

WATERBURY DEVELOPMENT REVIEW BOARD
Approved General Minutes — July 11, 2018

Attending: David Frothingham, Chair; Tom Kinley, Bud Wilson, Mike Bard, and Dave Rogers.

Staff present: Dina Bookmyer-Baker, (ZA) and Patti Spence (Secretary).

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

Call to order by the Chair. (*The meeting was audio recorded.*) The presented agenda was approved with the 3rd application withdrawn.

1) #58-18: Carol Hedenberg-O'Neill (owner/applicant)

Site plan review to add a dwelling unit to an existing mixed-use building at 92 Stowe St, Waterbury, VT. (MIL/SFHA zoning and overlay districts)

Testimony:

Bud Wilson, architect for the project, recused himself as a Development Review Board member and presented the project.

Hearing decision under separate cover.

2) #64-18: CBD Vermont LLC (applicant), Joel Baker (owner)

Site plan and conditional use review to conduct retail, office, and light industry uses in an existing commercial structure at 1930 Waterbury-Stowe Road, Waterbury Center, VT. (RT100 zoning district)

Testimony:

1. The tenant CBD Vermont LLC testified that the process is quite simple. The product arrives from growers and is already frozen. Ethanol is used for the processing and will be in an outside storage facility in app. 5 gallon containers.
2. 10% organic waste; no noise, smell. For 160 lbs. of processing there is 2% waste. Waste would be stored inside until it is picked up.
3. Freezer storage will be a 12 x 14 freezer that will require an outside compressor on the side where the heat pumps for the building are.
4. There is no wastewater created.
5. Ethanol is recycled and will be handled by an outside resource.

Hearing decision under separate cover.

3) #55-18: Casey Collins (owner/applicant)

Waiver request to construct a residential storage shed within the setback at 454 Twin Peaks Rd., Waterbury Center, VT. (MDR zoning district)

The application was withdrawn

4) #39-18: Ari Fishman (applicant), 179 Guptil Road LLC (owner)

Site plan and conditional use review to add parking spaces and an outdoor consumption area at 179 Guptil Road, Waterbury Center, VT. (RT100/MDR/SFHA) –*continued from May 16 & June 20, 2018.*

The applicant was not present. The chair continued the meeting to July 18, 2018 at 6:30 p.m.

5) **#09-18: Neokraft Signs/Irving Oil** (appellant), **Superior Development LTD** (landowner)
Appeal of denied zoning permit application #115-17 for a gas price sign at 1 River Road, Waterbury, VT. (IND/SFHA)

Tom Kinley moved and Dave Rogers seconded the motion to dismiss the appeal of #09-18.

Vote: Passed 4 - 0

6) **Agenda items to be scheduled by the Chair:**

- Other business: elect officers: The Development Review Board elected Dave Frothingham, Chair; Dave Rogers and Tom Kinley, Co-vice Chairs.
- The meeting was adjournment at 7:53 p.m.

Next meetings:

Wednesday, July 18, 2018, 6:30 p.m.

#39-18 Ari Fishman (applicant) 179 Guptil Road LLC (owner)

Wednesday, August 1, 2018, 6:30 p.m.

(None scheduled, no applications received by submittal date.)

David L Frothingham
(Chair) (Vice-Chair) (~~Acting Chair~~)

Approved: 7/18/2018

These minutes were approved on July 18, 2018

**Town & Village of Waterbury
Development Review Board
Decision, #58-18 ■ July 11, 2018**

Attending: Dave Frothingham (Chair); Tom Kinley, Mike Bard, and Dave Rogers. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

Owner/Applicant:	Carol O'Neil	
Address/Location:	92 Stowe Street, Waterbury, VT	
Zones:	Mill (MIL) and Special Flood Hazard Area (SFHA) overlay	
Application #	58-18	Tax Map # 19-084.000

Applicant Request

The applicant seeks approval to add a dwelling unit and an external stair to an existing commercial building, located at 92 Stowe Street.

Present and sworn in:

Bud Wilson, Architect
Carol O'Neill applicant

Exhibits

- A: Application #58-18 (3 pp: Zoning, Site Plan), dated 5/25/18.
- B: Floor Plans (A1.1) and Elevations (A2.1), prepared by Wilson Architects, dated 5/22/18.
- C: Site Plan (SP.1), prepared by Wilson Architects, dated 5/22/18.
- D: Aerial photo of parcel in its neighborhood and with SFHA. (staff)
- E: Google street views of building. (staff)
- F: Prior PC/ZBA minutes/decisions, #01-09-V and #03-98-V, for reference.
- G: Letter to adjoining landowners, mailed certified on 6/19/18

Findings of Fact

1. Existing conditions: Carol O'Neill owns a 0.75± acre (32,670 SF) parcel located at 92 Stowe Street. The property is developed with an existing two and one-half story building, access drive, and parking areas. The property is served by municipal water and wastewater systems, and includes frontage on, and access to Stowe Street. The parcel is located in the Mill (MIL) zoning district and the Special Flood Hazard Area (SFHA) overlay.

Background: The existing mixed-use building of 5,400 SF includes restaurant, office, apartment, and pottery/craft studio (permits #03-98-V and #01-09-V, Exhibit F). Although the third floor was approved to be renovated for an apartment, it remains unfinished, and the approvals/zoning permits have expired.

2. Proposal: The project includes renovating the existing attic space into a two-bedroom apartment to be owner-occupied and an external stair to serve the 2nd and 3rd floors.

3. Table of Uses, Section 503: A single-family dwelling is a permitted use in the MIL zoning district.
4. Site Plan Review and Approval, Section 301: No change is proposed to the dimensions of the enclosed space of the existing structure or the parking area. The site plan criteria were reviewed and approved previously for restaurant, office, apartment, and pottery/craft studio (Exhibit F). The current project involves establishing a use that affects parking.

Parking Regulations, Section 414: The site plan (Exhibit C) shows 26 total parking spaces, including 2 handicapped spaces. The parking requirements are as follows:

- (a) 40-seat restaurant, 6 staff: 1 PS/ev. 3 seats + 1/ea. staff.....requires 20 parking spaces;
- (b) 1400 SF 2nd floor office: 1 PS/300 SF (1400 ÷ 300):requires 5 spaces
- (c) 1 staff pottery/craft studio and < 100 SF retail: 1 PS/staff + 1/retail space:.....requires 2 spaces
- (d) 1 dwelling unit of 2 bedrooms: (1.5 PS /each dwelling unit).....requires 2 spaces
- Total required:..... 29
- Total provided:..... 26

Previous approvals have approved, as per Section 414(e)(2) that the restaurant has opposite hours from the daytime uses of office and retail. Therefore, 22 parking spaces (restaurant + dwelling) are needed at night; 9 spaces (office, retail, & dwelling) are needed during the daytime. (Residential parking must be available at all times.)

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Carol O’Neill to add a dwelling unit and an external stair at 92 Stowe Street, as presented in application #58-18 and supporting materials, meets the Site Plan review criteria as set forth in Section 301, Site Plan Review.

Decision Motion:

On behalf of the Waterbury Development Review Board, Mike Bard moved and Tom Kinley seconded the motion to approve application #58-18 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 proposes outside lighting shall be downcast and shielded.
- (3) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in permits #03-98-V and #01-09-V.

Vote: Passed 4-0



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



(date)

This decision was approved on July 18, 2018.

Additional 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
Approved Hearing Minutes, #64-18
July 11, 2018**

Attending: Dave Frothingham, Chair; Tom Kinley Mike Bard, Dave Rogers, Bud Wilson

Staff present: Dina Bookmyer-Baker, (ZA) and Patti Spence (Secretary).

Applicant/Owner/:	CBD Vermont LLC (applicant) / Joel Baker (owner)	
Address/Location:	1930 Waterbury-Stowe Road, Waterbury Center, VT	
Zones:	Route 100 (RT100)	
Application #	64-18	Tax Map # 13-116.000

Applicant Request

The applicant seeks approval to use the first floor of an existing commercial structure, located at 1930 Waterbury-Stowe Road, to include retail, business office, and light industry activities.

Present and sworn in:

Joel & Michelle Baker, Property Owners
Doug Bell, Owner CBD Vermont LLC
Chris and LeeAnne Viens, Neighbors
Alyssa Johnson, Economic Development Director

Exhibits

- A: Application #64-18 (5 pp: Zoning, Site Plan, Conditional Use), dated June 11 & June 20, 2018.
- B: Project narrative, prepared by Sterrett Law, PLC, dated 6/11/18.
- C: Site Plan (Sheet 1 of 1), prepared by McCain Consulting Inc., dated August 21, 2008, revised 12/7/16.
- D: Floor Plan (Sheet A-1), prepared by Big Time Builders/Joseph Architects, dated 4/13/15.
- E: Prior DRB decision, #72-16-T, meeting date December 7, 2016, for reference.
- F: Aerial photo of parcel in its neighborhood. (staff)
- G: Letter to adjoining landowners, mailed certified on: June 22, 2018

Findings of Fact:

1. Existing conditions: Joel and Michelle Baker own a 3.8± acre parcel located at 1930 Waterbury-Stowe Road. The property is developed with an existing two-story building, pole-barn, access drive, and parking areas. The property is served by private well and septic, includes 400± feet of frontage, and has driveway access to Route 100. The parcel is located in the Route 100 (RT100) zoning district.

Background: The existing commercial building of 5,625 square feet, was approved for construction and for business professional office and retail sales/service uses in February 2016 (zoning permit #05-16-T). The upper level was approved for a fitness facility in December 2016 (ZP # 72-16-T, Exhibit E).

2. Proposal: The project makes no change to the approved building size or location, but proposes to lease the ground floor space to CBD Vermont for a combination of retail, business office, and light industry uses as follows: 1,500 SF for retail, 500 SF for office, and 1,000 SF for light industry (hemp extraction).
3. Table of Uses, Section 503: The business of hemp extraction meets the definition of light industry, which is a conditional use in the RT100 zoning district.

(definition) Light Industry: An enterprise engaged in the manufacture, assembly, or handling of goods that does not result in the emission of pollutants into the air or water, noise discernible from outside a building, heavy truck traffic, the use of water in the manufacturing process, the production of waste other than from employees' toilets, outside storage of goods or materials, or other similar impacts.

4. Site Plan Review and Approval, Section 301:

No change in the pedestrian access to, or the exterior dimensions of, the existing structure or the parking areas is proposed. The site plan criteria were reviewed and approved previously for retail, office, and indoor recreation (Exhibit E). The current project involves establishing a new use that affects parking.

Parking Regulations, Section 414: The site plan (Exhibit C) shows 25 total parking spaces (22 standard and 3 handicapped). In addition, the open area in front of the pole-barn can provide overflow parking for 10–12 spaces as previously approved. The parking requirements are as follows:

- (a) Fitness facility: 40 attendees and 2 staff (maximum): requires 12 parking spaces;
- (b) Office/retail use: 1 space for every 300 SF of floor area (2000 ÷ 300):requires 7 spaces
- (c) Industrial use: 1 space for every employee (4 employees):.....requires 4 spaces
- Total required: 23
- Total provided: 25 + 10 overflow

5. Conditional Use criteria, Section 303: The proposed light industry is a conditional use in the Route 100 zoning district. Prior to granting approval, the Board must find that the proposed use conforms to the following general and specific standards:

- (a) Section 303(e)(1) Community facilities: The project is commercial and makes no expansion to the building footprint or the parking requirement. The property is served by private water and wastewater systems.
- (b) Section 303(e)(2)(A–E) Character of the area: No exterior changes are proposed to the previously approved structure.
- (c) Section 303(e)(3) Municipal bylaws in effect: The proposed use is before the Board for approval and 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 application states that the equipment is located indoors, is quiet, and emits almost no odor. No devices or special methods are described to control the above-named 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 Joel Baker and CBD Vermont LLC to conduct retail, office, and light industry uses at 1930 Waterbury-Stowe Road, as presented in application #64-18 and supporting materials, meets the Site Plan and Conditional Use criteria as set forth in Sections 301 and 303.

Decision Motion:

On behalf of the Waterbury Development Review Board, Mike Bard moved and David Frothingham seconded the motion to approve application #64-18 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) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in permits #05-16-T and #72-16-T.

Vote: Passed 4 - 0



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



(date)

This decision was approved on July 18, 2018.

Additional 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.

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