

**Town & Village of Waterbury
DEVELOPMENT REVIEW BOARD
Approved General Meeting Minutes
Date: June 17, 2015**

IN ATTENDANCE:

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

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

Public: Everett Coffey, Anne Imhoff, Robert McLeod, Lefty Sayah, Skip Flanders, Natalie Howell-Sherman, Margaret (Peggy) Quinn, John Grenier, Cindy Lyons, Judy Foregger, Steve Van Esen, Jane Brown, Dan Johnson, Joel Page.

Meeting was convened by Jeff Larkin, Chair at 6:30 p.m. on the second floor of the Main Street Fire Station located at 43 S. Main St. (enter at rear of building)

APPLICATION #32-15-T, 2069 BLUSH HILL ROAD TRUST

At 6:30 p.m. the review for Application #32-15-T, 2069 Blush Hill Road Trust, was convened for a Subdivision permit to divide a 14.9 acre property into 4 new residential lots at 2069 Blush Hill Road, Waterbury, VT 05676 (Tax Map #09-325.000).

See attached minutes and decision.

APPLICATION #33-15-T, GENE D'AVOLIO

At 7:00 p.m. the review for Application #33-15-T, Gene D'Avolio, was opened, for a Zoning Permit and Ridgeline, Hillside, Steep Slope (RHS) Overlay District Permit to construct a new single family residence on Lot 6 of the Bear Creek Lane Subdivision, Waterbury Center, VT 05677 (Tax Map #14-057.060).

See attached minutes and decision.

DISCUSSION OF PROPOSED HOUSING PROJECT AT 51 S. MAIN ST.

At 7:45 p.m. a discussion was held for a potential multifamily use at 51 South Main Street, Waterbury, VT 05676 (Tax Map #19-365.000). The property lies partially within the Special Flood Hazard Area and the Historic/Commercial sub-district of the Downtown Design Review Overlay District. Joel Page, the project architect presented the proposed building site plan and elevations. The building would be four stories tall with parking on the first level. It is proposed to have 30 one-bedroom apartments. The materials will be a mix of brick, and fiber panels. Joel also presented perspective views and a streetscape view of the building in the context of the other buildings in this section of S. Main St.

The building would be approximately 42' to 45' tall, 62' wide, and 150' deep. The roof

would be flat and would be constructed so photovoltaic panels could be added at a later date. All the roof runoff would be contained and would not go on the neighboring properties.

A concern was raised about the design of the building being very urban and out of character with the historic nature of the area. The building is very box-like and out of scale with the adjacent buildings. The design of the Ladd Hall affordable housing project was mentioned. The new section of that building is similar in design in terms of size and mass. Joel Page stated that they have met with the State Division for Historic Preservation staff and said that they have approved the design. The Division for Historic Preservation has also indicated that they would approve the demolition of the existing building at 51 S. Main St.

Another comment was made that the proposed building is out of character with the village environment.

The site is partially in the 100-yr. floodplain and it will be helpful to have the building elevated so any flood water can flow freely underneath the building. The comment was made that the building will add value to the grand list and will provide needed quality housing in the downtown.

Concern was raised about such a large, massive building being "shoehorned" into the site. The site of Stanley and Wasson Halls would better accommodate the size of the proposed building. Concern was also raised that such a large building would negatively impact the nearby adjacent residences that are much smaller in scale.

Jeff Larkin explained that this evening is not discussing a permit application. When and if the proposal comes back to the Development Review Board (DRB) as an actual application the project would have to go through the Site Plan Review, Conditional Use Review, and Downtown Design Review criteria and be approved by the DRB. The adjacent landowners and general public would be notified of the time and date of the review with the DRB.

On Tuesday, June 23rd there will be a presentation at St. Leos Hall about how we got from Tropical Storm Irene to the present proposal for 51 S. Main St.. There is a Special Village Meeting on June 30th that will include a vote on possibly selling the property to Dan Johnson.

APPLICATION #34-15-T, SUE A. MILLER

At 8:15 p.m. the review for Application #34-15-T, Sue A. Miller was opened, for a Zoning Permit and Setback Waiver to add on a 4' overhang to the existing accessory dwelling unit structure at 99 Maple Street, Waterbury Center, Vermont, 05677 (Tax Map # 09-197.000). This overhang will extend into the required side yard setback.

See attached minutes.

APPLICATION #13-15-V, MALONE SUPERIOR LLC, JOE GREENE

At 8:30 p.m. the Hearing for Application #13-15-V, Malone Superior LLC, Joe Greene, was continued for a Zoning Permit and Conditional Use Permit to construct a 58 space parking lot at 59 Railroad Street, Waterbury, VT 05676 (Tax Map #19-384.000).

See attached minutes and decision.

APPROVAL OF MINUTES:

The minutes and decisions from the DRB meeting held on June 3, 2015 were reviewed.

MOTION:

Tom Kinley moved and David Frothingham seconded the motion to approve the DRB general minutes of June 3, 2015, and the hearing decisions for #14-15-V and #15-15-V, as corrected.

VOTE: The motion passed unanimously.

OTHER BUSINESS:

There was no other business conducted.

ADJOURNMENT:

The meeting was adjourned at 9:05 p.m.

 _____, Chair

Date: 7-1-15

THESE MINUTES WERE APPROVED ON 7-1-15

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 & Decision, #32-15-T
Date: June 17, 2015

IN ATTENDANCE:

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

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

Application for Subdivision in the Medium Density Residential and Low Density Residential Zoning Districts.

Permit Application #:	32-15-T
Applicant:	2069 Blush Hill Road Trust/Whitney Scott, Trustee
Landowner:	SAME
Location of Project:	2069 Blush Hill Road, Waterbury, VT

INTRODUCTION:

Ryan Morrison introduced the project. There is a zoning permit that was previously issued for the first two lots that were approved administratively. The applicant is seeking approval for a 4-lot subdivision of a 19.1 acre property located 2069 Blush Hill Road, Waterbury, VT (Tax map #09-325.000).

PRESENT AND SWORN IN:

Todd Hill, consultant
Whitney Scott, trustee for owner
Brenda Hough, neighbor
Jackie & Charles Hough
Rosina Wallace, neighbor

EXHIBIT LIST:

Exhibit A	Zoning Permit Application # 32-15-T
Exhibit B	Subdivision Plan, dated May 14, 2015
Exhibit C	Wastewater Permit WW-5-6824-1, issued May 29, 2015
Exhibit D	ANR Atlas Map of property
Exhibit E	Draft Covenants for the subdivision
Exhibit F	Notice of Public Hearing, dated May 28, 2015
Exhibit G	Notice to Adjacent Landowners, dated June 1, 2015

TESTIMONY:

Rosina Wallace asked if the new septic systems or wells will restrict the use of her adjacent property. Todd Hill explained the extent of the well shield areas that preclude those areas from having leach fields located there. There is no problem pasturing animals in these well shield areas.

The easement for the Hough’s (the neighbor) spring and associated water supply lines was discussed. The neighbor also has concerns about the protection area for their spring that is located on the applicant’s property. The new wells for the houses will be deep wells and won’t have a negative impact on the neighbor’s spring. Various shallow wells have been dug on the property in the past and are all abandoned. The 60’ right-of-way for access to the neighboring Thompson property that shows on the plan has been relocated and needs to be shown in the new location.

FINDINGS OF FACT:

1. The existing 19.1 acre property received approval for a 3-lot subdivision on April 16, 2015, under permit no. 19-15-T. Lots 1 and 2 are proposed to be 2.15 acres and 2.05 acres in size, respectively. The remaining lot, Lot 3, is proposed to be 14.9 acres in size. As of the time of this report, this subdivision has not yet been recorded.
2. The applicant is now proposing to subdivide the proposed 14.9 acre Lot 3 into 4 new lots.
3. The property’s zoning is split into the Medium Density Residential (MDR) Zoning District and the Low Density Residential (LDR) Zoning District. The zoning boundary is illustrated on the subdivision plan (Exhibit B).
4. The MDR Zoning District requires a minimum lot size of 2 acres, and setbacks of: front 60’, side 50’, rear 50’.
5. The LDR Zoning District requires a minimum lot size of 5 acres, and setbacks of: front 70’, side 75’, rear 75’.
6. The following table demonstrates the proposed lots exceed the respective minimum lot requirements:

	Zoning District	Minimum Lot Size	Proposed Lot Size
Lot 3-1	MDR	2 acres	2.05 acres
Lot 3-2	MDR/LDR	2 acres/5 acres	5.01 acres
Lot 3-3	MDR	2 acres	2.65 acres
Lot 3-4	MDR/LDR	2 acres/5 acres	5.01 acres

7. Proposed Lot 3-2 currently has a single-family dwelling, an accessory garage, a pond, and a private well and septic system.
8. All other proposed lots are vacant. Building envelopes and future well and septic system locations for each lot have been delineated on the subdivision plan.
9. In addition to its own, proposed Lot 3-3 will contain septic disposal mounds for Lots 1 and 2 of the preliminarily approved three lot subdivision; and proposed Lot 3-4 will contain a replacement septic disposal mound for the existing house on Lot 3-2.

10. Wastewater permit WW-5-6824-1, for this project, was approved on May 29, 2015 (Exhibit C).
11. All proposed lots will gain access from a private drive off of Blush Hill Road.
12. The subdivision plan also shows:
 - A Class Two wetland and associated buffer that enters portions of proposed Lots 3-2 and 3-4;
 - A trail extending across proposed Lot 3-4;
 - An intermittent stream across portions of proposed Lots 3-2, 3-3, and 3-4
 - A 60' right-of-way to the adjacent Thompson Trust Land, cutting across portions of Lots 1, 2, 3-1, and 3-3; and
 - Water and utility lines across Lots 1 and 2.
13. The applicant has submitted draft covenants for the subdivision (Exhibit E)
14. The project was referred to the Development Review Board under Section 1201 of Article XII.
15. Subdivision Review Criteria are contained within Section 1202, Article XII.

ARTICLE XII SUBDIVISIONS

Section 1201 Authority and Review of Subdivisions

- (a) Pursuant to 24 V.S.A. § 4418, the Development Review Board shall have the authority to review and approve, approve with conditions, or deny an application for the subdivision of land in accordance with the standards set forth in Article XII.
- (b) All applications for land division shall be reviewed by the Development Review Board under Section 1202, unless exempted under Section 1203.
- (c) The Town and Village of Waterbury have elected, as provided in 10 V.S.A. § 6001(3)(A)(iii), to have Act 250 jurisdiction apply to improvements for commercial and industrial purposes involving more than one acre of land.

Section 1202 Review Criteria

- (a) Prior to granting approval for any subdivision of land into four (4) or more parcels, including the original parcel, within a continuous five (5) year period, the Board must find that the proposed subdivision conforms to the following standards, in addition to the relevant criteria in Section 401, Dimensional Requirements, and Section 504, General Dimension, Location, and Height Requirements:
 1. The proposed subdivision will not have an undue adverse impact on the capacity of existing or planned community facilities to accommodate it including public roads and highways, municipal water or sewer systems, public schools, and municipal fire protection services.
 - (A) 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.
 2. The proposed subdivision 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.

3. *The proposed subdivision will not result in undue adverse impact to water quality or downstream properties, and will not cause undue adverse impacts to soil through erosion or reduction in the capacity of the land to hold water.*
 4. *Will not have an undue adverse impact on aesthetics, the scenic or natural beauty of the area, identified scenic resources, or historic sites.*
 5. *Will not have an undue adverse impact on significant natural resources.*
- (d) *In reviewing a subdivision under this Section, the Development Review Board may attach reasonable conditions and safeguards with respect to, at a minimum, the following:*
1. *Reduction in curb cuts, change in location or number of access points.*
 2. *Modification to excessively narrow or irregularly shaped lots (e.g., with curves, jogs, dog-legs, etc.), unless warranted due to topographic constraints. Accordingly subdivided lots, to the extent feasible, shall meet the following standards:*
 - (A) *The ratio of a lot's depth to its width (frontage) shall not exceed five to one (5:1) unless the Board finds there is good cause otherwise.*
 - (B) *Side lot lines shall be at right angles to straight streets and radial to curved streets, as appropriate, considering the locations of land contours, streams, wetlands and other topographic features.*
 - (C) *Corner lots shall meet frontage and front yard setback requirements along each street as required under Section 401.*
 3. *Preservation of existing trees or other vegetation and/or planting of additional trees or other vegetation may be required to provide visual screening of the proposed development, or to otherwise soften and/or minimize any undue adverse impact on natural features or resources including the visual impact of the development as viewed from public streets and places.*
 4. *Modifications to setbacks from property boundaries or significant natural resources in order to prevent undue adverse impact on natural resources or adjoining properties.*

CONCLUSION:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Application #32-15-T, 2069 Blush Hill Road Trust, for a Subdivision permit to divide a 14.9 acre property into 4 new residential lots at 2069 Blush Hill Road, Waterbury, VT 05676 (Tax Map #09-325.000) meets the standards in Sections 1201, 1202 presented to the Development Review Board. All dimensional requirements in Section 504 are also met.

MOTION:

On behalf of the Waterbury Development Review Board, David Frothingham moved and Tom Kinley the motion seconded to approve Application #32-15-T, 2069 Blush Hill Road Trust, for a Subdivision permit to divide a 14.9 acre property into 4 new residential lots at 2069 Blush Hill Road, Waterbury, VT 05676 (Tax Map #09-325.000), with the following conditions:

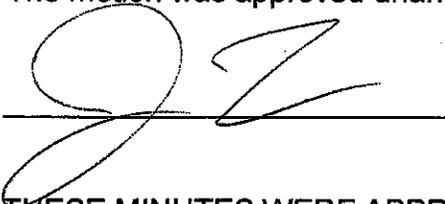
- *The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;*
- *The applicant brings a copy of the Final Plat to Zoning Administrator within 150 days so that the Development Review Board can review, approve, and sign off on the Final Plat*

and meet the 180 day timeline for recording the plat that is required by 24 V.S.A., Section 4463.

— The actual location of the 60' right-of-way is shown on the final plat.

VOTE:

The motion was approved unanimously.

 _____, Chair

Date: 7.1.15

THESE MINUTES WERE APPROVED ON 7.1.15

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 & Decision, #33-15-T
Date: June 17, 2015**

IN ATTENDANCE:

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

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

Application for a 'major' Ridgeline, Hillside, Steep Slope (RHS) Review for the construction of a single-family dwelling located within the Conservation Zoning District and RHS Overlay District.

Permit Application #: 33-15-T
Applicant: Gene D'Avolio
Property Owner: Louise Reed Living Trust
Tax Map #: 14-057.060
Location of Project: Lot 6 Bear Creek Lane, Waterbury Center, VT

INTRODUCTION

Ryan Morrison provided an overview of the application. The applicant seeks to build a single-family dwelling within the RHS Overlay District. The 6.3 lot was approved under subdivision application #78-09-T. The lot is at or above 1,500' in elevation. The existing clearing is what was approved when the lot was initially approved.

PRESENT AND SWORN IN:

Gene D'Avolio, lot purchaser and applicant
Ned Houston, consultant
Paul Reed, owner of lot
Joe Duffy, adjoining property owner
Skip Flanders, observer
Lefty Sayah, observer
Jeff Kampion, observer
George Pierce, adjoining property owner
Judy Foregger, realtor for the owner
Cindy Lyons, realtor for the buyer
David Lachtrup, adjoining landowner

EXHIBITS

- Exhibit A: Application # 33-15-T
- Exhibit B: Supplemental Information Narrative, dated May, 2015
- Exhibit C: Site Plan, dated February 13, 2015
- Exhibit D: Lot #6 Septic System Site Plan & Details, dated February 13, 2015
- Exhibit E: Elevation Drawings, dated April/May, 2015
- Exhibit F: Floor Plan, dated April, 2015
- Exhibit G: Lot #6 Cross Section, dated May, 2015
- Exhibit H: Lot #6 Visual Study, dated May, 2015
- Exhibit I: Natural Resource Assessment & Evaluation for Bear Creek Lane Lots 6 & 7, dated 2015
- Exhibit J: ANR Atlas Maps of Property
- Exhibit K: Notice of Public Hearing, dated May 28, 2015
- Exhibit L: Notice to Adjacent Landowners, dated May 29, 2015

TESTIMONY:

Ned Houston described the design of the house that is conceptual at the time. It will have a walk out basement on the lower side. The house will be located within the building zone that was previously approved. Ned presented the visual analysis in the application and described the vantage points for the views of the site from other locations. The visual analysis includes pictures of the site from the various vantage points. The views from the site were described and the photos shown. The views are through the area that is shown as 50% and 60% cleared on the site plan.

The issue of stormwater for the entire subdivision was raised. The new state permit has been issued. One of the stormwater ponds for the road has been constructed. A smaller pond on the neighboring Pierce lot is almost complete. This stormwater for lot 6 is self-contained and does not require an additional stormwater pond. Construction runoff for lot 6 is being handled by silt fence and other temporary measures. Once the stormwater pond on Lot 5 is complete then the conditions of the prior approval will be met. Certification of completion by Grenier Engineering will be submitted to document compliance.

The final design for the house may result in a minor shift in location but the general location will be the same. The materials of the house will be wood and stone. The roof will be metal or shingle and will have a low luster earth tone colored surface. The roof will have 3-4' overhangs that will help reduce any glare from the windows.

The lighting will all be downcast and shielded. Some lights will be on motion sensors for security purposes. There will be some bollard lights as well.

Regarding fire safety, the original PUD subdivision was reviewed by the Waterbury Fire Department and they signed off on the layout of the development and access road.

The nearby wildlife corridor in the deep ravine to the north will not be disturbed and will stay completely wooded. The development will not have a negative impact on this wildlife corridor.

In terms of additional clearing, only a small number of additional trees will be cut as needed.

The on-site septic system is conventional and the leach field will be located downhill of the house as shown on the site plan.

FINDINGS OF FACT:

- 1. The 6.37 acre property is located within the Conservation Zoning District and the lot was approved as part of a planned unit development under application #78-09-T. Under a PUD lots maybe smaller than the District's minimum lot size.*
- 2. The Property also falls within the RHS Overlay District and is considered a 'major' as its elevation is above 1,500 feet.*
- 3. The single-family dwelling is proposed to be built within the previously approved building zone from application #78-09-T.*
- 4. Clearing for the project has already been completed by the developer, including the septic area, view corridor, driveway, and thinning of the building zone. The applicant states that additional cutting may occur where necessary to make room for the new house within the building zone.*
- 5. The applicant states that the tallest point of the house roof is approximately 28', and the existing trees range in height from 40' to 60'.*
- 6. A Visual Study, prepared by Houston Environmental Services, is included as Exhibit H. This study provides information relating to the proposed project, to the cutting that has occurred, and off-site views of the property. The study also contains photographs and cross sections of the property.*
- 7. The applicant states that the driveway crosses a wetland and stream corridor at its narrowest point in order to minimize impacts. A culvert allows water to pass underneath the driveway.*
- 8. The Natural Resource Assessment (Exhibit I) indicates that the nearest wildlife travel path is located to the north of the building zone on Lot 6*
- 9. The applicant states that exterior lighting will be downcast and shielded. Some of the fixtures may have motion sensors as needed for security.*
- 10. The proposal is subject to the 'major' RHS Standards as per section 1004 of the Waterbury Zoning Regulations.*

11. *RHS and Conditional Use Permit review criteria are contained within Article X and Article III, respectively.*

CONCLUSION:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Application #33-15-T, Gene D'Avolio, for a Zoning Permit and Ridgeline, Hillside, Steep Slope (RHS) Overlay District Permit to construct a new single family residence on Lot 6 of the Bear Creek Lane Subdivision, Waterbury Center, VT 05677 (Tax Map #14-057.060) meets the standards in Section 303, Conditional Use, and Article X, Section 1004, Standards of Review for the RHS Overlay District.

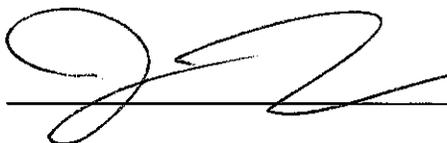
MOTION:

On behalf of the Waterbury Development Review Board, David Frothingham moved and Tom Kinley seconded the motion to approve application Application #33-15-T, Gene D'Avolio, for a Zoning Permit and Ridgeline, Hillside, Steep Slope (RHS) Overlay District Permit to construct a new single family residence on Lot 6 of the Bear Creek Lane Subdivision, Waterbury Center, VT 05677 (Tax Map #14-057.060) with the following conditions:

- *The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;*
- *All exterior lighting will be downcast and shielded.*
- *The Zoning Administrator is provided with certification by a professional engineer of completion and compliance of the stormwater facilities required for lot 6 and the associated access road.*

VOTE:

The motion was approved unanimously.

 Chair

Date: 7-1-15

THESE MINUTES WERE APPROVED ON 7-1-15

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 & Decision, #13-15-V
Date: June 17, 2015

IN ATTENDANCE:

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

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

Application for Zoning Permit, Site Plan Review and Conditional Use Permit to construct a 58-space parking lot at 59 Railroad Street, Waterbury, VT 05676, in the Industrial (IND) Zoning District.

Permit Application #: 13-15-V
Applicant: Joe Greene
Property Owner: Malone Superior, LLC
Tax Map #: 19-384.000
Location of Project: 59 Railroad Street, Waterbury, VT 05676

INTRODUCTION:

Ryan Morrison introduced the project. The applicant proposes to construct a 58-space parking lot and associated infrastructure on a vacant, 0.7 acre lot. The property is in the Industrial Zoning District, and was the previous site of the Station Lumber Freight House.

PRESENT AND SWORN IN:

Joe Greene, architect
Wayne Lamberton, owner
Eric Pembroke, consultant
John Grenier, engineer

EXHIBITS

Exhibit A: Application # 13-15-V
Exhibit B: Site Plan, dated December 18, 2014
Exhibit C: Email exchange between Joe Greene & Ryan Morrison, dated between April 27, 2015 and May 4, 2015

- Exhibit D: Email exchange between Joe Greene, Alec Tuscany & Ryan Morrison, dated between May 7, 2015 and May 20, 2015
- Exhibit E: Waterbury Planning Commission Meeting Minutes of February 24, 2010
- Exhibit F: Application #34-12-V
- Exhibit G: Application #34-12-V Withdrawal Request, dated June 25, 2012
- Exhibit H: Email exchange between Steve Van Esen and Clare Rock, dated June 28, 2012
- Exhibit I: ANR Atlas Maps of property
- Exhibit J: Notice of Public Hearing, dated May 7, 2015
- Exhibit K: Letter to Adjoining landowners, dated June 5, 2015

TESTIMONY:

Joe Greene gave an overview of the project starting with the demolition of the Freight House. The existing flood lights will be changed to downcast and shielded LED cobra style fixtures. Eight shade trees have been added to the islands along Railroad St. to be in conformance with the requirement that there be at least one tree for every eight parking spaces. A walkway will connect the parking area to Park Row and a crosswalk to the Railroad Station.

FINDINGS OF FACT:

1. The 0.7 acre property located at the corner of Park Row and Railroad Street lies within the Industrial (IND) Zoning District. The IND Zoning District has a minimum lot size requirement of 20,000 sq. ft.
2. The proposed project consists of constructing a 58-space, paved parking lot, and associated infrastructure. This is a private parking lot. However, neither Malone Superior nor Keurig Green Mountain have any plans to restrict parking outside of normal working hours for the general public unless it becomes an issue. Normal working hours include, but are not limited to, Sunday-Saturday 7:00 am – 6:30 pm.
3. The flat, vacant property was the previous site of the Station Lumber Freight House.
4. In February, 2010, Pilgrim Partnership, LLC received Waterbury Planning Commission approval to demolish/remove the Freight House (Exhibit E).
5. According to testimony from the February 24, 2010 Waterbury Planning Commission hearing, it was Green Mountain Coffee Roaster's intent to convert the Freight House site to a 40-car parking lot (Exhibit E).
6. On May 22, 2012, Pilgrim Partnership, LLC submitted application 34-12-V to construct a 50-car parking lot on the subject site. (Exhibit F)

7. On June 25, 2012, the applicant withdrew the application, noting that someone else may possibly apply for a permit in the future to construct a parking lot (Exhibits G & H).
8. While no permit has been issued to construct a parking lot, the vacant site has been used for vehicle parking by KGM as well as the general public ever since the Freight House was removed in 2010.
9. "Parking area, commercial" is a conditional use in the IND Zoning District
10. The site plan (Exhibit B) identifies the 58-space parking lot, 5 additional spaces located along Railroad Street, a 344' long sidewalk along the southwestern property line extending to Park Row, and stormwater infrastructure.
11. Exhibit D contains additional information on the stormwater system, and Waterbury Public Works Director comments on the project, found in emails dated May 20, 2015 and May 18, 2015, respectively.
12. The applicant states that the current lighting fixtures on the site will be swapped out with "cobra head" style fixtures that are downcast, full cut-off fixtures.
13. The proposed use is required to obtain Site Plan Review and Conditional Use approval from the Development Review Board.
14. The Site Plan Review criteria and Conditional Use criteria can be found in Sections 301 and 303, respectively.

CONCLUSION:

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that Application #13-15-V, Joe Greene, for a Zoning Permit and Conditional Use Permit to construct a 58 space parking lot at 59 Railroad Street, Waterbury, VT 05676 (Tax Map #19-384.000) meets the standards in Section 301, Site Plan Review, and Section 303, Conditional Uses.

MOTION:

On behalf of the Waterbury Development Review Board, David Frothingham moved and Tom Kinley seconded to approve Application #13-15-V, Joe Greene, for a Zoning Permit and Conditional Use Permit to construct a 58 space parking lot at 59 Railroad Street, Waterbury, VT 05676 (Tax Map #19-384.000) with the following conditions:

- *The applicant completes the project consistent with the Board's findings and conclusions and the approved plans and exhibits;*
- *All exterior lighting will be downcast and shielded.*

VOTE:

The motion was approved unanimously.

 Chair

Date: 7.1.15

THESE MINUTES WERE APPROVED ON 7.1.15

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.