

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: January 21, 2015**

IN ATTENDANCE:

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

Staff Present: Steve Lotspeich, Town 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 35-14-V, Hunger Mountain Children's Center**, for Site Plan and Conditional Use to renovate/modify and connect two existing buildings, and to modify the existing garage for the Hunger Mountain Children's Center, located in the Village Residential Zoning District and within the Interim Campus Overlay District.

The application was heard and recorded under separate minutes.

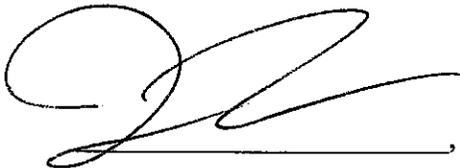
APPROVAL OF MINUTES:

MOTION:

Tom Kinley moved and Mike Bard seconded the motion to approve the minutes and decision for hearing #66-14-T and the general minutes of 1-7-14 as presented.

Vote: The motion passed unanimously.

The meeting was adjourned at 7:50 p.m.

 _____, Chair

Date: 2-4-15

THESE MINUTES WERE APPROVED ON * February 4, 2015 *

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD
Approved Hearing Minutes
January 21, 2015**

IN ATTENDANCE:

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

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

Application for Site Plan and Conditional Use to renovate/modify and connect two existing buildings, and to modify the existing garage for the Hunger Mountain Children's Center (HMCC), located in the Village Residential Zoning District and within the Interim Campus Overlay District.

Permit Application #: 35-14-V
Applicant: Hunger Mountain Children's Center (Amanda Olney)
Landowner: Same
Location of Project: 121 & 123 South Main Street, Waterbury, VT,

Present and sworn in:

Amanda Olney, HMCC Business Manager
Chris Nordle, Representing Applicant
Kevin Worden, HMCC Civil Engineer
Lisa Scagliotti, HMCC
Don Welch, Project Architect
Meeghan Jones, HMCC Board Member
Bethany Fuller, HMCC Teaching Director
Susan Senning, HMCC Board Member

EXHIBIT LIST:

Exhibit A Application #35-14-V
Exhibit B Project Description Narrative, dated 12/18/14
Exhibit C Site Plans, dated 1/5/15
Exhibit D Elevation Drawings, dated 12/13/14
Exhibit E Floor Plans, dated 12/13/14
Exhibit F Historic Preservation Consultant letter, dated 12/4/14
Exhibit G Site & Adjacent Property Photos
Exhibit H Lighting Information
Exhibit I Parking Lease Agreement, dated 9/26/14
Exhibit J Water/Wastewater Allocation letter, dated 12/10/14

Exhibit K	Act 250 Municipal Impact Questionnaire
Exhibit L	Act 250 School Impact Questionnaire
Exhibit M	ANR Atlas Map of property
Exhibit N	Notice of Public Hearing, dated 12/29/14
Exhibit O	Wastewater Permit #WWW-5-6796
Exhibit P	Email from Kevin Worden, dated 1/9/15 regarding landscaping
Exhibit Q	Letter to Adjacent Landowners, dated 1/30/15

Testimony:

1. Staff parking is off site, as allocated by the State of Vermont.
2. Drop off times are staggered over the morning and late afternoon pick up times. There are 5 spaces allocated for parking during child drop off and pick up. These are drive thru spaces.
3. It is anticipated that State employees with children attending HMCC may park in their staff parking area and walk with their children to HMCC.
4. It is anticipated that local residents with children attending HMCC may walk with their children to HMCC
5. All of the receiving of children is from the back access to the building. The exits to Main Street are emergency exits only.
6. No stormwater permit was required, the existing permit is adequate.
7. There are two areas of landscaping identified on the site plan.
8. The exterior finish is clapboard and shingles.
9. The colors of light gray and dark Grey will match the colors that are currently there.

Findings of Fact:

The applicant is seeking Site Plan and Conditional Use Permit approval to renovate/modify and connect two existing buildings, and modify the existing garage for the Hunger Mountain Children's Center (HMCC). Renovations and modifications include connecting 121 & 123 South Main Street with a new connector building section. This 2-story connector will provide access to both floors of 121 & 123 South Main Street via a staircase and elevator/lift. Additionally, the rear section of 121 S. Main Street will be removed and rebuilt, and the rear section of 123 S. Main Street will be removed permanently to open up additional outdoor play space. The end bay of the 5-bay garage will be removed to improve visibility from parking spaces, while the remaining garage portions will be utilized for additional play space and storage.

121 & 123 S. Main Street were historically part of the VT State Complex at 103 South Main Street. In 2013, the State received zoning approval (under application #07-13-V) to subdivide off portions of the State Complex Property for divestment. 121 & 123 South Main Street was subdivided off and are now located on a 0.40 acre parcel. The new owner of the lot is Hunger Mountain Children's Center.

Based on the application and exhibits staff presents the following information:

- 1) 121 & 123 South Main Street are located on a 0.40 acre property within the Village Mixed Residential (VMR) Zoning District and within the Interim Campus Overlay District.
- 2) The project proposes to 1) construct a two story connector that will connect 121 & 123 S. Main Street into one building; 2) permanently removing the rear section of 123 S. Main Street for increased outdoor play space for children; 3) removing and rebuilding the rear section of 121 S. Main Street; 4) repairing building foundations; and 5) numerous interior and exterior remodeling, as further explained in Exhibits B & F.
- 3) The project also estimates up to 65 children per day, and up to 12 staff members.
- 4) Both buildings (121 & 123 S. Main Street) are contributing historic structures to the Village of Waterbury Historic District, built circa 1850. The Greek Revival styled buildings were relocated from nearby Vermont State Hospital lawn to their present locations circa 1895. Both structures are wood shingle sided, have stone and brick foundations, and have single-story front porches (Exhibit F).
- 5) 121 S. Main Street's first and second floors are 2,084 sq ft and 796 sq ft in size, respectively. The building was last used as an office.
- 6) 123 S. Main Street's first and second floors are 1,935 sq ft and 1,450 sq ft in size, respectively. It was utilized as Hunger Mountain Children's Center between 1978 and 2011.
- 7) Child day care and pre-school uses (7+ children) are subject to site plan review which addresses traffic, circulation, parking, storm water, landscaping. Child day care and pre-school uses are also conditional uses within the VMR District. As a result, they must address additional impacts.
 - a. Vehicle access to the site will be from the historical south entrance to the complex; this driveway is newly named State Drive.
 - b. Pedestrian access into the building will be located at the rear of the buildings, where primary vehicular drop-offs will occur. Both 121 & 123 will retain the connector walkways from the sidewalk along South Main Street, however, the front entryways will not be used as the main entrance to the center.
 - c. The Waterbury Zoning Regulations do not specifically address parking requirements for day care uses, or pre-schools. The project proposes five on-site, pull-thru parking spaces for drop-offs and pick-ups. These spaces, located in the rear of the property, will allow vehicles to exit the site into the adjacent State of Vermont owned parking lot, and ultimately onto State Drive (Exhibit B & C).
 - d. The State of Vermont has agreed to allocate 8 off-site spaces in a nearby parking area that will be used by staff. See Exhibit I *Parking agreement with State of Vermont for off-site parking, dated 9/26/2014*
 - e. HMCC estimates that with the expansion, the number of children could increase from 45 to 65 children. As a result, traffic impacts would naturally increase.
 - f. A trash and recycling tote area has been designated on the site plan, and located behind the existing garage.

- g. The front lawn and the few existing trees will remain as is. In the location where the building connector will be constructed, several trees will be removed. The applicants state that a few limited plantings of trees may be considered, where appropriate, and that shrubbery along the front porches may be replaced with similar plantings. An email from Kevin Worden, dated 1/9/15, further explains the site's landscaping (Exhibit P).
 - h. The project proposes a 15' tall pole light with an LED fixture, to be controlled by a light sensor or timer. Lighting at building doorways will be timed to coincide with daylight and hours of operation. Both front porches will have similar fixtures that will be ceiling mounted, if space allows; if not, they will be wall mounted. The main covered entry (rear of 121) will have two recessed can fixtures. All lights will be LED.
- 8) The proposed development is also located within the Campus Overlay District where the dimensional standards are as follows:
- Along the outside boundary of the Campus district, the setback shall be 15 feet for new structures and new additions to existing structures, and 5 feet for existing structures. Within the Campus Overlay District no other setbacks shall apply. The minimum lot size shall be 10,000 square feet. The maximum height shall be 50'. The maximum coverage shall be 30%.*
- a. The property's front and SE boundary lines also act as the outer boundary of the Campus District. While the two main structures of 121 & 123 S. Main Street conform to the 15' setback requirement, the existing garage does not. The new building connector will meet minimum setback requirements.
 - b. 123 is 24' tall and 121 is 25'2" tall. The new building connector will not exceed the height of the two existing structures.
 - c. HMCC has worked with an historic preservation consultant in creating its design, as well as with state staff in historic preservation to meet requirements of the Community Development Block Grant (CDBG-DR) funding that the project will use. A report prepared by Historic Preservation Consultant Suzanne Jamele (Exhibit F), contains additional information about building materials.
 - d. The subject property exceeds the 10,000 sq ft minimum lot size as required by the Campus district.
 - e. The Interim Campus Overlay District sets a lot coverage maximum of 30%. The project proposes maximum lot coverage of 30% (Exhibit C).
 - f. The Campus Overlay District's Review Standards are listed at the end of this Decision.
- 9) Section 414(c)(1) allows public on-street or other parking in lieu of on-site parking to be utilized in fulfilling parking requirements, as allowed by the legislative body or other authority responsible for such public parking.
- 10) As required under Section 1305(a), the applicants have submitted architectural elevations (Exhibit D); a description of all materials to be used exteriorly (Exhibits B & F); photographs of the existing buildings on the site and on adjacent properties (Exhibit G); and a narrative describing the project (Exhibits B & F).
- 11) The applicants state that the project will be done with the intent of retaining the buildings' original look and style in an effort to preserve historic goals. Original

trims, finishes, interior features that are historically noteworthy will be either preserved or replicated using like materials. Additionally, the connector building section and new reconstruction 121's rear section is designed to blend with the features of the original buildings.

- 12) The exteriors of both 121 and 123 will be replaced with new clapboard siding and wood shingles to replicate the existing design and style. The siding of the front main blocks of both 121 & 123 will be wood clapboards painted light gray with painted white trim. The siding of the back 'L' of both buildings and the connector will be shingles painted a medium gray with painted white trim. (Exhibit B)
- 13) The applicants state that because the structures at 121 & 123 are and have been fixtures in the neighborhood, the renovations will not significantly alter their appearance. Prior to Tropical Storm Irene, HMCC operated in 123 between 1978 and 2011. The proposal is a re-establishment of a previous, long-standing use.
- 14) Until the Main Street reconstruction project is complete, the existing above-ground utilities will remain in place with the street currently.
- 15) Excerpts from Site Plan, Conditional Use, and Interim Campus Overlay are listed below:

Section 301 Site Plan Review and Approval

(f) The DRB 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.*

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.

ARTICLE XIII INTERIM CAMPUS OVERLAY DISTRICT

Section 1303 Dimensional Standards, Density, and Uses

(a) The dimensional standards in the Campus Overlay District shall be as follows: Along the outside boundary of the Campus district, the setback shall be 15 feet for new structures and new additions to existing structures, and 5 feet for existing structures. Within the Campus Overlay District no other setbacks shall apply. The minimum lot size shall be 10,000 square feet. The maximum height shall be 50'. The maximum coverage shall be 30%.

Section 1304 Review Procedure

(a) Applications for development within the Campus Overlay District shall be reviewed concurrently with applications for site plan review in accordance with Section 301 of this bylaw. In the event the proposed development does not require site plan approval, the Development Review Board shall approve or disapprove an application of a project within forty-five (45) days from the close of the public review.

Section 1306 Campus Overlay District Review Standards

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

(1) Historic Structures:

- (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) New Buildings and Additions to Existing Structures:

- (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) Buildings, or portions thereof, having eave 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.

(3) All development shall comply with the following standards:

- (A) 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.
- (B) 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.
- (C) Clearly defined pedestrian walkways shall be provided through parking areas, between buildings, and from public sidewalks to the site.

Conclusion:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Application 35-14-V for Site Plan and Conditional Use to renovate/modify and connect two existing buildings, and to modify the existing garage for the Hunger Mountain Children's Center, located in the Village Residential Zoning District and within the Interim Campus Overlay District meets the criteria in Section 301, section 303 and Article XIII sections 1303, 1304 and 1306.

MOTION:

On behalf of the Waterbury Development Review Board, David Frothingham moved and Mike Bard seconded the motion to approve Application #35-14-V, with the following conditions.

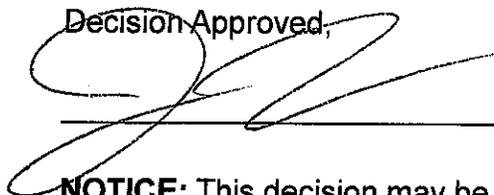
1. The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;
2. Exterior lights will be downcast and shielded.

3. In the event that the placement of a crosswalk at the drive entrance over to the new sidewalk is not permitted by the State of Vermont the applicant shall pull the onsite sidewalk back to the property line.

VOTE:

The motion passed unanimously.

Decision Approved,

 _____, Chair

Date: 2-4-15

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 * February 4, 2015 *