

WATERBURY DEVELOPMENT REVIEW BOARD

Approved General Meeting Minutes

Wednesday, November 2, 2016

In Attendance: Board members present: Dave Rogers (Chair), Nathaniel Fish, Mike Bard, and Martha Staskus. 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. #64-16-T: David Long (applicant), **DHL Properties, LLC** (landowner)
Site Plan and Conditional Use Review to change the use of an existing commercial structure to business professional office at 4706 Waterbury-Stowe Road, Waterbury Center, VT. (RT100 zoning district)

Present and Sworn in: David Long, Applicant.

The site plan and conditional use criteria were reviewed. Testimony included:

- UPS and FedEx pick up from the location once per day. Only samples of the flooring product are sent from this location. The business is a call center and the warehousing are not in Vermont.
- There is no storage of hazardous materials on the site; the packaging and cleaner are eco-friendly.
- There is screening on three sides for the existing dumpsters.
- Snow storage will stay on the property.
- Exterior lights are motion-activated and will be downcast and shielded or under the eaves.
- The driveway is paved and the parking area is mostly crushed stone.

Motion by Mike Bard, seconded by Nat Fish: To approve application # 64-16-T with conditions.

Vote: Passed unanimously, 4-0.

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

7:15 p.m. #63-16-T: John Pitrowiski (appellant), **Jeffrey Atwood** (landowner)
Appeal of zoning administrator denial of zoning permit #63-16-T for a residential development of six dwelling units in four buildings at 3250 Waterbury-Stowe Road, Waterbury Center, VT. (TNC zoning district)

Present and Sworn in:

Jeff Atwood, Landowner and Appellant

John Pitrowiski, Consultant and Appellant Representative

Dina Bookmyer-Baker, ZA and Appellee

Amy James, Adjoining Landowner

Andrew Abair, Adjoining Landowner
Nancy Patterson, Adjoining Landowner

The elements of the ZA denial of the zoning permit and the appeal the ZA denial were presented. Testimony included:

- A proposal for 6 dwelling units in 3 duplex structures, was previously approved, in 2015, administratively.
- The revised proposal is for 6 dwelling units in 4 structures (2 single-family dwellings and 2 duplexes). One single-family dwelling exists on the property and a new single family dwelling and two duplexes would be constructed.
- The existing dwelling has been moved to the location proposed in the 2015 plan, but none of the new structures have been built.
- The wetland permit is on public notice.
- The appellant is requesting to reduce the width of the right-of-way that serves the dwellings from 50' to 20'.
- The appellant is requesting a setback waiver on one or more of the structures, depending on the Board's determination.
- An adjoining landowner is concerned about stormwater management and the ability of water and septic systems to handle the development.
- An adjoining landowner expressed concerns regarding the safety of the driveway access being so close to Howard Avenue.

The hearing was continued to December 7, 2016 at 6:30 p.m.

Approval of prior meeting minutes and decisions:

Motion: Nat Fish moved and Mike Bard seconded the motion to approve the general minutes of October 19, 2016 and the decision for application #23-16-V, as amended.

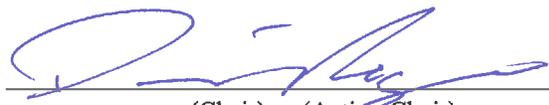
Vote: Passed unanimously, 4-0.

Other Business:

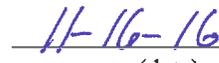
Dina consulted the Board regarding classifying of a three-lot subdivision application as eligible for administrative review or subject to review by the DRB.

Next meeting: Wednesday, November 16, 2016, 6:30 p.m.

Adjournment: The meeting was adjourned at 8:50 p.m.



(Chair) or (Acting Chair)



(date)

These minutes were approved: November 16, 2016

**Town & Village of Waterbury
Development Review Board
Approved Decision #64-16-T
November 2, 2016**

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

Attending Staff: Dina Bookmyer-Baker (Zoning Administrator), Steve Lotspeich, Community Planner;
Patti Spence (Secretary)

Owner/ Applicant:	David Long (Applicant); DHL Properties, LLC (Landowner)	
Address/Location:	4706 Waterbury-Stowe Road, Waterbury Center, VT	
Zones:	Route 100 (RT100)	
Application #	64-16-T	Tax Map # 09-040.000

Applicant Request

The applicant seeks approval to change the use of an existing commercial structure to business professional office at 4706 Waterbury-Stowe Road.

Present and Sworn in

David Long, Applicant

Exhibits

- A: Application #64-16-T (4 pages: Zoning Permit, Site Plan, and Conditional Use), Sept. 28, 2016.
- B: Project narrative, addressing site plan and conditional use review criteria (2 pages), Sept. 28, 2016.
- C: Site Plan with proposed parking spaces highlighted, submitted Sept. 28, 2016.
- D: Aerial photo of parcel in its neighborhood.
- E: Letter to adjoining landowners, mailed certified on Oct. 13, 2016.

Findings of Fact

1. Existing conditions: DHL Properties, LLC owns a 2.27± acre parcel located at 4706 Waterbury-Stowe Road. The property is developed with an existing two and one-half story residential-style building with wrap-around covered porches and a deck, a detached one and one-half story barn-style residential accessory building, and parking areas. The property is served by private well and septic, includes 310± feet of frontage, and has driveway access to Route 100. The parcel is located in the Route 100 (RT100) zoning district.

Background: The primary structure was formerly a dwelling that was later converted to a B & B (*May Farm B & B*), with some B & B rooms in the 1 1/2 story former garage. In 2012, the property was used for a veterinary clinic (Permit #06-11-T). The property was vacant in the spring of 2014.

2. Project scope: The proposal includes converting the use of the property from a veterinary clinic to business professional offices in the main building; and to warehouse/storage space downstairs with offices upstairs in the barn structure. A small loading dock has been added to the front of the barn

structure. The existing parking area remains with the spaces reconfigured (Exhibit C). Business professional office is a conditional use in the Route 100 zoning district.

3. Site Plan Review and Approval, Section 301:

No change in the pedestrian access to, or the exterior dimensions of the existing structures, excepting the loading dock addition, is proposed; the project involves reconfiguring the parking-area. The Board will take into consideration the following objectives:

- a. Traffic access, Section 301(f)(1) (A-D): Access to the site will continue to be via the existing curb-cut off Waterbury-Stowe Road (Route 100) and the existing driveway (Exhibit C).

No change is proposed to the existing access to Route 100. No change is proposed to the existing pedestrian entrances to the buildings.

- b. Circulation and parking, Section 301(f)(2) (A-G): Circulation on the site is via the aisle down the middle of the parking area. Nine parking spaces are proposed on the south side of the parking area (Exhibit C). See compliance with the parking regulations in Section 414, below. The parking area is screened from view from the Waterbury-Stowe Road by a row of existing mature evergreen trees (Exhibits C, D). A portion of the driveway and parking area is paved and the remaining area is gravel surfaced. A loading dock exists at the front of the barn structure with adequate ingress/egress and turning radius for delivery trucks. There is an existing dumpster with a screening enclosure on the site. There is adequate lawn area for snow storage in the winter. Refuse containers/areas and snow-storage areas are not shown on the site plan.

- c. Landscaping, screening, and lighting, Section 301(f)(3) (A-F): The property is landscaped with existing trees and shrubs (Exhibits B, C, D), including a row of mature evergreen trees along the roadside of the lawn to the south. No additional landscaping is proposed. The parking area includes outside lighting featuring two down-cast 150-watt spot-lights. Also, the main building includes exterior lights that illuminate the porch and there are exterior lights on the detached warehouse/barn building (Exhibit B1). The lights are motion activated.

- d. Requirements for Uses in the Route 100 District, Sections 301(g)-(i): The property is developed with existing structures, landscaping, and parking areas. These provisions do not apply.

- e. Special considerations for property bordering Route 100, Section 301(j): The property is already developed. These provisions do not apply.

4. Parking Regulations, Section 414(b): The Regulations state that parking spaces shall measure at least 9' by 18' and shall have unobstructed access. The parking space on the site plan measure 9' x 20'. As set forth in Section 414(d)(4): offices, medical or veterinary clinics, and home occupations shall provide one (1) space for every three hundred (300) square feet of floor area. Applicant's narrative (Exhibit B2) states that if the office use occupies 3,500 SF, then 12 parking spaces would be required to accommodate the use. The site plan shows 9 parking spaces adjacent to the paved drive and 3 overflow spaces on the grassy area east of the barn. Applicant notes that the site plan approval for the previous use as a veterinary clinic required 8 spaces. In consideration that the proposed office use is for administrative headquarters without customer traffic, Applicant requests the Board to reduce the parking requirement by

25% as set forth in Section 414(e)(1): With the approval of the DRB, parking requirements may be modified as follows: (1) Parking requirements may be reduced by up to twenty-five (25) percent, provided that this space be dedicated as lawn or landscaping and have the potential of future conversion to parking should it be determined that more parking spaces are necessary.

5. Conditional Use criteria, Section 303:

The proposed business professional office is a conditional use in the Route 100 zoning district. Prior to granting approval for conditional use, the Board must find that the proposed use conforms to the following general and specific standards:

- a. Section 303(e)(1) Community facilities: The proposed use will not unduly impact the roads, is served by private water and wastewater systems, does not include a single-family dwelling, and does not increase demand for fire protection. The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities.
- b. Section 303(e)(2) Character of the area: The adjacent properties include commercial uses. The existing structures are appropriate in scale and design with the district and no changes are proposed to the exterior dimensions of the structures. The proposed use will not have an undue adverse impact on the character of the area affected.
- c. Section 303(e)(3) Municipal bylaws in effect: The office/product storage use will not violate any municipal bylaws and ordinances in effect.
- d. Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The proposed use will not require any devices or special methods to control these impacts.
- e. Section 303(h) Removal of earth or mineral products conditions: The proposed use does not include earth removal activities. This provision does not apply.

Staff referral:

This project was referred to the DRB for Site Plan and Conditional Use review (Article III).

Guiding ordinance sections

Section 301—Site Plan Review

Section 303 – Conditional Use Section

Section 414—Parking Regulations

Conclusion

Based upon these findings, and subject to the conditions set forth below, the Board concludes that DHL Properties LLC's proposal to change the use of an existing commercial structure to business professional office at 4706 Waterbury-Stowe Road, as presented in application #64-16-T, and supporting materials meets Section 301, Site Plan Review, Section 401 Conditional Use criteria and Section 414 Parking Regulations. Per section 414 the Board approves to reduce the parking requirement by 25% as set forth in Section 414(e)(1).

Motion

On behalf of the Waterbury Development Review Board, Mike Bard moved and Nat Fish seconded the motion to approve application #64-16-T 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. All existing and proposed exterior lighting shall be downcast and shielded.

Vote: Passed unanimously, 4 to 0.

 Chair

Date: 11-16-16

This decision was approved on November 16, 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.*