

WATERBURY DEVELOPMENT REVIEW BOARD
General Meeting Minutes
Wednesday, February 15, 2017

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

The public meeting convened at 6:35 p.m. in the Steele Community Room in the Municipal Center at 28 North Main Street, Waterbury, VT.

The agenda was approved.

6:40 p.m. #007-17: Alchemy Holding Waterbury LLC (owner/applicant)

Consultation with ZA: Applicant requests exemption from Site Plan review as per Section 301(a)(5) to enclose the area below existing deck/stair structure, 35 Crossroad, Waterbury, VT.

Representing applicant: Chris Nordle, Attorney

Discussion:

- The applicant feels this is a minor change to enclose this area. They are not requesting additional space.
- A DRB member pointed out that there are fixed tanks that have been placed outside which need to be permitted. Those permits would come after the Town issues a permit.
- There will be no increase in production.
- The newly-placed outdoor tanks will replace a series of smaller indoor tanks. The new tanks are placed outside instead of inside because they might be too large to fit inside.
- The enclosure will not be lit or heated. It will not be conditioned space.
- The purpose of replacing the small tanks with fewer larger tanks is to make the process more efficient and less disruptive.
- The purpose of enclosing the structure is to make it look better and cleaner.

Motion: by Mike Bard, seconded by Nat Fish: To exempt application #007-17 from Site Plan review as set forth in section 301(a)(5), as the proposal is minor in nature and will not cause a substantial increase in traffic or otherwise adversely affect the purposes of the Site Plan Review standards. **Vote:** Passed: 4 in favor; 1 opposed (Dombrowski).

7:10 p.m. #005-17: Carol Shults-Perkins, CVABE (applicant), Quinland Properties LLC (owner). Site Plan and Conditional Use review to change the use of a portion of the existing building from medical office to public/non-profit school at 31 North Main St., Waterbury, VT (VMR zoning district).

Present and sworn in:

Carol Shults-Perkins, Applicant
Brian Kravitz, Applicant
James Quinn, Landowner

Testimony:

- The activities are quiet.
- There are generally 3-5 students at a time. Many are local and walk to the facility.
- There is 1 full-time instructor and 1 part-time instructor.
- There is no change in exterior lighting.
- In addition to 3 existing parking spaces for this tenant there are 9 additional on-site spaces for tenants. There is additional public parking across the street at the Town Offices and Public Library.

Motion: by Mike Bard, seconded by Rob Dombrowski: To approve application #005-17 with conditions. **Vote:** Passed unanimously, 5-0.

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

7:45 p.m. #003-17: Quinland Properties II (owner/applicant).

Site Plan and Conditional Use review to change the use of a portion of the existing building from retail storage to a mini self-storage facility at 53 North Main St., Waterbury, VT. (VNC zoning district).

Present and sworn in: James Quinn, Landowner

Testimony:

- The snow will be removed from the site, not stored.
- The storage facility is locked; renters can access it 24/7.
- Renters sign a lease agreement that prohibits the storage of hazardous materials.

Motion: by Mike Bard, seconded by Dave Rogers: To approve application #003-17 with conditions. **Vote:** Passed unanimously, 5-0.

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

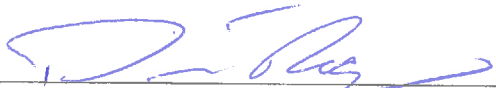
Approval of prior meeting minutes and decisions:

Motion by Dave Rogers and seconded by Rob Dombrowski : To approve the general minutes of February 1, 2017 and the decisions for applications #001-17, #002-17, and #74-16-T as amended.

Vote: Passed unanimously, 5-0.

Next meeting: Wednesday, March 15, 2017

Adjournment: The meeting was adjourned at 8:30 p.m.



(Chair) (Vice-Chair) (Acting Chair)

Approved on: 3-1-17
(date)

**Town & Village of Waterbury
Development Review Board
Decision #005-17 – February 15, 2017**

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

Applicant:	Carol Shults-Perkins, Central Vermont Adult Basic Education (CVABE)	
Owner:	James Quinn, QB Properties LLC	
Address/Location:	31 North Main Street, Waterbury, VT	
Zoning District:	Village Mixed Residential (VMR)	
Application #	005-17	Tax Map # 19-241.000

Applicant Request

The applicant seeks approval to change the use of a portion of the existing building to a public/non-profit school at 31 North Main Street.

Present and Sworn in:

Carol Shults-Perkins, Applicant

Brian Kravitz, Applicant

James Quinn, Landowner

Exhibits

- A: Application #005-17 (4 pp: Zoning Permit, Site Plan, Conditional Use), submitted 1/11/17.
- B: Site Plan (copied from previous application, #037-97V, revised by Applicant).
- C: (C1) Aerial photo of parcel in its neighborhood. (staff)
(C2) Aerial photo of parcel showing the Special Flood Hazard Area overlay. (staff)
- D: Previous approvals: (D1) 31 N. Main St, site plan approval, Planning Commission 1996;
(D2) 31 N. Main St, site plan approval, Planning Commission 1997 (staff)
- E: Letter to adjoining landowners, mailed certified on: January 27, 2017

Findings of Fact

1. Existing conditions: QB Properties LLC owns a 0.25± acre parcel located at 31 North Main Street. The property is developed with an existing two-and-1/2-story building, built in 1872, residential in style, the back half of which is two-stories. The building also includes a one-and-1/2-story attached garage in the rear and an attached shed. The buildings serve five apartments and an optometrist's office. The property includes 130± feet of frontage on and access to North Main Street and a parking area for 12 vehicles (including an over-flow space at the end of the building). The property is served by municipal water and septic and is located in the Village Mixed Residential (VMR) zoning district. The north-westerly edge of the parcel lies in the Special Flood Hazard Area (SFHA) overlay district (100-year flood level), but no structure is within the SFHA.

Previous approvals: • #022-96V: The Planning Commission granted site plan approval to convert 900±

SF of existing residential space to an optometry office. The optometry office held office hours Monday through Friday, from 8 a.m. to 5 p.m. The building included three apartments (Exhibit D1). • #037-97V: The Planning Commission granted site plan approval to create two apartments in the attached garage and a laundry facility in the attached shed. (Exhibit D2)

Project scope: The proposal makes no change to the building exterior, but proposes to change the use of 900± SF of floor area from medical office to a public/non-profit school facility.

2. Table of Uses, Section 503: A public/non-profit school is defined as: *“Any school certified by the Vermont Department of Education; includes parochial, private, and public schools, colleges, and universities.”* CVABE is a non-profit 501(c)(3) school that receives a funding grant from the Vermont Agency of Education. A public/non-profit school is a conditional use in the VMR zoning district.

The provisions of 24 V.S.A. §4413(a)(1) apply to this proposal, which prescribe that an educational institution certified by the Agency of Education may be regulated only with respect to *“location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use.”*

3. Site Plan Review, Section 301: No change in the pedestrian access to, or the exterior dimensions of, the existing structure is proposed; the project involves a change of use. The Board will take into consideration the following objectives:

- a. Traffic access, Section 301(f)(1) (A-D): Vehicular access will continue to be via the driveway on North Main Street. The building includes a handicapped access ramp on the south-easterly side. No change is proposed to the existing pedestrian entrances to the building.
- b. Circulation and parking, Section 301(f)(2) (A-G): Vehicular circulation to and within the site will be via the existing travel aisle and curb cut (Exhibit B). The parking area is of sufficient width (40± feet) to allow vehicles to enter and exit the site head-first. A sidewalk exists on N. Main Street. Eleven parking spaces are proposed. See compliance with the parking regulations in Section 414, paragraph 4, below.
- c. Landscaping, screening, and lighting, Section 301(f)(3) (A-F): The site is developed. Green space and landscaping exist on the site (Exhibit C1). No change or additional exterior lighting is proposed.
- d. Special considerations for property bordering Route 2, Section 301(j): North Main Street is also Route 100 and U.S Route 2. The property is developed with existing structures, parking areas, and landscaping.

4. Parking Regulations, Section 414: The building includes five apartments comprised of: two 1-bedroom apartments, two 2-bedroom apartments, and one 3-bedroom apartment. Each dwelling unit with more than one-bedroom, requires one and one-half (1.5) parking spaces. Each one-bedroom dwelling unit requires one (1) parking space. Therefore, seven (7) parking spaces are required for the five apartments.

The owner noted that currently all of the apartment tenants work off-site, which leaves the parking lot empty during the day.

The current owner of the property had allocated two parking spaces to patients of the optometrist's office. The former optometrist's office, which occupied 900± SF of floor area, is now proposed to be used for adult education. Although the Regulations don't include a specific parking requirement for a school, the formula applied to similar uses has been one parking space for each student plus one for each teacher or staff. The facility includes one full-time instructor and one half-time staff. The maximum class size is 3-5 students. Seven (7) parking spaces are required to accommodate the students and employees of the school.

Applicant's site plan (Exhibit B) shows 11 parking spaces, plus one handicapped-access space. Seven parking spaces are required for the apartments, which leaves four parking spaces for the school. Section 414(c)(2) in the Regulations provides that the Board can approve off-premise parking that is located within a reasonable distance from the proposed building or use to meet the parking requirement. Ample public parking for the Municipal Offices and Public Library is located across the street from the building, which can serve to accommodate the parking needs during peak periods.

5. Conditional Use criteria, Section 303: The proposed public/non-profit school is a conditional use in the VMR zoning district. The Board found that the proposed use complies with the general and specific standards as follows:
 - a. Section 303(e)(1) Community facilities: The proposed use will not unduly increase the traffic and will not increase the demand for fire protection. Applicant shall submit an update to the municipality to amend the municipal water or sewer allocation. 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: No exterior changes are proposed to the existing building; no change is proposed to the exterior lighting. Applicant's Conditional Use application (Exhibit A4) states that the classes include one-on-one and small group instruction, daytime, Monday through Friday, with some evening and weekend hours by appointment. No instruction activities will take place before 8 a.m. or after 9 p.m. Monday through Sunday.
 - c. Section 303(e)(3) Municipal bylaws in effect: This application represents compliance with the Zoning Regulations. The proposed change of 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 activity will be conducted indoors. Applicant's Exhibit A4 states that CVABE services are provided in a quiet educational setting such as the neighboring library. No undue noise levels will occur. No devices or special methods are required 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.

Conclusion:

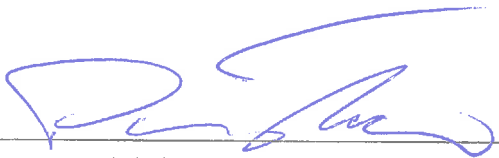
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the request by Carol Shults-Perkins to change the use of a portion of an existing building from a medical office to a public/non-profit school at 31 North Main Street, as presented in application #005-17 and supporting materials, meets the Site Plan and Conditional Use criteria set forth in Sections 301 and 303.

Motion:

On behalf of the Waterbury Development Review Board, Mike Bard moved and Rob Dombrowski seconded to approve application #005-17 with the following condition:

1. The Applicant shall complete the project in accordance with the Board's findings and conclusions and the approved plans and exhibits.

Vote: Passed unanimously, 5-0.



(Chair) (Vice-Chair) (Acting Chair)

Approved on: 3-1-17

(date)

***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
Decision #003-17 – February 15, 2017**

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

Owner/Applicant:	James Quinn, Quinland Properties II, LLC	
Address/Location:	53 North Main Street, Waterbury, VT	
Zoning District:	Village Neighborhood Commercial (VNC)	
Application #	003-17	Tax Map # 19-022.000

Applicant Request

The applicant seeks approval to change the use of a portion of the existing building to a mini self-storage facility at 53 North Main Street.

Present and sworn in:

James Quinn, applicant

Exhibits

- A: Application #003-17 (4 pp: Zoning Permit, Site Plan, Conditional Use), submitted 1/6/17.
- B: Parking Plan, prepared by James Quinn; revised 2/15/17.
- C: Site plan sketch, prepared by James Quinn.
- D: Photo of indoor storage units, by James Quinn; additional photos submitted 2/15/17.
- E: Aerial photo of parcel in its neighborhood. (staff)
- F: Letter to adjoining landowners, mailed certified on: 2/1/17.
- G: Tenant Lease agreement.

Findings of Fact

1. Existing conditions: Quinland Properties II, LLC owns a 0.48± acre parcel located at 53 North Main Street, on the corner of N. Main Street and Butler Street. The property is developed with an existing one and two-story commercial building, access drives, and parking areas. The property is served by municipal water and septic, includes 230± feet of frontage on and access to North Main Street, and 124± feet of frontage on and access to Butler Street. The parcel is located in the Village Neighborhood Commercial (VNC) zoning district.

Background: A change of use for this building to include Studio Zenith, a fitness facility, was approved by the Board in January 2107.

Project scope: The proposal makes no change to the building exterior, but proposes to change the use of 2,225 SF of floor area from retail storage to a mini self-storage facility. (Exhibits B, C).

2. Table of Uses, Section 503: A mini self-storage facility is defined as: *“A commercial building(s) used primarily for storing personal items that is not used for sale or distribution of these goods. Any individual building or structure shall not be more than 25 feet in height overall, shall not be more than 14 feet in height at the eaves line, and shall not have a building footprint greater than 4,500 sq. ft..”* A mini self-storage facility is a conditional use in the VNC zoning district.
3. Site Plan Review, Section 301: No change in the pedestrian access to, or the exterior dimensions of, the existing structure is proposed; the project involves a change of use. The Board considered the following:
 - a. Traffic access, Section 301(f)(1) (A-D): Vehicular access will continue to be via the existing curb cuts on North Main Street and Butler Street. No change is proposed to the existing pedestrian entrances to the building.
 - b. Circulation and parking, Section 301(f)(2) (A-G): Vehicular circulation to and within the site will be via the aisles and existing curb cuts. Sidewalks exist on the property boundaries on N. Main Street and Butler Street. Twenty-five parking spaces are proposed (Exhibit B). See compliance with the parking regulations in Section 414, paragraph 4, below. No change is proposed to the surface of the parking areas. No dumpster or refuse container is shown; Owner stated that none is provided as the property has permission to use the dumpster across the street (at Crossroads Deli). No provision is made for on-site snow-storage, as Owner stated that the snow will be removed from the site.
 - c. Landscaping, screening, and lighting, Section 301(f)(3) (A-F): The site is developed. Green space, landscaping, and raised planters exist on the site. No change or additional exterior lighting is proposed.
 - d. Special considerations for property bordering Route 2, Section 301(j): North Main Street is also U.S Route 2. The property is developed with existing structures, parking areas, and landscaping. It is doubtful that these provisions apply.
4. Parking Regulations, Section 414(b): The building currently includes three uses: CrossFit fitness facility, Studio Zenith fitness facility, and Pack & Park mini self-storage facility (the subject of this application). The DRB approval for CrossFit in 2014 allocated 14 parking spaces for that use. The approval for Studio Zenith in 2017 allocated 13 parking spaces to that fitness facility, along with one space for Pack & Park, for a total of 28 parking spaces required. The Board reviewed the parking plan for Studio Zenith’s application and determined that 24 parking spaces could be provided on-site, including one handicapped-access space (#4 on the revised parking plan). The decision for Studio Zenith included a condition that the Applicant would obtain approval from the Village Trustees to use four on-street parking spaces to fulfill the parking needs for the uses in the building. Studio Zenith obtained such approval from the Village Trustees at their January 11, 2017 meeting. With the inclusion of the on-street parking, the proposal meets the parking requirement. Owner/applicant Quinn submitted a revised parking plan to reflect the approved 24 spaces on-site. (Exhibit B)
5. Conditional Use criteria, Section 303: The proposed mini self-storage facility is a conditional use in the VNC 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 increase the traffic, and does not require addition municipal water or sewer allocation. The building has been inspected by the

Fire Marshall and meets the code. 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: No exterior changes are proposed to the existing building. Owner/applicant Quinn stated that the storage facility is locked and renters can access it 24-hours a day, 7-days a week.
- c. Section 303(e)(3) Municipal bylaws in effect: This application represents compliance with the Zoning Regulations. The proposed change of 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 facility includes 16 indoor self-storage units that are climate-controlled. The use will not create any dust, smoke, odor, noise, etc. The storage unit lease agreement prohibits storing any hazardous materials. Applicant will provide a copy of the agreement for the file, which will be labeled Exhibit G.
- 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.

Conclusion:


Based upon these findings, and subject to the conditions set forth below, the Board concludes that the request by Quinland Properties II, LLC to change the use of a portion of an existing building from retail storage to a mini self-storage facility at 53 North Main Street, as presented in application #003-17 and supporting materials, meets the Site Plan and Conditional Use criteria set forth in Sections 301 and 303.

Motion:

On behalf of the Waterbury Development Review Board, Mike Bard moved and Dave Rogers seconded to approve application #003-17 with the following condition:

- 1. The Applicant shall complete the project in accordance with the Board's findings and conclusions and the approved plans and exhibits.

Vote: Passed unanimously, 5-0.



(Chair) (Vice-Chair) (Acting Chair)

Approved on: 3-1-17

(date)

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.