

WATERBURY DEVELOPMENT REVIEW BOARD

General Minutes — Wednesday, April 4, 2018

In Attendance: Board members present: Dave Frothingham (Chair), Bud Wilson, Rob Dabrowski, and Dave Rogers (Alternate). Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary). Also present: Alyssa Johnson (Economic Development Director)

The public meeting was called to order by David Frothingham, Chair, at 6:30 p.m. in the Steele Community Room in the Municipal Center, 28 North Main Street, Waterbury, VT. The agenda was approved.

1) **#017-18: Village of Waterbury** (owner/applicant)

Waiver request to construct an equipment shed within the setback at 187 U.S. Route 2, Waterbury, VT. (IND/SFHA zoning/overlay districts)

Testimony:

1. The building will be constructed on a slab.
2. It will probably have four enclosed sides.
3. Applicant was advised that a State permit may be needed as it is considered a public building.
4. Equipment for the wastewater treatment plant will be stored in the structure.

Decision filed separately.

2) **#018-18: Ryan Magnus** (owner/applicant)

Waiver request to construct a residential garage within the setback at 4 Ellinwood Drive, Waterbury, VT. (VR zoning district)

Decision filed separately.

3) **#015-18: Donald Huff** (owner/applicant)

Waiver request to construct four residential sheds within the setback at 1337 Ripley Road, Waterbury, VT. (LDR/RHS zoning/overlay districts)

Testimony:

- The sheds will be used to store a boat, lawn equipment, general “stuff,” and wood.
- Shed #3 will be moved to be 10 feet from the nearest side property line.
- The shed sites were chosen where each would fit on flat ground that wouldn’t require tree-clearing, moving large rocks, or disturbing an existing garden.

Decision filed separately.

- 4) **#021-18: Kim Dixon** (applicant), **Bernard Woodard Estate** (owner)
Site plan review for mixed use in existing residential building at 80 Keltan Heights, Waterbury Center, VT. (TNC zoning district)

Decision filed separately.

- 5) **#014-18: Steve Sisler** (applicant), **40 Stowe Street Properties LLC** (owner)
Site Plan and Conditional Use review to remove the existing and build a new multi-family building at 40 Stowe St. (VMR zoning district)

Testimony:

- A neighbor expressed concern over the increase in parking needs with five units.
- Exterior construction will generally occur between 7 a.m. – 4:15 p.m.
- Interior work may be done outside of these hours.

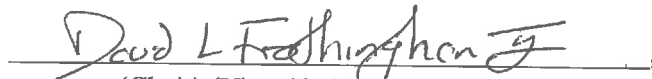
Decision filed separately.

6) **Other Business:**

Review minutes and decisions from previous meeting: There were no drafts ready to approve.

Next meeting: 6:30 p.m. Wednesday, April 18, 2018.

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


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

Approved on: 5/2/2018
(date)

**TOWN OF WATERBURY
DEVELOPMENT REVIEW BOARD**

Decision #17-18

Date: April 4, 2018

In Attendance: Board members present: Dave Frothingham (Chair), Bud Wilson, Rob Dabrowski, and Dave Rogers. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

Application for Conditional Use (Waiver Request) for storage shed / pole barn for the Village of Waterbury Waste Water Treatment Plant.

Permit Application #:	017-18
Applicant:	Village of Waterbury
Landowner:	(Same)
Location of Project:	187 US Route 2, Waterbury, VT

Present and sworn in: Bill Woodruff, Town of Waterbury

EXHIBIT LIST:

- Exhibit A Zoning Permit Application #017-18 (3 pages)
- Exhibit B Site Plan, dated July, 2013
- Exhibit C Notice sent to Adjacent Landowners dated March 15, 2018

Findings of Fact:

The applicant is seeking Conditional Use and Waiver review and approval for a 24' x 12' x 16' tall pole barn that will be used to store equipment necessary to operate the Village Waste Water Treatment Plant.

- 1) The property is located within the Industrial Zoning District.
- 2) The property is located adjacent to the Winooski River and is partially within the Special Flood Hazard Area Overlay District. The base flood elevation at the site is 420'. The proposed pole barn is located at an approximate elevation of 426' and is therefore located outside of the 100-year floodplain.
- 3) Within the Industrial Zone the following dimensional requirements apply:
 - a. Setbacks Front: 50' Side and Rear: 25'
 - b. Height: 40'
- 4) The new 24' x 12' pole barn is located 26' from the nearest (front) property line and therefore it will require a setback waiver of 24'. The new building will be approximately 18' tall therefore it is lower than the maximum height limit and the applicable dimensional requirements are met. The building will be fully enclosed with T-111 plywood siding and a metal roof. It will be constructed on a crushed stone base.
- 5) The new 24' x 12' pole-barn will be accessed off the parking area and driveway for the Control Building and the Chlorine Contact Building.

- 6) No removal of existing trees and shrubs will be necessary for the new construction. The site is predominantly shielded from the railroad tracks, U.S. Route 2, and Interstate 89 to the north.
- 7) The proposed building is located outside the Special Flood Hazard Overlay District.
- 8) Conditional Use/Waiver criteria: As set forth in Section 309, the DRB may grant a waiver of building setbacks as a conditional use review in accordance with Section 303; provided that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties from which the setback waiver is sought. The Board must find that the proposed use conforms to the following general and specific standards.

Conclusion:


Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by the Village of Waterbury to construct a pole barn shed 24' within the front yard setback at 187 US Route 2, as presented in application #017-18 and supporting materials, meets the Waiver and Conditional Use criteria set forth in Sections 309 and 303.

Motion:

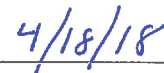
On behalf of the Waterbury Development Review Board, Dave Rogers moved and Rob Dombroski seconded the motion to approve application # 017-18 with the following condition:

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

VOTE: Approved 4 - 0



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



(date)

This decision was approved on April 18, 2018

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 #018-18 ▪ April 4, 2018**

In Attendance: Board members present: David Frothingham (Chair), Bud Wilson, Rob Dabrowski, and Dave Rogers (alternate). Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary). Also present: Alyssa Johnson (Economic Development Director).

Owner/Applicant:	Ryan Magnus	
Address/Location:	4 Ellinwood Avenue, Waterbury, VT	
Zone:	Village Residential (VR)	
Application #	#018-18	Tax Map # 19-113.000

Applicant Request

The applicant seeks approval to construct a residential garage within the setback at 4 Ellinwood Avenue, Waterbury, VT.

Present and sworn in: Ryan Magnus (Applicant) and Nat Fish (Consultant/Builder).

Exhibits:

- A: Application #018-18 (3 pages: zoning, conditional use), submitted March 2, 2018;
(A2) Sketched front elevation of the proposed 2-car garage and connector-deck, by Applicant.
- B: Site Plan, annotated by Applicant, submitted 3/2/18.
- C: Parcel map with orthophoto base layer and approximate VR front setback (staff).
- D: Letter to adjoining landowners, mailed certified: March 19, 2018.

Findings of Fact:

1. Existing conditions: Ryan Magnus owns a 0.68± acre (29,621 SF) parcel located at 4 Ellinwood Avenue in the Village Residential (VR) zoning district. The parcel is currently developed with a one-story single-family dwelling, built in 1952, that previously included an attached one-story single-car garage. The parcel includes ± 130 feet of frontage on and has driveway access to Ellinwood Avenue. The property is served by municipal water and sewer.
2. Project: The original garage was removed in 2015 due to a failing foundation. The proposal is to construct a 1-1/2 story two-car garage, measuring 28' by 28' by 21.8' high; with a 7' by 5' deck (uncovered) connecting the garage to the house. The deck will include with stairs facing the front, about 3' high (Exhibit A2). The area above the garage will be for residential storage. The proposed garage will come no closer to the front property line than the original garage. The new garage will be located 38.5' from the road center-line and 44' from the nearest side property line (to the east), as shown on Applicant's Exhibit B. The existing driveway location will not change.
3. VR Dimensional Requirements, Table 5.2: In the VR zoning district, the minimum lot size for a single-family dwelling is 10,000 SF; the minimum setbacks are: 30' for front/ rear; 10' for sides. The lot meets the minimum lot size, but the proposed structure will not meet the front setback.

4. Waiver Request: The setback waiver request is to encroach into the front yard setback by 16.5' (55' minus 38.5').
5. Conditional Use/Waiver criteria: As set forth in Section 309, the DRB may grant a waiver of building setbacks as a conditional use review in accordance with Section 303; provided that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties. The Board considered the following:
 - (a) Section 303(e)(1) Community facilities: No increase in occupancy and no change in the residential use of the property is proposed. The garage is for the use of the current residents. The addition of a garage, for accessory use to the primary dwelling, will not unduly increase the traffic, does not require additional municipal water or sewer allocation, will not burden the school capacity, and will not increase the demand for fire protection. The Board concludes that the proposal will not have an undue adverse impact on the capacity of existing or planned community facilities.
 - (b) Section 303(e)(2)(A-E) Character of the area: The use of the property will remain residential. No exterior lighting is proposed. The garage will have a gable roof and the style will match the existing dwelling (Exhibit A2). The Board concludes that the project is appropriate in scale and design in relation to existing uses and structures in the district and will not have an undue adverse impact on the character of the area affected.
 - (c) Section 303(e)(3) Municipal bylaws in effect: The garage is for vehicle parking and accessory residential use/storage. The structure will be the same distance from the front property line as the previous structure. This project application presents compliance with the conditional use criteria. The Board concludes that the proposal will not violate any municipal bylaws and ordinances.
 - (d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: Use of the structure will not create the above-named nuisances and therefore no devices or special methods are proposed to control these impacts. The garage will not have plumbing. The Board concludes that no devices or special methods are necessary to prevent or control these impacts.
 - (e) Section 303(h) Removal of earth or mineral products conditions: The project 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 proposal by Ryan Magnus to construct a residential garage 16. 5' within the front yard setback at 4 Ellinwood Avenue, as presented in application #018-18 and supporting materials, meets the Waivers and Conditional Use criteria set forth in Sections .309 and 303.

Motion:

On behalf of the Waterbury Development Review Board, Rob Dombrowski moved and Dave Rogers seconded to approve application #018-18 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: The motion was approved 4–0

Dave L. Frothingham III,
(Chair) (Vice-Chair) (Acting Chair)

Approved: 4/18/18
(date)

State permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367 or pete.kopsco@vermont.gov, and the appropriate state agencies to determine what permits must be obtained.

***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 #15-18 - April 4, 2018**

In Attendance: Board members present: Dave Frothingham (Chair), Bud Wilson, Rob Dabrowski, and Dave Rogers (Alternate). Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

Owner/Applicant: Donald D. Huff
 Address/Location: 1337 Ripley Road, Waterbury Center, VT
 Zones: Low Density Residential (LDR) & Ridgeline/Hillside/Steep Slope (RHS) overlay
 Application # #015-18 Tax Map # 10-129.000

Applicant Request

The applicant seeks approval for development in the RHS overlay district to construct four residential sheds located within the setbacks at 1337 Ripley Road, Waterbury, VT.

Present and sworn in: Donald Huff, owner/applicant.

Exhibits

- A: Application #015-18 (7 pages: zoning, site plan, conditional use, overlay), submitted February 28, 2018.
- B: Site Plan, annotated by Applicant, submitted 2/28/18, revised 3/12/18.
- C: Parcel maps with orthophoto base layer and RHS overlay (staff).
- D: Letter to adjoining landowners, mailed certified March 16, 2018.

Findings of Fact:

1. Existing conditions: Donald Huff owns a 2.5± acre parcel located at 1337 Ripley Road in the Low Density Residential (LDR) & Ridgeline/Hillside/Steep Slope (RHS) zoning and overlay districts. The parcel is developed with a one-story single-family dwelling, built in 1986, and a detached two-story garage with a one-bedroom apartment on the second floor. The parcel is without frontage and has access to Ripley Road via a 30' ROW across the lands of Austin (neighboring parcel to the north). The property is served by private well and septic.
2. Project: The proposal is to construct four single-story sheds for residential storage, each with a gable roof, each placed on a gravel pad with no foundation. The sheds will not have power or plumbing. The sheds will be used to store a boat, lawn equipment, general stuff, and wood. The shed sites were chosen where each would fit on ground that is flat and won't require tree-clearing, moving large rocks, or disturbing existing gardens/landscaping. An existing tarp structure will be replaced by Shed #4. Each shed's use, size, and location from the nearest property lines will be as follows:

#	Use	Size	SF	Distance to Property Lines		
				Front	Side	Rear
1	Boat	16'x36'x19'h	576	300'	32'	130'
2	General storage	12'x16'x13'h	192	250'	26'	225'

3	Lawn equipment	16'x30'x19'h	480	250'	10'	100'
4	Wood	8'x50'x13'h	400	15'	15'	400'

3. LDR Dimensional Requirements, Table 5.2: In the LDR zoning district, the minimum lot size is 5 acres; the minimum setbacks are: 70' for front; 75' for sides/ rear. At 2.5 acre, the lot does not meet the minimum lot size. The lot is narrow, measuring 217' along the front. The proposed structures will not meet the setbacks.

4. Waiver Request: The setback waiver request is as follows:
 - Shed #1: To encroach into the (northerly) side yard setback by 43' (75' minus 32');
 - Shed #2: To encroach into the (northerly) side yard setback by 49' (75' minus 26')
 - Shed #3: To encroach into the (southerly) side yard setback by 65' (75' minus 10')
 - Shed #4: To encroach into the front yard setback by 55' (70' minus 15') and into the (northerly) side yard setback by 60' (75' minus 15')

5. Conditional Use/Waiver criteria: As set forth in Section 309, the DRB may grant a waiver of building setbacks as a conditional use review in accordance with Section 303; provided that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties. The Board considered the following:
 - (a) Section 303(e)(1) Community facilities: No increase in occupancy and no change in the residential use of the property is proposed. The sheds are accessory to the primary structures and will be used for residential storage as described above. The sheds will not have plumbing. The sheds will not increase traffic, will not require addition municipal water or sewer allocation, will not burden the school capacity, and will not increase the demand for fire protection. The Board concludes that the proposal will not have an undue adverse impact on the capacity of existing or planned community facilities.

 - (b) Section 303(e)(2)(A-E) Character of the area: The use of the property will remain residential. The sheds will not have power and no exterior lighting is proposed. Each shed will have gable roof. The style of the sheds will be simple and suited to its proposed use. Only Shed #4 will be easily seen from a neighboring property. The Board concludes that the project is appropriate in scale and design in relation to existing uses and structures in the district and will not have an undue adverse impact on the character of the area affected.

 - (c) Section 303(e)(3) Municipal bylaws in effect: This project application presents compliance with the conditional use criteria. The Board concludes that the proposal will not violate any municipal bylaws and ordinances.

 - (d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The sheds will not have power or plumbing. Use of the structures will not create the above-named nuisances and therefore no devices or special methods are proposed to control these impacts. The Board concludes that no devices or special methods are necessary to prevent or control these impacts.

(e) Section 303(h) Removal of earth or mineral products conditions: The project does not include earth removal activities. This provision does not apply.

6. Section 1001 RHS Applicability: The property is in the RHS overlay district above 1,200 feet in elevation (FIE) but below 1,500 FIE. Subsection (b) states that development in the RHS district below 1,500 FIE shall be considered "minor" development.

Section 1001(d)(1) states that residential additions, accessory structures, and/or camps whose combined footprint is greater than 800 square feet shall be subject to RHS review. The combined square-footage of the accessory structures equals 1,648 SF.

Section 1001(c) states that permitted uses are treated as conditional uses in the RHS overlay district.

Section 1004 (b) states that minor development projects shall be subject to conditional use review, as set forth in Section 303, and all other applicable regulations. See the project's compliance with the conditional use criteria in paragraph 5 (a-e), above.

Conclusion:


Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Donald Huff to construct four residential sheds on the property at 1337 Ripley Road, within the setbacks as described above, as presented in application #015-18 and supporting materials, meets the Waivers, Conditional Use, and RHS criteria set forth in Sections 309, 303, and 1004.

Motion:

On behalf of the Waterbury Development Review Board, Rob Dombrowski moved and Dave Rogers seconded to approve application #015-18 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.
- (2) The structures shall not be used to store fertilizer, ammonia, chlorine, or other dangerous chemicals, petroleum, gas, explosives, or hazardous waste.

Vote: Approved 4-0



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

Approved: 4/18/18

(date)

State permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367 or pete.kopsco@vermont.gov, and the appropriate state agencies to determine what permits must be obtained.

***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 #21-18 ▪ April 4, 2018**

In Attendance: Board members present: David Frothingham (Chair), Bud Wilson, Rob Dabrowski, and Dave Rogers (alternate). Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary). Also present: Alyssa Johnson (Economic Development Director).

Applicant/Owner:	Kim Dixon (Applicant) / Estate of Bernard Woodard (Landowner)	
Address/Location:	80 Keltan Heights, Waterbury Center, VT	
Zoning District:	Town Neighborhood Commercial (TNC)	
Application #	021-18	Tax Map # 09-213.300

Applicant Request

The applicant seeks approval to convert the existing single-family dwelling at 80 Keltan Heights to a mixed-use of office and apartment.

Present and sworn in:

Kim Dixon, applicant
George McCain, consultant
Brent Ballard, Adjoining Landowner

Exhibits

- A: Application #021-18 (3 pages: Zoning Permit, Site Plan), submitted March 5, 2018.
- B: Project overview, site plan criteria response (McCain Consulting), and Lister's Sketch, submitted 3/5/18.
- C: Preliminary Site Plan, prepared by McCain Consulting Inc., sheet 1 of 1, dated March 5, 2018.
- D: Orthophoto and parcel map of the lot (staff).
- E: Letter to adjoining landowners, mailed certified on 3/15/18.

Findings of Fact

1. Existing conditions: The Estate of Bernard Woodard owns a 0.44± acre (19,166 SF) parcel located at 80 Keltan Heights in the Town Neighborhood Commercial (TNC) zoning district. The property is developed with a one-story single-family dwelling that includes a full basement and an attached one-story two-car garage. The property is served by municipal water and an on-sight septic system. The lot has frontage on and includes an access drive to Keltan Heights, a Town road.
2. Proposal: To convert the existing two-bedroom single-family dwelling into a one-bedroom apartment on the lower level and a professional business office (internet marketing) for three employees on the upper level. There will be no enlargement of the existing building footprint/floor area, and no change to the existing driveway. Four outside parking spaces will be created to meet the parking requirement.
3. Table of Uses, Section 503: A business/professional office is a permitted use in the TNC zoning district. An internet marketing company with three employees meets the definition.

(definition) *Business/Professional Office*: An office designated for business and professional uses that is not intended to service large volumes of customers or clients. Examples include, but are not limited to, law, consultant, insurance, realtor, accountant, and architect offices.

4. Permitted and Conditional Uses by District, Section 503(b): Multiple uses within a single structure are permitted in the TNC zoning district, provided that all other requirements in this bylaw are met.
5. Site Plan Review and Approval, Section 301: As the proposal involves establishing a non-residential use that will affect pedestrian safety, traffic access, and parking, it is subject to site plan review. The Board considered the following:
 - a. Section 301(f)(1) (A-D), Traffic access and pedestrian safety: No change to the approved vehicular access is proposed. Applicant's narrative (Exhibit B2) states that for this small-scale project, the existing driveway access is adequate. The site plan shows the location of the pedestrian entrances, which remain as before. The dwelling and the office will share entrances and the attached garage provides internal access to the building. The office will not require deliveries by large trailer trucks.
 - b. Section 301(f)(2) (A-G), Circulation and parking, loading, refuse, and service areas: Four outside parking spaces will be created to meet the parking requirement (Exhibit C), see paragraph 6 below. The narrative (B2) states that proposed parking area provides adequate circulation and will not result in significant additional stormwater discharge. Loading, refuse, and service facilities will not be needed for the proposed use. The site plan shows an adequate area for snow storage.
 - c. Section 301(f)(3) (A-F), Landscaping, screening, and lighting: No additional landscaping or screening is proposed. The narrative (B2) states that any additional outdoor lighting will be downcast and shielded. An office use is anticipated to be quiet and not require landscaping buffers, fences, or berms to reduce noise.
6. Parking Regulations, Section 414: The project includes six on-site parking spaces to serve a one-bedroom apartment and 1500 SF of office space. The parking requirements are as follows:
 - (a) Each one bedroom unit: requires 1 parking space;
 - (b) Office use: 1 space for every 300 SF of floor area (1500 ÷ 300):requires 5 spacesSix parking spaces are required and six parking spaces are shown on the site plan. Two are in the existing 2-car garage, and four outdoor parking spaces will be constructed as shown on the site plan (Exhibit C).

Conclusion:

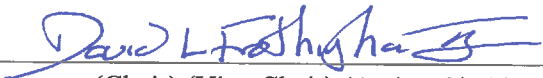
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Kim Dixon to convert the existing single-family dwelling at 80 Keltan Heights to a mixed-use of office and apartment, as presented in application #021-18 and supporting materials, meets the Site Plan criteria set forth in Section 301.

Motion:

On behalf of the Waterbury Development Review Board, Rob Dombrowski moved and Dave Rogers seconded to approve application #21-18 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 garage will be used for parking 2 vehicles and will not be used for office or dwelling related storage.

Vote: The motion was approved 4-0



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

Approved: 4/18/18
(date)

State permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367 or pete.kopsco@vermont.gov, and the appropriate state agencies to determine what permits must be obtained.

***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 #14-18 ▪ April 4, 2018**

In Attendance: Board members present: David Frothingham (Chair), Bud Wilson, Rob Dabrowski, and Dave Rogers (alternate). Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary). Also present: Alyssa Johnson (Economic Development Director).

Applicant/Owner:	Steve Sisler (applicant), 40 Stowe Street Properties LLC (Landowner)	
Address/Location:	40 Stowe Street, Waterbury, VT	
Zoning District:	Village Mixed-Residential (VMR)	
Application #	014-18	Tax Map # 19-154.000

Applicant Request

The applicant seeks approval to remove an existing and construct a new multi-family building at 40 Stowe Street.

Present and sworn in:

Steve Sisler, Applicant
Luke Sisler, Project Manager
Bill Woodruff, Resident
Mary Woodruff, Adjoining landowner
Teresa Millard, Resident

Exhibits

- A: Application #014-18 (4 pages: zoning, site plan, conditional use), submitted February 22, 2018.
- B: Project narrative, accompanied the notice to adjoining landowners, by Steve Sisler, dated 3/6/18.
- C: Permit Set plans, prepared by Karyn Scherer Architecture PLLC (& others), (31 pages*) dated 11/10/17: (C1) Site Plan (Grenier 10/27/17, revised 11/30/17); (C2) Stowe St. & Swasey Crt. elevations, sheet-A3.1; (C3) Side & rear elevations, sheet-A3.2; (C4) First floor plan, sheet-A2.1; (C5) Second floor plan, sheet-A2.2; (*not all pages were included in the printed packet).
- D: Orthophoto and parcel map of the lot (staff).
- E: Letter to adjoining landowners, mailed certified on 3/6/18.

Project Description

1. Existing conditions: 40 Stowe Street Properties LLC owns a 0.39± acre (16,988 SF) parcel located at 40 Stowe Street in the Village Mixed-Residential (VMR) zoning district. The property is developed with a two-story multi-family building built in 1900 that is listed as a contributing structure on the National Register of Historic Places. The building foundation is sound, but the structure above was not properly maintained (by the previous owner) for decades and is in very poor structural condition. The building includes 4,548± SF of floor area and includes four dwelling units comprised of three 3-bedroom units and one 1-bedroom unit. The property is served by municipal water and sewer. The lot is located on the corner of Stowe Street and Swasey Court and includes a paved parking area and two paved driveways (Exhibit C1).

2. Proposal: The applicant seeks approval to remove the existing building and construct a new multi-family building on the same foundation. The building will include five dwelling units that will be comprised of: three 1-bedroom units on the first floor, one 2-bedroom and one 3-bedroom unit on the second floor. The height of the building will be the same (28') and there will be no enlargement of the existing footprint of the first floor enclosed space. The existing entrances will be shifted and five porch roofs rebuilt. The second floor will cantilever over two of the first floor entrances in the rear, providing covered entrances and walkway. Each of the three dwelling units on the first floor will include two exterior exits. A seventh exterior entrance will access the main stair in the center of the building to serve the second-floor units. The new structure will include an additional 327± SF of habitable floor area, gained by extending the second floor and reconfiguring the roof lines to eliminate dormers. An existing exterior bulk-head Bilco door to the basement will remain. Storage units for tenant use will be provided in the basement. The existing access drives will not change. Seven outside parking spaces, including one handicapped-accessible space, are proposed.
3. General Dimension, Location, and Height Requirements, Section 504: In the VMR zoning district, the minimum lot size is 10,000 SF for one-family, 15,000 SF for two-family, and 20,000 SF for other uses. At 16,988 SF, the lot does not meet the minimum lot size for the current use as a multi-family dwelling, which requires 20,000 SF.
4. Table of Uses, Section 503: In the VMR zoning district, a multi-family dwelling is a conditional use.
5. Nonconforming Uses and Noncomplying Structures, Section 304: The existing use for multi-family is nonconforming due to the size of the lot.

Section 304(a)(1): The Board may allow a nonconforming use to be changed to another nonconforming use, provided that it finds the change to be more in conformance with the district requirements and allowable uses. The proposal is to add one dwelling unit but reduce the number of bedrooms by two. The density allowed for this size lot in VMR is five. (Table 5.3: VMR: 15 DU/acre allowed. 15 DU x 0.39 acre = 5.85, or 5 dwelling units.) The maximum dwelling units allowed per building = 15. The parking requirement is the same (6 parking spaces) for the previous configuration and proposed. The reduced number of bedrooms will be more in conformance than the previous configuration.

Section 304(a)(2): A nonconforming use may be extended (see definition of extension of use) with the approval of the DRB, which must find that the proposed nonconforming use meets the general and specific standards for conditional uses specified in Section 303. Two of the rebuilt porch entrance roofs will come closer to the Stowe Street property line than the existing roofs. This could be approved as an extension of the existing nonconforming use as a multi-family dwelling.

(definition) Extension of Nonconforming Use: A nonconforming use that involves the use of increased area on a lot, either in a structure or outside, that does not involve a substantial change to the character of the nonconforming use.

6. Site Plan Review and Approval, Section 301: As the proposal involves changes to pedestrian access, it is subject to site plan review. The Board considered the following:

- a. Section 301(f)(1) (A-D), Traffic access and pedestrian safety: No change is proposed to the existing vehicular access. The proposed pedestrian access and circulation is shown on Applicant's Exhibit C1. The first floor entrances are designed to be handicapped accessible. Two access ramps in the rear will be rebuilt with new grades to the parking lot. Two walkways in the front will be rebuilt to access the Stowe Street sidewalk. All of the entrances will be covered and one rear walkway will be covered for two-thirds of its length. The Board concludes that the proposal provides safe and adequate pedestrian access and circulation.
- b. Section 301(f)(2) (A-G), Circulation and parking, loading, refuse, and service areas: The proposed size and layout of the parking lot is similar to the existing lot. Seven outside parking spaces, including one handicapped-accessible space, are proposed to meet the parking requirement, see paragraph 7, below. The parking lot and driveways will remain paved and no change is proposed to manage stormwater discharge. For this residential use, loading, refuse, and service facilities will not be needed and are not proposed.
- c. Section 301(f)(3) (A-F), Landscaping, screening, and lighting: Additional landscaping is proposed. Two Camperdown Elm and eleven hydrangea, marked on site plan and will be shown on revised site plan.

7. Parking Regulations, Section 414: The project includes seven on-site parking spaces to serve 3 one-bedroom units, 1 two-bedroom unit, and 1 three-bedroom unit. The parking requirements are as follows:
- (a) Each one bedroom unit:requires 1 parking space;
 - (b) Each dwelling unit of 2 or more bedrooms:requires 1.5 spaces
- Six parking spaces are required (3 times 1, plus 2 times 1.5) and seven parking spaces are shown on the site plan. (Exhibit C1). The Board concludes that the proposal meets the parking requirements.

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Steve Sisler and 40 Stowe Street Properties LLC to remove the existing multi-family dwelling at 40 Stowe Street and construct a new multi-family building on the same foundation, as presented in application #14-18 and supporting materials, meets the Site Plan, Conditional Use, and Nonconforming Uses criteria set forth in Sections 301, 303, and 304.

Motion:

On behalf of the Waterbury Development Review Board, Rob Dabrowski moved and Dave Rogers seconded to approve application #14-18 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 proposed exterior lighting shall be downcast and shielded.

- (3) A revised site plan showing the following shall be submitted to the Zoning Administrator before the zoning permit will be issued:
- the relocation of the front walkways
 - the proposed landscaping
 - the condensers that were marked on the architectural drawing
 - that the propane tank will be removed.

Vote: The motion was approved 4–0.



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

Approved: 5/2/2018
(date)

State permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 802-505-5367 or pete.kopsco@vermont.gov, and the appropriate state agencies to determine what permits must be obtained.

***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.*