

**Town & Village of Waterbury  
Development Review Board  
Approved General Meeting Minutes  
Date: July 1, 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; Patti Spence, Secretary

The meeting convened at 6:30 pm.

**6:30 p.m.** Meeting convenes on the second floor of the Main Street Fire Station located at 43 S. Main St. (enter at rear of building)

Joan Beard of the Waterbury Conservation Committee attended to share the mission of and goals being set by the Committee.

**The following applications were heard and hearing minutes and approvals are in separate minutes.**

**6:45 p.m.** **Application #17-15-V, Steele Block LLC**, to change the use of a portion of the first floor in the existing Steele Block building back to a retail store at 46 South Main Street, Waterbury, VT 05676 (Tax Map #19-355.000).

**7:00 p.m.** **Application #38-15-T, Farmhouse Properties, LLC**, for a Zoning Permit, Site Plan Review and Conditional Use Permit to convert the 1<sup>st</sup> floor of the existing main building from apartments to medical office space at 76 McNeil Road, Waterbury Center, Vermont, 05677 (Tax Map # ON-13-137).

**7:30 p.m.** **Application #39-15-T, James and Jennie LaPlant**, for a Zoning Permit and Setback Waiver permit to remove an existing single-wide trailer and replace with a new modular home, within side yard setbacks, at 1535 US Route 2, Waterbury, Vermont, 05676 (Tax Map # 12-033.000).

**8:00 p.m.** **Application #19-15-V, Chad Rich**, to add 24 restaurant/bar seats to the existing building at 2 Elm Street, Waterbury, VT 05676 (Tax Map #19-348.000).

**APPROVAL OF MINUTES:**

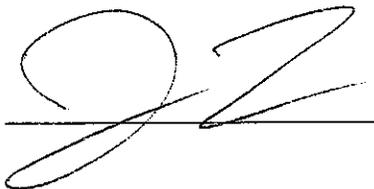
**MOTION:**

Tom Kinley moved and Nat Fish seconded the motion to approve the DRB general minutes of June 17, 2015 and the Hearing Minutes of applications #32-15-T, #33-15-T, #13-15-V, all as amended.

Vote: Passed unanimously.

**OTHER BUSINESS**

The meeting was adjourned at 8:25 p.m.

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

Date: 7-15-15

THESE MINUTES WERE APPROVED ON 7-15-15

**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 Appl. #17-15-V  
Date: July 1, 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; Patti Spence, Secretary

Application #17-15-V, Steele Block LLC for a site plan review and conditional use permit to change the use of a portion of the first floor in the existing Steele Block building back to a retail store, at 46 South Main Street, Waterbury, VT 05676 (Tax Map # 19-355.000) located within the Downtown Commercial Zoning District.

Permit Application #17-15-V  
Applicant: Steele Block LLC  
Property Owner: SAME  
Tax Map #19-355.000  
Location of Project: 46 South Main Street

**PRESENT AND SWORN IN**

Ed Steele, Applicant  
Chuck Hughson, Applicant

**EXHIBITS**

Exhibit A: Application # 17-15-V  
Exhibit B: Floor Plan  
Exhibit C: ANR Atlas Maps of Property  
Exhibit D: Notice of Public Hearing, dated June 11, 2015  
Exhibit E: Letter to Adjoining Landowners, dated June 15, 2015

**TESTIMONY**

1. Hours of operation; 10a-6p weekdays; 9a-7p weekends

**FINDINGS OF FACT**

1. The applicant seeks approval for site plan and conditional use review for the change of use of 2175 sq ft on the first floor of the Steele Block building, located at 46 South Main

Street, Tax Map No. 19-355.000, back to retail space. The remaining space in the building will remain in use as a medical office and business professional offices.

2. The building is located on a 0.34 acre parcel in the Downtown Commercial (DC) Zoning District as described on the Waterbury Zoning Map.
3. Retail store/service (> 2,000 sf) is a conditional use within the DC Zoning District.
4. Uses within this space have varied from between retail and office space over the years.
5. Office uses and retail uses share the same parking requirement of 1 space for every 300 sq ft of floor area. As a result, this change of use will not require any additional parking than what was required for the previous tenant.
6. The property also lies within the Special Flood Hazard Area (SFHA) Overlay District, and the Historic/Commercial subsection of the Downtown Design Review Overlay District. However, the proposed change of use is exempt from review under these Overlay Districts.
7. The Site Plan Review and Conditional Use Review criteria are found in Sections 301 and 303, respectively.

### Conclusion

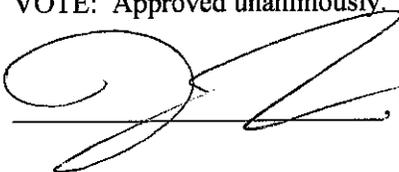
Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #17-15-V, Steele Block LLC, for a site plan review and conditional use permit to change the use of a portion of the first floor in the existing Steele Block building back to a retail store, at 46 South Main Street, Waterbury, VT 05676 (Tax Map # 19-355.000) located within the Downtown Commercial Zoning District, meets the standards of Section 303 Conditional Uses and Section 301 Site Plan Review.

### Motion

On behalf of the Waterbury Development Review Board, Dave Rogers moved and Nat Fish seconded to approve application 17-15-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: Approved unanimously.

 , Chair

Date: 7.15.15

THESE MINUTES WERE APPROVED ON 7.15.15

**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 #38-15-T  
Date: July 1, 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; Patti Spence, Secretary

Application for a Zoning Permit, a Conditional Use Permit, and a Site Plan Review Permit to convert the first floor of the existing main building to medical office space within the Route 100 (RT100) Zoning District.

Permit Application #: 38-15-T  
Applicant: Farmhouse Properties LLC  
Property Owner: SAME  
Tax Map #: 13-137.000  
Location of Project: 76 McNeil Road, Waterbury Center, VT

**INTRODUCTION**

*The applicant seeks to convert the first floor of the existing main building into medical office space.*

**PRESENT AND SWORN IN**

Ned Houston, Consultant  
William Bronner, Landowner  
Paul Bergeron, Landowner  
Bill Taylor, Landowner

**TESTIMONY**

1. 9am - 7pm, 7 days per week
2. No changes in the exterior lighting
3. No exterior changes to the building

**EXHIBITS**

Exhibit A: Application # 38-15-T  
Exhibit B: Site Plan

- Exhibit C: Letter from Ned Houston, dated June 5, 2015  
 Exhibit D: Project Description & Supplemental Information, dated June, 2015  
 Exhibit E: Floor Plan  
 Exhibit F: Elevation Drawings  
 Exhibit G: ANR Atlas maps of property  
 Exhibit H: Notice of Public Hearing, dated June 15, 2015  
 Exhibit I: Letter to Adjoining landowners, dated June 16, 2015

## FINDINGS OF FACT

1. The 15 acre (approx.) property lies in the Route 100 Zoning District.
2. The mixed-use building currently contains: Bisbee's hardware/paint store (5060 sq ft) in the walk-out basement; the proposed medical office (5944 sq ft) in the main floor; four 2-bedroom apartments (5060 sq ft) in the second floor; and an attached farmhouse (2500 sq ft) that contains Jimmz Pizza, a 2<sup>nd</sup> floor apartment, and a 440+/- sq ft office.
3. The applicant proposes to convert the main floor of the main building into medical office space (approx. 5944 sq ft). The main building was approved under Permit # 40-04-T, for a mix of retail and office space in the basement and first floor, and for four, 2-bedroom apartments in the second floor.
4. The most recent tenant, Choice Strategies, operated their office out of the main floor of the subject building. They vacated the space sometime around September, 2014.
5. The proposed new occupant for the main floor is Central Vermont Medical Center Express Care, which will function as a family medicine walk-in clinic.
6. "Business Professional Office" and "Medical Office" are separately listed uses within the Waterbury Zoning Regulations. The new medical office represents a change of use.
7. "Medical Office" is listed as a conditional use in the Route 100 Zoning District.
8. According to the applicant, there will be a maximum of 7 employees, and an estimated 36 patient visits spread throughout the day, with a peak of 10 visits at any one time.
9. Parking requirements, in accordance with Section 414 of the Waterbury Zoning Regulations, are as follows:
  - Offices & Medical Clinics – 1 space for every 300 sq ft of floor area
  - Retail – 1 space for every 300 sq ft of floor area
  - Eating Establishments – 1 space for every 3 seats, plus 1 space for each employee during any one shift
  - Dwellings – 1.5 per dwelling unit
10. The following list represents the number of required parking spaces for all uses on the property:
  - Office & Medical Clinic Spaces – 6,384 sq ft total = **21 spaces**
  - Retail – 5,060 sq ft total = **17 spaces**
  - Jimmz Pizza – 30 seats + 3 employees at any one time = **13 spaces**

- Residential – 5 dwelling units = **8 parking spaces**

11. Based on the above parking calculations, a minimum of 59 parking spaces is required. The applicant states that there is a total of 66 parking spaces on the property.
12. The applicant states that there are no planned changes to the project site, parking, or building exterior except for the possible addition of a sign on the front of the building. All new signage is required to obtain a permit prior to installation.
13. Site Plan Review criteria and Conditional Uses criteria can be found in Sections 301 and 303, respectively.

### Conclusion

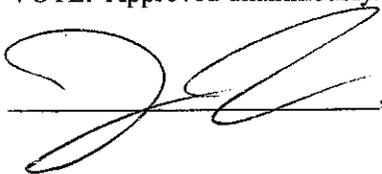
Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #38-15-T Farmhouse Properties LLC, at 76 McNeil Road, Waterbury Center for a Zoning Permit, a Conditional Use Permit, and a Site Plan Review Permit to convert the first floor of the existing main building to medical office space within the Route 100 (RT100) Zoning District, tax map id #13-137.000, meets the standards of Section 303 Conditional Uses and Section 301 Site Plan Review.

### Motion

On behalf of the Waterbury Development Review Board, Mike Bard moved and Tom Kinley seconded to approve application 38-15-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: Approved unanimously.

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

Date: 7.15.15

THESE MINUTES WERE APPROVED ON

7.15.15

**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 Appl. #39-15-T  
Date: July 1, 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; Patti Spence, Secretary

Application for a setback Waiver to place a new modular home on a property located in the Medium Density Residential (MDR) Zoning District.

Permit Application #: 39-15-T

Applicant: James & Jennie LaPlant

Property Owner: Chandamarie Torrey and Allen & Ralph LaPlant

Tax Map #: 12-033.000

Location of Project: 1535 US Route 2, Waterbury, VT

**INTRODUCTION**

*The applicant seeks to remove an existing single-wide mobile home and replace with a new modular home within the property's side yard setbacks.*

**PRESENT AND SWORN IN**

Jennifer LaPlant, Applicant

James LaPlant, Applicant

**EXHIBITS**

Exhibit A: Application # 39-15-T, includes Site Plan

Exhibit B: ANR Atlas maps of property

Exhibit C: Notice of Public Hearing, dated June 15, 2015

Exhibit D: Letter to Adjoining landowners, dated June 13, 2015

**TESTIMONY**

1. The existing septic and community well will not be changed.
2. There will only be lights by the front and back door, no changes to current lighting.
3. The applicant will be keeping all the existing landscaping.

## **FINDINGS OF FACT**

- 1. The 1 acre property is located within the MDR Zoning District where the minimum lot size requirement is 2 acre. The lot is considered a legally existing, small lot.*
- 2. The property currently has an existing single-wide mobile home, which is planned to be removed prior to placement of the new modular home.*
- 3. The southern 2/3s of the property (approx.) lie within the Special Flood Hazard Area Overlay District – 100-yr floodplain of the Winooski River. The new home site lies within the front 1/3 of the property, which is outside the SFHA district and 100-yr floodplain. (Exhibit B)*
- 4. The district's setback requirements are: Front 60', Sides 50', Rear 50'*
- 5. The applicant is proposing to replace the existing mobile home with a new, 1,404 sf modular home, within both side yard (east & west) setbacks.*
- 6. The applicant is seeking a Waiver from the side yard setback requirements, and proposes the following setbacks: Side (east) 27', Side (west) 27'*
- 7. The home will meet/exceed the other setback requirements (front and rear).*
- 8. The setback Waiver request is: Side (east) setback waiver of 23', Side (west) setback waiver of 23'.*
- 9. A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.*
- 10. Conditional Use Criteria and Waivers criteria can be found in Sections 303 and 309, respectively.*

## **Conclusion**

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #39-15-T James and Jennie LaPlant, at 1535 US Route 2, Waterbury, VT for a zoning permit and setback waiver to place a new modular home on a property located in the Medium Density Residential (MDR) Zoning District, tax map id #12.033.000 meets the standards of Section 303 Conditional Uses and Section 309 Waivers.

## **Motion**

On behalf of the Waterbury Development Review Board, Dave Rogers moved and Tom Kinley seconded to approve application 39-15-T with a waiver for both side setbacks of 23 feet and 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: Approved unanimously

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

Date: 7.15.15

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**Town & Village of Waterbury  
Development Review Board  
Approved Hearing Minutes Appl. #19-15-V  
Date: July 1, 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; Patti Spence, Secretary

Application #19-15-V, Chad Rich for a site plan review amendment to permit additional seating at 2 Elm Street, Waterbury, VT 05676 (Tax Map # 19-348.000) located within the Downtown Commercial Zoning District.

Permit Application #19-15-V  
Applicant: Chad Rich  
Property Owner: SAME  
Tax Map #19-348.000  
Location of Project: 2 Elm Street

**PRESENT AND SWORN IN**

Chris Austin, Consultant

**EXHIBITS**

- Exhibit A: Application # 19-15-V
- Exhibit B: Letter from Chris Austin, dated June 10, 2015
- Exhibit C: Minutes of the June 10, 2015 Waterbury Village Board of Trustees meeting
- Exhibit D: Approved DRB Minutes for Permit # 03-14-V, dated April 3, 2014
- Exhibit E: ANR Atlas Maps of Property
- Exhibit F: Notice of Public Hearing, dated June 18, 2015
- Exhibit G: Letter to Adjoining Landowners, dated June 15, 2015
- Exhibit H: Letter to approve water allocation, dated June 15, 2015

**TESTIMONY**

1. The combination of seating between 2 Elm Street and 23 S. Main Street is proposed as a total of 123 seats.
2. The total seating per building, for the 2 buildings, cannot exceed State fire code.
3. At no time will more than 50 seats of the 123 seats be outdoors.

## **FINDINGS OF FACT**

The applicant originally obtained DRB approval for the change of use of 2 Elm Street for the expansion of the adjacent restaurant (at 23 S. Main Street) and the establishment of an accessory use (craft brewery production) (Permit # 03-14-V). This approval granted up to a total of 99 seats in both buildings. The applicant now seeks to permit 24 additional restaurant/bar seats in 2 Elm Street.

1. The existing 0.10 acre property is located at 2 Elm Street and lies within the Downtown Commercial (DC) Zoning District, and is also within the Historic/Commercial Downtown Design Review Overlay District. The property also lies within the Special Flood Hazard Area Overlay District.
2. The property contains a historic structure that was renovated and remodeled to accommodate the expansion of the adjacent restaurant (Prohibition Pig) and the establishment of craft brewery production, as approved under Permit # 03-14-V.
3. Under Permit # 03-14-V, the front porch and patio was permitted to have up to 50 seats for approximately 90 days from May to September, weather dependent. (Exhibit D)
4. Under Permit # 22-14-V, the 50 seats were designated as 50 seats at 2 Elm Street and were made non-weather dependent.
5. At that time, the Waterbury Village Board of Trustees approved 13 on-street parking spaces to accommodate parking requirements.
6. The applicant now proposes to add 24 restaurant/bar seats to the building at 2 Elm Street.
7. On June 10, 2015, the Waterbury Village Board of Trustees approved a parking waiver to accommodate the 8 additional parking spaces that will be required as a result of the 24 new seats. (Exhibit C)
8. Site Plan Review criteria and Historic/Commercial Downtown Design Review Overlay District criteria can be found in sections 301 and 1108, respectively.

## **Conclusion**

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #19-15-V Chad Rich for a site plan review amendment to permit 24 additional seats at 2 Elm Street, Waterbury, VT 05676 (Tax Map # 19-348.000) located within the Downtown Commercial Zoning District meets the standards of Section 301 Site Plan Review and Section 1108 Design Review Standards.

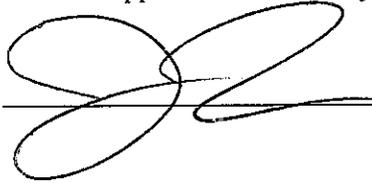
## **Motion**

On behalf of the Waterbury Development Review Board Tome Kinley moved and Dave Rogers seconded to approve application 19-15-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: Approved unanimously.

 Chair

Date: 7.15.15

THESE MINUTES WERE APPROVED ON 7.15.15

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