

**Town & Village of Waterbury**  
**Development Review Board**  
**Approved General Meeting Minutes**  
**Date: May 20, 2015**

**IN ATTENDANCE:**

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

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

**6:30 p.m.**      **Application #24-15-T, Benjamin Hardie**, for a Zoning Permit and Special Flood Hazard Area Overlay District Permit to construct a new residence in the 100-year floodplain, on a 3.4 acre property located on the south side of US Route 2, adjacent to 1675 US Route 2, Waterbury, VT 05676 (Tax Map # 12-026.000).

Passed, hearing minutes under separate submission.

**7:15 p.m.**      **Application #10-15-V, 75 North Main Street LLC**, for a Zoning Permit, Site Plan Review, Conditional Use Permit and Setback Waiver to: 1) remove the existing residential structure; 2) build a new 9-unit multifamily building; and 3) build a new office building at 75 North Main Street, Waterbury, VT 05602 (Tax Map #19-002.000). Project includes associated infrastructure and a setback waiver.

Passed, hearing minutes under separate submission.

**8:00 p.m.**      **Application #26-15-T, Malone US Route 2 Waterbury Properties, LLC**, for a Zoning Permit and Site Plan Review Permit to construct a +/-14,760 sf professional business office building, a +/-400 sf storage shed, a carport, and associated infrastructure on a 2.98 acre property located on the north side of US Route 2, adjacent to 438 US Route 2, Waterbury, VT 05676 (Tax Map #12-048.200).

Passed, hearing minutes under separate submission

**8:40 p.m.**      **Application #31-15-T, Blush Hill Country Club**, requesting a waiver from full site plan review for the installation of a 16' tall x 100' long driving range net (fence) at the Blush Hill Country Club, 141 Lonesome Trail, Waterbury, VT 05676 (Tax Map #13-023.000).

Tom Kinley moved and Dave Frothingham seconded to waive the full site plan review for a 16' tall x 100' long driving range net (fence) at the Blush Hill Country Club, 141 Lonesome Trail, Waterbury, VT 05676 (Tax Map #13-023.000).

VOTE: Passed unanimously.

**OTHER BUSINESS:**

A flood hazard permit (51-12-V) for Ted Brunell for fill within the 100-year floodplain for a future residence has expired and Ryan asked if the board agrees that the property owner needs to reapply. The DRB concluded that based on the rules, the property owner needs to reapply.

**APPROVAL OF MINUTES:**

**MOTION:**

Tom Kinley moved and Mike Bard seconded the motion to approve the DRB general minutes of May 6, 2015, and hearing minutes #07-15-V, 16-15-T, and 17-15-T, as amended.

Vote: Passed unanimously.

**OTHER BUSINESS**

The meeting was adjourned at 9:15 p.m.

 , Chair

Date: 6-3-15

THESE MINUTES WERE APPROVED ON JUNE 3 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.

**Town & Village of Waterbury**  
**Development Review Board**  
**Approved Hearing Minutes #24-15-T**  
**Date: May 20, 2015**

**IN ATTENDANCE:**

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

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

Application for a Zoning Permit and a Special Flood Hazard Area Overlay District Permit to construct a new single family dwelling located within Medium Density Residential (MDR) Zoning District.

Permit Application #: 24-15-T  
Applicant: Benjamin Hardie  
Property Owner: SAME  
Tax Map #: 12-026.000  
Location of Project: 1749 US Route 2, Waterbury, VT

**PRESENT AND SWORN IN**

Ben Hardie, Applicant  
Laura Stebbins, Applicant  
George McCain, McCain Consulting

**INTRODUCTION**

*The applicant seeks to construct a new single family dwelling on a property that lies within the SFHA Overlay District and 100-year floodplain.*

**EXHIBITS**

Exhibit A: Application # 24-15-T  
Exhibit B: Letter from George McCain Jr. P.E., dated April 16, 2015  
Exhibit C: Site Plan, dated February 5, 2015, rev. May 20, 2015  
Exhibit D: Letter from George McCain JR. P.E., dated April 23, 2015  
Exhibit E: Letter to Rebecca Pfeiffer, Asst. NFIP Coordinator, dated April 22, 2015  
Exhibit F: Comments from Rebecca Pfeiffer, dated May 14, 2015  
Exhibit G: NFIP FIRMette of property  
Exhibit H: VTrans Letter of Intent, dated July 29, 2014  
Exhibit I: ANR Atlas maps of property

Exhibit J: Notice of Public Hearing, dated April 23, 2015

Exhibit K: Letter to Adjoining landowners, dated April 29, 2015

## TESTIMONY

1. A stamped detail of the anchor will be provided by McCain Consulting.
2. They have a State Wastewater permit.
3. Site plan and location of the driveway were changed and a revision is Exhibit C
4. The project meets Waterbury's .25 rise.

## FINDINGS OF FACT

1. *The 3.4 acre property is located on the south side of US Route 2, within the MDR Zoning District. The Winooski River borders the property to the south.*
2. *The MDR Zoning District requires a minimum lot size of 2 acres, minimum road frontage of 200', a height maximum of 35', and setbacks of: front 60', rear 50', and side 50'. The existing lot and proposed residence will comply with these requirements.*
3. *The property lies within the Special Flood Hazard Area (SFHA) Overlay District, with the majority of the property lying in the 100-year floodplain, and the remaining area, closest to the Winooski River, within the floodway.*
4. *The Development Review Board is tasked with reviewing applications for new residential structures within the SFHA.*
5. *According to the NFIP FIRM map – panel 206 (Exhibit G), the property has a floodplain designation of Zone AE, with a base flood elevation of 412' above sea level.*
6. *There are several requirements set forth in Section 605 of the Waterbury Zoning Regulations that apply to new residential development in the 100-year floodplain (see below).*
7. *The applicant's engineer states that the project will exhibit compensatory cut and fill so that the BFE will not increase by more than 0.25 feet, as required by Section 606(a)(4). (Exhibit D)*
8. *The site plan (Exhibit C) shows that the new home will be at an elevation of 413.4' above sea level. This demonstrates compliance with Section 605(a)(4), which requires that all new residential structures within Zone AE be at least 1 foot above the BFE.*
9. *As required by Section 607(b), on April 22, 2015, notification was sent to Rebecca Pfeiffer, State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources.*
10. *Ms. Pfeiffer provided comments on the project (Exhibit F). Comments include:*
  - *Update the analysis/certification to demonstrate that the project meets Waterbury's 0.25' rise (i.e. FIS Floodway data table);*
  - *Provide fuel storage info/anchoring;*

- *Indicate the BFE (FIRM Map info) and residential foundation type on the site plan; and*
  - *Confirm that there will be no work to the existing barn done at this time.*
11. *The applicant has submitted a Letter of Intent from VTrans, indicating that their proposed driveway access location onto US Route 2 is acceptable. (Exhibit H)*
12. *Excerpts from Special Flood Hazard Area are listed below:*

**Article VI – Interim Flood Hazard Area Regulations and Overlay District**  
**Section 605 Development Standards**

**(a) Special Flood Hazard Areas**

- (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 flood-proofed.*
- (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;*
  - (E) *New and replacement water supply systems must be designed to minimize or eliminate infiltration of flood waters in the systems;*
  - (F) *New and replacement sanitary sewer systems and onsite waste disposal systems must obtain a permit from the Agency of Natural Resources prior to commencement of construction.*
- (4) *All new construction and substantial improvements of residential structures within Zones A1-30, and AE must have the lowest floor of all residential structures (including basement) elevated to at least one foot above the base flood level. All manufactured homes to be placed within Zones A1-30, A, and AE shall be installed using methods and practices which minimize flood damage. For purposes of this requirement, manufactured homes must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above base flood elevation, and they must be anchored to an adequately anchored foundation to resist flotation collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.*

*(6) Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.*

**Conclusion**

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 24-15-T for a Zoning Permit and a Special Flood Hazard Area Overlay District Permit to construct a new single family dwelling located within the Medium Density Residential (MDR) on a 3.4 acre property at 1749 US Rt 2, Waterbury, VT, tax map ID 12-026.000, meets the special flood hazard standards, Article VI section 605.

**Motion**

On behalf of the Waterbury Development Review Board, David Frothingham moved and Tom Kinley seconded to approve application 24-15-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. All exterior lighting will be downcast and shielded;*
- 3. A stamped detail of the anchor for the fuel storage will be provided.*

 , Chair

Date: 6-3-15

THESE MINUTES WERE APPROVED ON June-3-15

**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.

**Town & Village of Waterbury  
Development Review Board  
Approved Hearing Minutes #10-15V  
Date: May 20, 2015**

**IN ATTENDANCE:**

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

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

Application for a Zoning Permit, Site Plan Review, Conditional Use Permit and Setback Waiver to: 1) remove the existing residential structure; 2) build a new 9-unit multifamily building; and 3) build a new, 3,500 sf (approx.) office building at 75 North Main Street, Waterbury, VT 05676, in the Village Mixed Residential (VMR) Zoning District.

Permit Application #: 10-15-V  
Applicant: Don Welch  
Property Owner: 75 North Main Street, LLC  
Tax Map #: 19-002.000  
Location of Project: 75 North Main Street, Waterbury, VT

**INTRODUCTION**

The applicant proposes to remove an existing residential structure, build a new 9-unit multifamily residential structure, build a new office building, and associated infrastructure on a +/-1 acre property.

**PRESENT AND SWORN IN**

Paul O'Leary, Engineering  
W. Chris Noyes, Applicant  
Don Welch, Architect  
Richard Lemery, Adjacent property owner

**EXHIBITS**

Exhibit A: Application # 10-15-V  
Exhibit B: Site Plan 1, dated April 3, 2015  
Exhibit C: Site Plan 2, dated April 3, 2015  
Exhibit D: Existing Conditions Plan, dated April 3, 2015  
Exhibit E: Landscape & Sign Location Plan, dated March 21, 2015

- Exhibit F: Office Floor Plans, dated April 21, 2015
- Exhibit G: Office Exterior Elevations, dated April 21, 2015
- Exhibit H: Condominium Floor Plans, dated March 21, 2015
- Exhibit I: Condominium Exterior Elevations, dated March 21, 2015
- Exhibit J: Lighting Plan, dated April 3, 2015
- Exhibit K: Site Detail Plans, dated April 3, 2015
- Exhibit L: Lighting Cut-Sheets
- Exhibit M: ANR Atlas Maps of property
- Exhibit N: Notice of Public Hearing, dated April 23, 2015
- Exhibit O: Letter to Adjoining landowners, dated May 2, 2015
- Exhibit P: Letter from Waterbury Fire Chief, dated May 20, 2015
- Exhibit Q: Letter from Alex Tuscany, Public Works, dated May 20, 2015
- Exhibit R: Letter from Waterbury Police Chief, dated May 19, 2015
- Exhibit S: Letter from School Superintendent, dated May 20, 2015
- Exhibit T: Letter from the Waterbury Ambulance Dept., dated May 20, 2015

## **TESTIMONY**

1. The property will be connected to existing sewer and water
2. To comply with waste water requirements they will be putting in a new septic service for the neighboring property
3. In the event of a subdivision there will be a written shared parking agreement to meet the requirements of each building individually
4. The parking plan would be in conjunction with the access easement if the lot were to be subdivided
5. The northwesterly most parking island will be a sidewalk.
6. The overhang will be adjusted to be within the side setback requirement.

## **FINDINGS OF FACT**

1. The +/-1 acre property lies within the VMR Zoning District. The VMR Zoning District has a minimum lot size requirement of 20,000 sq ft. The property exceeds the minimum lot requirement.
2. The property currently contains a single family residence that was constructed in 1950. Part of the proposed project involves removing this structure from the property.
3. In addition to removing the existing residential structure from the property, the project also proposes constructing an approximate 5,400 sq ft (footprint) 9-unit multifamily residential structure, a 3,500 sq ft office building, and associated infrastructure.
4. The VMR Zoning District lists “multiple family dwelling” as a conditional use, and “business professional office” as a permitted use.
5. Section 403 allows for more than one principal use or structure on the same lot provided that each principal use/structure meets all of the dimensional and other requirements of

- the Waterbury Zoning Regulations, including minimum lot size and setbacks, as if they were on a separate lot.
6. The applicant has provided a site plan (Exhibit B) demonstrating that the proposed office building and the multifamily residential structure could each be situated on their own lot. The site plan demonstrates that:
    - a. Both the office building and the multifamily building could be situated on their own, 20,000+ sq ft lot;
    - b. Maximum lot coverage allowances will not be exceeded per “lot”; and
    - c. Setbacks: The multifamily building would meet setbacks from all existing and potential lot lines. However, regarding the office building, part of this application seeks a setback waiver from the “potential lot line” between this structure and the multifamily building.
  7. The Districts setback requirements are: front 40’, side 25’, and rear 50’. Both proposed buildings will meet or exceed setback requirements from existing property lines.
  8. With regard to Section 403 referenced above, and assuming the “potential lot line” separating each use on the property is located in the most centralized location between the multifamily building and the office building, the applicant’s preferred office building footprint will encroach 5 feet into the 25’ side yard setback (Exhibit B). As a result, the applicant is requesting a setback waiver to accommodate this.
  9. The applicant seeks a 5’ setback waiver to the “potential side yard (north) lot line” that will result in a 20’ setback.
  10. Parking requirements, as set forth in Section 414, are as follows:
    - a. Dwellings: 1.5 spaces for each dwelling unit – 9 units will require a minimum of 14 parking spaces.
    - b. Offices: 1 space for every 300 sq ft of floor area – approximately 3,500 sq ft of office space will require a minimum of 12 parking spaces.
    - c. When combined, a minimum of 26 parking spaces will be required.
  11. The site plan shows 35 parking spaces.
  12. Based on the location of the “potential lot lines”, Lot 1 would be landlocked if the property were to ever be subdivided. Section 413 allows for development to occur on properties that have no street frontage. Additionally, the VMR Zoning District does not set forth a minimum lot frontage, should a property be subdivided. Section 413 does, however, require that a permanent easement or right-of-way be established to access a landlocked property. Should this property ever be subdivided, a permanent access and utility easement or right-of-way should be established serving Lot 1. Additionally, a shared parking agreement should be filed for each building’s use of the parking lot.
  13. The maximum building height of the VMR zone is 35’. According to the application, the proposed multifamily structure will be 26’8” in height, and the proposed office building will be 25’8” in height.

14. As required by Section 301(f)(2)(E), parking lots of 20 or more spaces require at least 1 tree for every 8 spaces. The applicant has submitted a landscape plan (Exhibit E). Based on this ratio, a minimum of 4 trees would be required. The landscape plan shows a total of 9 Japanese Lilac trees and 14 White Cedar trees that will be located around the periphery of the parking lot.
15. The applicant has submitted a lighting plan (Exhibit J). This plan identifies the lighting that will be attached to the buildings, and the lighting that will be located throughout the parking lot. Lighting cut sheets are also on the plan.
16. The property will utilize Municipal water and sewer systems.
17. The site plan shows a new sign in front of the proposed office building. The applicant will be required to obtain a sign permit prior its installation.
18. The proposed use is required to obtain Site Plan Review and Conditional Use approval from the Development Review Board.
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.

**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 application # 10-15-V for a Zoning Permit, Site Plan Review, Conditional Use Permit and Setback Waiver to: 1) remove the existing residential structure; 2) build a new 9-unit multifamily building; and 3) build a new, 3,500 sf (approx.) office building at 75 North Main Street, Waterbury, VT 05676, tax map 19-002.000, in the Village Mixed Residential (VMR) Zoning District meets the standards in sections 301, Site Plan and 303 Conditional Uses. Based upon Exhibit C, Site Plan #2, no setback waiver is required.

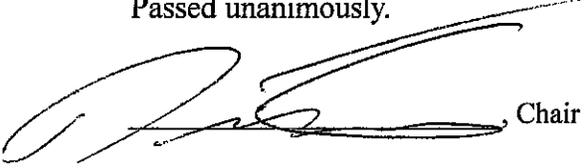
**Motion**

On behalf of the Waterbury Development Review Board, David Frothingham moved and Mike Bard seconded to approve application 10-15-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. *All exterior lighting will be downcast and shielded;*

VOTE:

Passed unanimously.

 Chair

Date: 6-3-15

THESE MINUTES WERE APPROVED ON June-3-15

**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.

**Town & Village of Waterbury  
Development Review Board  
Approved Hearing Minutes #26-15-T  
Date: May 20, 2015**

**IN ATTENDANCE:**

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

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

Application for a Zoning Permit and Site Plan Review to construct a +/-14,760 sf professional business office building, a +/-400 sf storage shed, a carport, and associated infrastructure at 442 US Route 2, Waterbury, VT 05676, in the Industrial (IND) Zoning District.

Permit Application #: 26-15-T

Applicant: Malone US Route 2 Waterbury Properties, LLC

Property Owner: SAME

Tax Map #: 12-048.200

Location of Project: 442 US Route 2, Waterbury, VT

**INTRODUCTION**

The applicant proposes to construct a +/-14,760 sf professional business office building, a +/-400 sf storage shed, a carport, and associated infrastructure on a 2.98 acre property that has been used for the Waterbury Flea Market.

**PRESENT AND SWORN IN:**

Chris Austin, Consultant

John Grenier, Engineer

Bill Maclay, Architect

Patrick Malone, Owner

**EXHIBITS**

Exhibit A: Application # 26-15-T

Exhibit B: Letter from Chris Austin, dated April 23, 2015

Exhibit C: Site Plan, dated April 17, 2015, rev. May 18, 2015

Exhibit D: Landscape Plan, dated April 17, 2015, rev. May 18, 2015

Exhibit E: Building Elevations, dated April 23, 2015

Exhibit F: ANR Atlas Maps of property

Exhibit G: Notice of Public Hearing, dated April 23, 2015

Exhibit H: Letter to Adjoining landowners, dated May 4, 2015

## TESTIMONY

1. There an existing right-of-way to access the site
2. There is an existing wastewater design and permit

## FINDINGS OF FACT

1. The 2.98 acre property lies within the IND Zoning District. This Zoning District requires a minimum lot size of 20,000 sq ft, a maximum lot coverage allowance of 50%, a maximum building height of 40', and minimum setbacks of: front 50', rear 25' and side 25'. The project will comply with these requirements.
2. This flat, yarded property is currently the site of the Waterbury Flea Market. Currently there is a small shed and a small snack stand onsite.
3. The property is bordered to the north by Interstate 89, to the south by US Route 2, to the west by Blue Flame Gas, and to the east by the CC Outdoor Store. All abutting properties are within the IND Zoning District.
4. The proposal is to construct a +/-14,760 sq ft professional business office building (2 units), a +/-400 sq ft storage shed, a carport, and associated infrastructure.
5. The property will utilize the existing access point off of US Route 2 that currently serves the Waterbury Flea Market, CC Outdoor Store, State of Vermont Surplus Property Warehouse, and the Extra Room Storage facility
6. "Business professional office" is a permitted use within the IND Zoning District, and subject to the Site Plan Review and Approval standards set forth in Section 301 of the Waterbury Zoning Regulations.
7. As set forth in Section 414 – Parking Regulations, office uses require 1 parking space for every 300 sq ft of floor area. The proposed office building totals approximately 14,760 sq ft, which results in a minimum of 49 parking spaces. The site plan (Exhibit C) shows 49 parking spaces, plus a grass overflow parking area of 15 additional spaces.
8. As set forth in Section 301(f)(2)(E), large parking lots of 20 or more spaces shall include at least 1 tree for every 8 spaces. Given that there are 64 parking spaces identified on the site plan, a minimum of 8 trees will be required. The landscape plan (Exhibit D), identifies 15 Prairie Crabapple trees along the front property line abutting US Route 2, and a mix of 30 White Spruce trees and Eastern White Pine trees around the periphery of the parking lot and access drive in the rear.
9. The landscape plan also shows additional trees and shrubbery around the office building.
10. The project will utilize an existing on-site waste water system, and Municipal water.
11. The proposed use is required to obtain Site Plan Review approval from the Development Review Board.
12. Below are excerpts of the Site Plan Review 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.*

### **Conclusion**

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application # 26-15-T for a Zoning Permit and Site Plan Review to construct a +/-14,760 sf professional business office building, a +/-400 sf storage shed, a carport, and associated infrastructure on a 2.9 acre property at 442 US Route 2, Waterbury, VT 05676, in the Industrial (IND) Zoning District, tax map 12-048.200, meets the standards in Section 301 Site Plan Review.

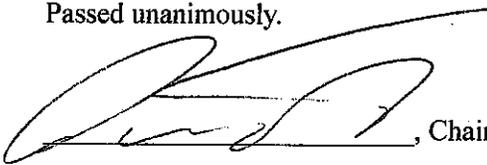
### **Motion**

On behalf of the Waterbury Development Review Board, David Frothingham moved and Mike Bard seconded to approve application 26-15-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. All exterior lighting will be downcast and shielded;*

Vote:

Passed unanimously.

 , Chair

Date: 6-3-15

THESE MINUTES WERE APPROVED ON JUNE - 3 - 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.