

**Town & Village of Waterbury
Development Review Board
Approved General Meeting Minutes
Date: November 4, 2015**

IN ATTENDANCE:

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

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

The meeting convened at 6:30 pm.

6:30 p.m.

Application #31-15-V, Whitney Aldrich, for a Zoning Permit and Special Flood Hazard Area Overlay District Permit to convert the second floor of the existing garage into an accessory apartment at 5 Healy Court, Waterbury, Vermont, 05676 (Tax Map #19-455.100).

Hearing minutes filed separately from the general minutes.

7:00 p.m.

Application #32-15-V, Jessica Wright, for a Zoning Permit, Downtown Design Review Overlay District Permit, Site Plan Review, Conditional Use Permit, and Setback Waiver to convert the first floor of the existing residence into a commercial bakery, and construct a new deck, at 22 North Main Street, Waterbury, VT 05676 (Tax Map #19-277.000)

Hearing minutes filed separately from the general minutes.

7:30 p.m. Discussed a request from Jeff Grace to waive site plan review to construct a new entrance to the basement of the existing building at 81 South Main Street, Waterbury, VT 05676 (Tax Map #19-380.000). Property is within the Historic/Commercial Downtown Design Review Overlay District.

MOTION:

David Frothingham moved and Nat Fish seconded the motion to waive site plan review for Jeff Grace's property, at 81 South Main Street, Waterbury, VT 05676 (Tax Map #19-380.000), for a proposed new entrance to the basement.

Vote: Passed unanimously

APPROVAL OF PRIOR MINUTES:

MOTION:

David Frothingham moved and Nat Fish seconded the motion to approve the general minutes of October 7, 2015 and the hearing minutes for application #29-15-V and the general minutes of October 21, all as presented.

Vote: Passed unanimously

The meeting was adjourned at 7:45 p.m.

 _____, Chair

Date: 11-19-15

THESE MINUTES WERE APPROVED ON 11-19-15

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, #31-15-V
Date: November 4, 2015

IN ATTENDANCE:

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

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

Application for a Zoning Permit and a Special Flood Hazard Area (SFHA) Overlay District Permit to convert the second floor of the existing garage into a one-bedroom apartment, on a property within the Village Residential (VR) and Conservation (CNS) Zoning Districts.

Permit Application #: 31-15-V
Applicant: Whitney Aldrich
Property Owner: Wade Hodge & Whitney Aldrich
Tax Map #: 19-455.100
Location of Project: 5 Healy Court, Waterbury, VT

PRESENT AND SWORN IN:

Scott Bennett, Representing Applicants

INTRODUCTION

The applicant seeks to convert the second floor of the existing garage into a one-bedroom accessory apartment. The property is within the SFHA Overlay District.

EXHIBITS

Exhibit A: Application # 31-15-V
Exhibit B: Site Plan
Exhibit C: Elevation Drawings
Exhibit D: NFIP FIRMette of property
Exhibit E: Approved Zoning Permit #33-11-V, dated December 12, 2011
Exhibit F: Zoning SFHA Certificate of Completion, dated September 30, 2013
Exhibit G: Letter from John Grenier, P.E., dated October 31, 2011
Exhibit H: Floodproofing Certificate, dated October 31, 2011
Exhibit I: Letter to Rebecca Pfeiffer, Asst. NFIP Coordinator, dated October 28, 2015
Exhibit J: ANR Atlas maps of property
Exhibit K: Notice of Public Hearing, dated October 16, 2015

TESTIMONY:

1. The original garage has been removed.
2. The lighting will be downcast and shielded.

FINDINGS OF FACT:

1. *The 1.9 acre property, located at 5 Healy Court, lies within the Village Residential and Conservation Zoning Districts. Both the existing residence and garage are located within the VR Zoning District portion of the property. The remaining portion of the property (approx. 2/3s) is in the CNS Zoning District, and extends to the Winooski River.*
2. *The VR Zoning District requires a minimum lot size of 10,000 sq ft for single-family uses, a maximum height allowance of 35', a maximum lot coverage allowance of 25%, and setbacks of: front 30', side 10', and rear 30'.*
3. *The VR portion of the property, and the existing structures, comply with the above referenced requirements for the VR Zoning District.*
4. *There are no existing structures, nor development proposed, within the CNS portion of the property.*
5. *A one-bedroom accessory dwelling unit within or appurtenant to a single-family dwelling is permitted under Section 503(d). Requirements for accessory dwelling units include: that it be on the same lot as the primary dwelling unit; that it is no larger than 30% of the total habitable floor area of the single family dwelling, or no larger than 1,400 sq ft of habitable floor area, whichever is greater; and that the property owner occupy either the primary or accessory dwelling unit.*
6. *The property lies within the Special Flood Hazard Area Overlay District, with the front portion of the lot containing the home and garage within the 100-year floodplain, and the remaining area (starting approx. 60' behind the home and extending to the Winooski River) within the floodway (Exhibit J).*
7. *According to the NFIP FIRM map, panel 228 (Exhibit D), the property has a floodplain designation of Zone AE, with a base flood elevation (BFE) of 426' above sea level.*
8. *The garage was permitted on December 12, 2011, under Permit # 33-11-V (Exhibit E).*
9. *As part of Permit # 33-11-V, a letter from John Grenier, P.E., dated October 31, 2011 (Exhibit G), verified that the new garage would not increase the base flood elevation (BFE) by more than 0.25 feet.*
10. *Included with John Grenier's letter was a Floodproofing Certificate (Exhibit H), verifying that the garage is floodproofed to an elevation of 428.35 – 2.35 feet above the base flood elevation.*
11. *In addition to the floodproofing, the building also has compliant flood vents to allow flood waters to "pass through", rather than be obstructed, by a structure.*

12. On September 30, 2013, Clare Rock, then Zoning Administrator, issued a Zoning SFHA Certificate of Completion (Exhibit F). A Certificate of Completion is only issued after development in the SFHA has been confirmed to comply with Waterbury's floodplain regulations.
13. The current proposal is to convert the second floor of the garage into an accessory apartment. No exterior changes to the garage structure are proposed.
14. This proposal is considered to be a "substantial improvement" – in that its value exceeds 50% of the current market value for the overall garage structure. Substantial improvements of existing buildings in the SFHA are required to be reviewed by the DRB.
15. When a structure is being substantially improved, that structure (as a whole) is required to come into compliance with floodplain regulations. However, John Grenier and Clare Rock have both verified that the garage is compliant. No new impacts to the BFE will occur as a result of the current proposal.
16. As required by Section 607(b), on October 28, 2015, notification was sent to Rebecca Pfeiffer, State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources. (Exhibit I)
17. Comments from Ms. Pfeiffer have not yet been received.
18. Excerpts from Zoning District Regulations and Special Flood Hazard Area are listed below:

Conclusion

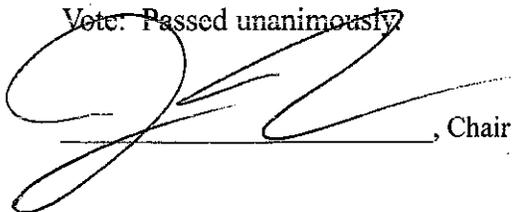
Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #31-15-V for a Zoning Permit and a Special Flood Hazard Area (SFHA) Overlay District Permit to convert the second floor of the existing garage into a one-bedroom apartment, on a property within the Village Residential (VR) and Conservation (CNS) Zoning Districts meets the standards in Article V, section 503 and Article VI, section 605.

Motion

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Dave Rogers seconded to approve application 31-15-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 shall be downcast and shielded.

Vote: Passed unanimously


_____, Chair

Date: 11.18.15

THESE MINUTES WERE APPROVED ON 11.10.15

***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. #32-15-V
Date: November 4, 2015

IN ATTENDANCE:

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

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

Application #32-15-V, Jessica Wright, for a Site Plan Review, Conditional Use Permit, Setback Waiver, and Downtown Design Review Overlay District Permit to convert the first floor of the existing single-family residence into a commercial bakery, and construct a new porch and handicap ramp at 22 North Main Street, Waterbury, VT 05676 (Tax Map # 19-277.000).

Permit Application #32-15-V
Applicant: Jessica Wright
Property Owner: Edward Griffiths Jr.
Tax Map #19-277.000
Location of Project: 22 North Main Street

PRESENT AND SWORN IN:

Jessica Wright, Applicant
Monika Rivero, Business Owner
Holly Birns, Resident
BetsyAnn Wrask, Resident
Michelle Elwell, Resident
Matthew Masson, Resident

EXHIBITS

Exhibit A: Application # 32-15-V
Exhibit B: Project Description
Exhibit C: Site Plans
Exhibit D: Floor Plan
Exhibit E: Village Trustees minutes of October 14, 2015
Exhibit F: Photographs
Exhibit G: ANR Atlas Maps of Property
Exhibit H: Notice of Public Hearing, dated October 16, 2015
Exhibit I: Letter to Adjoining landowners, dated October 17, 2015

TESTIMONY:

1. The setback waiver for the porch and the handicap ramp was discussed to see if there was another option:
 - a. the expanded parking area would be affected,
 - b. the grading is more difficult to work with,
 - c. As the business expands potential outdoor seating is planned with a garden area, and this would not be possible if the ramp were moved to the other potential area.
2. The proposed design is not inconsistent with the other properties in the area.
3. Proposed hours of operation are 7 am to 7 pm, 7 days per week.
4. Railing needs to be added to the already existing steps on the south side.
5. Landscaping will include cutting back overgrowth and added flower beds.
6. A 2 yd. recycling dumpster will located on the southwest corner and be accessible from the driveway. This will be shielded.

FINDINGS OF FACT:

The applicant seeks to convert the first floor of the existing residence at 22 North Main Street into a commercial bakery, and construct a new porch and handicap ramp. The property/bakery owner will reside in the second floor of the building.

1. The existing 0.09 acre property, addressed as 22 North Main Street, is located at the southern corner of the North Main Street/Winooski Street intersection, and lies within the Village Mixed Residential (VMR) Zoning District, and is also within the Historic/Commercial Downtown Design Review Overlay District. The property is considered a legally existing, small lot.
2. The existing, two-story residence is 1,440 sq ft in size.
3. The proposed café will occupy the first floor. The primary access to the café will be from the North Main Street side of the building. A secondary access is located in the rear of the building and will be used by the owner and employees.
4. "Restaurant/bar <= 2,000 sf" is a conditional use within the VMR Zoning District.
5. The applicant states that there will be a total of 3 employees (including herself).
6. The bakery will be limited to 6 seats.
7. Parking requirements, as per Section 414, are:
 - Dwellings – 1 space for each one-bedroom dwelling unit (one-half dwelling unit)
 - Eating & Drinking Establishments – 1 space for every 3 seats, including bar stools, plus 1 space for every person normally working on premises during any one shift.
8. Based on the proposed project, the number of parking spaces required will be 5 spaces. 2 of those spaces will accommodate the 6 seats in the bakery, and the remaining 3 will accommodate the 2 employees + the bakery owner/one-bedroom dwelling unit occupant.

9. The site plan (Exhibit C) identifies 4 parking spaces on-site.
10. On October 14, 2015, the Village Trustees approved 2 on-street parking spaces for the bakery use (Exhibit E).
11. The proposal also includes constructing a new porch and handicap ramp that will be located within building setbacks. Setbacks of the VMR Zoning District are: front 40', sides 25', and rear 50'. The existing residence is considered a legally established, non-conforming use, in that it does not comply with current building setbacks.
12. The applicant proposes the following setbacks for the deck/ramp: front (N. Main Street) 2', front (Winooski Street) 1'.
13. The setback waiver request is: front (N. Main Street) 38', front (Winooski Street) 39'.
14. A setback Waiver may be granted by the DRB as per section 309 of the Waterbury Zoning Regulations.
15. The property lies within the Downtown Design Review Overlay District (Historic/Commercial sub-district). In accordance with Section 1106, the applicant has provided an overall description of the project, which includes information and materials used for the exterior changes. The applicant has also submitted photographs of the subject building, and adjacent buildings.
16. The property is currently served by Waterbury municipal sewer and water. The applicant will have to submit an allocation application for the additional water and sewer that the bakery will use.
17. Below are excerpts of the Site Plan Review criteria, Conditional Use criteria, Waiver criteria, and Downtown Design Review Overlay District.

Conclusion

Based upon these findings (and subject to the conditions set forth below) the Waterbury Development Review Board concludes that application #32-15-V, Jessica Wright, for a Site Plan Review, Conditional Use Permit, Setback Waiver, and Downtown Design Review Overlay District Permit to convert the first floor of the existing single-family residence into a commercial bakery, and construct a new porch and handicap ramp at 22 North Main Street, Waterbury, VT 05676 (Tax Map # 19-277.000) meets the standards in Sections 301, 303, 309 and 1108 of the Waterbury Zoning Regulations.

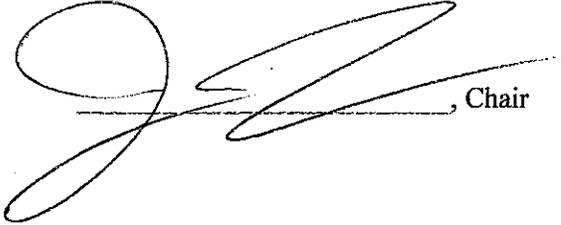
Motion

On behalf of the Waterbury Development Review Board, David Frothingham moved and Martha Staskus seconded to approve application 32-15-V with setback waivers of 38' from North Main Street and 39' from Winooski Street 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 shall be downcast and shielded.
3. The applicant shall submit a water and sewer allocation approval to the Zoning Administrator.
4. The LP tank, dumpster and parking shall be screened from North Main Street.

VOTE: Passed unanimously.

 _____, Chair

Date: 11-19-15

THESE MINUTES WERE APPROVED ON 11-19-15

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