

WATERBURY DEVELOPMENT REVIEW BOARD
Approved General Meeting Minutes
Wednesday, October 19, 2016

In Attendance: Board members present: Dave Rogers (Chair), David Frothingham, Martha Staskus, Nathaniel Fish, and Mike Bard. Staff present: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Spence (Secretary).

The public meeting convened at 6:30 p.m. in the in the Steele Community Room in the Municipal Center at 28 North Main Street, Waterbury, VT.

6:30 p.m. #23-16-V: Bill Woodruff (applicant), **Town of Waterbury** (landowner)
Site plan and flood hazard review to construct an open-sided picnic shelter within the Special Flood Hazard Area at 32 North Main Street, Waterbury, VT. (VR/FHA zoning and overlay districts)

Present and Sworn in:

William Shepeluk, Waterbury Municipal Manager, owner/applicant;
Bill Woodruff, Waterbury Public Works Director, applicant;
Steve Lotspeich, Waterbury Community Planner, representing applicant;
Craig and Carol Van Tuinen, adjoining landowner;
Will Bucossi, adjoining landowner;
Everett Coffey, adjoining landowner.

The site plan and flood hazard area criteria were reviewed. Testimony included:

- The roofing material for the shelter has not been determined.
- A visual-impact photo represents the visibility of the structure from the residential properties.
- In 2015 the municipal installed a lock on the lights at the field, so that the lights cannot be turned on randomly.
- The town is responding to a public health issue of skin cancer by offering shelter in an open park.
- The required 50' riparian buffer from Thatcher Brook precludes siting the structure in that area (along the Northerly property line).

Motion by Dave Frothingham, seconded by Mike Bard: To approve application # 23-16-V with conditions.

Vote: Passed unanimously, 5-0.

The Board will issue the final written decision within 45 days.

Approval of prior meeting minutes and decisions:

Motion: Dave Frothingham moved and Nat Fish seconded the motion to approve the general minutes of October 5, 2016 and the decisions for applications #59-16-T, #22-16-V, #60-16-T, #56-16-T, and #53-16-T, as amended.

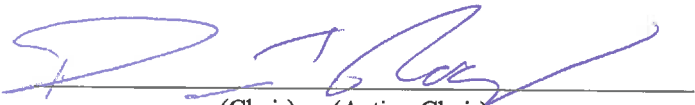
Vote: Passed unanimously, 5-0.

Other Business:


Dina consulted the Board regarding classifying a pre-development site-preparation project in the RHS overlay district as major or minor development.

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

Next meeting: Wednesday, November 2, 2016, 6:30 p.m. (All applications will start at 6:30)



(Chair) or (Acting Chair)



(date)

Town & Village of Waterbury
Development Review Board
Approved Hearing Decision, Appl. #23-16-V
October 19, 2016

Attending Board Members: Dave Rogers (Chair), David Frothingham, Nathaniel Fish, Mike Bard, Martha Staskus

Attending Staff: Dina Bookmyer-Baker (Zoning Administrator), Patti Spence (Secretary)

Owner/Applicant:	Town of Waterbury / Bill Woodruff	
Address/Location:	32 North Main Street, Waterbury, VT	
Zones:	Village Residential (VR) and Flood Hazard Area (FHA) overlay	
Application #	23-16-V	Tax Map # 19-238.000

Applicant Request:

The applicant seeks approval to construct an open-sided pavilion-style picnic shelter to support the existing uses at the existing public park, known as Dacscomb Rowe Field, located at 32 North Main Street. The property is located in the Village Residential (VR) zoning district and the Special Flood Hazard Area (FHA) overlay district.

Present and sworn in:

Bill Woodruff, Applicant
Bill Shepeluk, Municipal Manager
Steve Lotspeich, Community Planner
Craig and Carol Van Tuinen, Adjacent property owners
Everett Coffey, Adjacent property owner
Will Bucossi, Adjacent property owner

Exhibits:

- A: Application #23-16-V (6 pp: Zoning Permit, Site Plan, Overlay District), 9/8/16.
- B: Site plan, prepared by Grenier Engineering, dated 9/15/2016.
- C: Project narrative (2 pages), prepared by Bill Woodruff, Public Works Director, dated 10/5/2016
- D: Letter from Alec Tuscany, Town/Village Engineer, regarding the base flood elevation, dated 10/5/2016
- E: Elevation sketches, proposed style, and visual analysis (4 pages).
- F: Aerial photos of the property and neighboring properties with proposed location indicated (3 pages).
- G: Letter to Rebecca Pfeiffer, Asst. NFIP Coordinator, dated October 13, 2016
- H: Letter to adjoining landowners, sent certified 9/30/16
- I: Correspondence from Will Bucossi, adjoining landowner, received 10/12/16
- J: Letter from Deb Fowler, Recreation Director, received 10/19/16

Findings of Fact:

1. Existing conditions: The Town of Waterbury owns a 22± acre parcel addressed as 32 North Main Street. The property is developed with four softball fields, one soccer field, and a community garden. The parcel includes some 300' of frontage on North Main Street, and 344± feet of frontage on Winooski Street. The property has access to each of these streets, which are town roads. The property is bordered by the Winooski River along its western boundary, Thatcher Brook along its northern boundary and North Main Street along its eastern boundary. Several residences and the current Waterbury Library and Municipal Offices border the property's southern boundary. The parcel is located in the Village Residential (VR) zoning district and the Special Flood Hazard Area (FHA) overlay district.
2. Project scope: The picnic shelter is proposed to be one-story, 1,040 SF in area, not to exceed 18' in height, and adequately setback from the property lines (approximately 650' front, 175' southeasterly side, 580' westerly side, and 948' rear). The proposed shelter will be placed on an at-grade concrete slab. It will be open-sided. The roof is proposed to be low-pitch (Exhibit E3), and will be supported by twelve 6" by 6" 9' tall posts (Exhibit E1).
3. Section 503 Use Regulation Table: The property has been and will continue to be used as a public park and recreation area. No change of use is proposed. A public park or recreation area is defined as including: *"any publicly owned and operated playground, playfield, park, picnic area, boating facility, or swimming facility, and may also include campgrounds and other related facilities as accessory uses."* A public park or recreation area is a permitted use in the VR zoning district.
4. VR dimensional requirements: The VR zoning district requires a minimum lot size of 20,000 SF for non-residential uses, a maximum height of 35', maximum lot coverage of 25%, and setbacks of: front 40', side 25', and rear 50'. The existing property improvements and the proposed picnic shelter comply with the VR dimensional requirements.
 - a. Site Plan Review and Approval, Section 301(a)(3): The Regulations state that any use shall be subject to site plan approval by the DRB before a zoning permit may be issued, with the exception of a project that does *not* involve any intensification, expansion, or change of use and does *not* require any parking-lot or driveway construction, expansion, or relocation.
 - b. Section 301(f)(1) (A-D) Traffic access: The property has adequate vehicular access and pedestrian safety and convenience. The location of the pavilion will not impede vehicular or pedestrian access and does not intensify, expand, or change of use of the property. The proposal meets this provision.
 - c. Section 301(f)(2) (A-G) Circulation and parking: The proposal does not affect the parking or stormwater runoff. The use of the property will not change. This provision does not apply.
 - d. Section 301(f)(3) (A-F) Landscaping and screening: The property includes adequate landscaping. The pavilion will be located not less than 175' from the nearest property line to the southeasterly side, where the community garden, and beyond that the residences, are located. The pavilion will not include electricity or lighting. The slope buffers and hides the structure from the nearest residential properties (Exhibit E4). The project does not require additional landscaping buffers, fences, or berms to reduce noise. The proposal meets this provision.

5. Section 604 Special Flood Hazard Area Development Standards: The property lies within the Special Flood Hazard Area Overlay District. The pavilion is shown to be below 423 fie (Exhibit B). Accessory structures larger than 200 square feet in size are required to obtain DRB approval. The DRB can approve the proposed structure with a condition that it be anchored and built with materials to avoid damage from flooding in accordance with Sections 604(a)(1) and (4). The pavilion is located outside of the regulatory floodway. In order to meet the required 50' riparian buffer from Thatcher Brook, the picnic pavilion is precluded from being sited in the area of the existing restroom building.

Section 604(a)(11)(A) The pavilion is constructed on an open foundation. The project will have no more than a minimal effect on floodwater storage and will not divert floodwaters onto adjacent property and will cause no net increase in the Base Flood Elevation (Exhibit D).

Staff referral

This project was referred to the DRB for Site Plan review under Article III and Special Flood Hazard Area review under Article VI.

Guiding ordinance sections

Section 301—Site Plan Review

Section 604— Special Flood Hazard Area Development Standards

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Waterbury Development Review Board concludes that application # 23-16-V to construct a pavilion at 32 North Main Street, Waterbury, VT meets the standards in Section 301, Site Plan Review and Section 604, Special Flood Hazard Area standards.

Motion:

On behalf of the Waterbury Development Review Board, Dave Frothingham moved and Mike Bard seconded to approve application # 23-16-V with the following conditions:

1. The applicant shall complete the project in accordance with the Board's findings and conclusions and the approved plans and exhibits;
2. The project as proposed will meet the SFHA development standards on the condition that it be anchored and built with materials to avoid damage from flooding.
3. The pavilion shall be anchored and built with flood resistant materials to avoid damage from flooding. The project will not require compensatory storage or alternate flood attenuation requirements set forth in Section 605(a)(11)(A).

Vote: The motion passed unanimously 5-0.

 , Chair

Date: 11-2-16

THESE MINUTES WERE APPROVED ON November 2, 2016

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.