250' measured perpendicular to Route 100.

(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.

(4) In the Route 100 District, a continuous strip shall be maintained between the street line, which is the edge of the right-of-way, and the balance of the lot and shall be adequately landscaped to preserve existing vistas and minimize the visual impact of the development from the

road. This strip shall extend from the street line to either 75' from the road centerline or 25' from the street line, whichever is greater. The required strip may not include any structure or parking area.

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.*

Section 705 PUD Standards for Review

(c) *The project is an effective and unified treatment of the development possibilities of the site and makes appropriate provision for preservation of streams and stream banks, steep slopes, wetlands, soils unsuitable for development, agricultural and open lands, unique natural and man-made features, watersheds, wildlife habitat, floodplains, and scenic features.*

(d) *Phasing of the development shall be scheduled or phased to ensure that adequate municipal facilities and services will be provided. In the event it is determined that the project will unduly burden municipal facilities or services, the municipality may require contributions to cover costs or dedication of land or interests in land for the purpose of providing or contributing toward the provision of necessary facilities or services.*

(e) *If a project is to be served by a public water supply or a public sewer system, a letter from the appropriate municipal department shall be submitted to the Development Review Board certifying that such services can be provided to all habitable units before occupancy.*

(f) *If a project is not served by a public water supply system and a public sewer system, approval of the water supply and sewage disposal systems by all state authorities shall be required.*

(g) *The proposed PUD shall not unduly burden the school system. The applicant may be required to obtain a letter from the Superintendent of Schools regarding the impact of the project on the school system.*

(h) *The proposed PUD shall not unduly burden municipal roads, including intersections and access roads immediately burdened by the project.*

(i) Development access roads shall be of a width, surface, and design adequate for handling proposed traffic, including accessibility for emergency vehicles, school buses, and public transit, if appropriate.

(j) Adequate pedestrian circulation, which may include sidewalks, maintained trails, or other pathways, shall be provided.

(k) Adequate landscaping and screening of both buildings and parking areas shall be required in order to protect scenic vistas and the site's natural aesthetic features.

(l) The proposed PUD must be consistent with the Municipal Plan.

(m) Land that is not included in building lots, streets, rights-of-way, or utility easements shall be reserved as undeveloped land for recreation, conservation, agriculture, and the enhancement of the natural environment for living. Such undeveloped land shall not be less than 50 percent of the total project area. Further, the undeveloped land shall:

(1) Take the fullest advantage of all natural features, such as natural watercourses and drainages, topography, existing trees, outlook, agricultural land, forests, and other features;

(2) Be in a location, and of a character, size, extent, and shape suitable for the land's intended use;

(3) Contain no building or development, except one primarily devoted to a purpose for which the undeveloped land is intended, including swimming pool, tennis courts, and similar recreational facilities, and minor incidental buildings connected therewith; and

Conclusion:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Appl. #64-14-T, for a Zoning Permit, Site Plan and Conditional Use to construct a light industrial building that will include a coffee roasting facility, a tasting lab, a classroom, and a café in the Route 100 (RT100) Zoning District, (tax map # 09-037.00) meets the criteria in the Waterbury Zoning Regulations Sections 301 and 303 and Section 705 PUD.

MOTION:

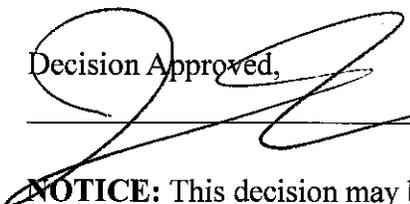
On behalf of the Waterbury Development Review Board, Tom Kinley moved and Mike Bard seconded the motion to approve Application #64-14-T, with the following conditions.

1. The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;
2. Exterior lights will be downcast and shielded.

VOTE:

The motion was passed unanimously.

Decision Approved,


_____, Chair

Date:

1.7.15

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