

**WATERBURY DEVELOPMENT REVIEW BOARD**  
**General Minutes —October 3, 2018**

Members: Dave Rogers, Acting Chair, Tom Kinley, Mike Bard, Bud Wilson, Andrew Strniste.

Staff present: Dina Bookmyer-Baker, (Zoning Administrator) 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. (*Meeting will be audio recorded.*) The presented agenda was approved.

- 1) **#94-18: Lawrence Swanson** (applicant), **Usine, LLC, Manuel Alves** (owner)  
Site Plan and Conditional Use review, and the review of additional informational and directional signage, for an approximately 500 sq. ft. commercial kitchen and tasting room located at the existing Artisan Coffee building at 11 Cabin Lane, Waterbury Center, VT. (RT100/SFHA zoning and overlay districts)

Hearing minutes, conclusion and decision under separate hearing specific minutes.

- 2) **#95-18: Dan Fuller & Elysa Walk** (owner/applicant)  
Boundary-line adjustment of Lots 7 & 10; Ridgeline/Hillside/Steep Slope review to construct a primary single-family dwelling and a barn with an accessory dwelling unit on Lot 10 Stagecoach Lane, Waterbury Center, VT. (CNS/RHS zoning and overlay districts)

Hearing minutes, conclusion and decision under separate hearing specific minutes.

- 3) **#96-18: Dave Lachtrupp** (applicant), **Ripley Springs, LLC** (owner)  
Subdivision and Ridgeline/Hillside/Steep Slope review to re-approve a two-lot subdivision in the Wood Farm Road subdivision project to create Lot 3 located on Stagecoach Lane, Waterbury Center, VT. (CNS/RHS zoning and overlay districts)

Hearing minutes, conclusion and decision under separate hearing specific minutes.

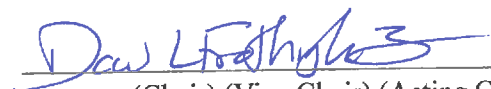
4) **Agenda items as scheduled:**

Review minutes and decisions from previous meeting:

Tom Kinley moved and Bud Wilson seconded to approve the general minutes of 9/19/18, as corrected.

**Next meetings:** 6:30 p.m., Wednesdays, October 17 and November 7, 2018.

**Adjournment:** The meeting was adjourned at 8:15 p.m.

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

Approved on: 10/12/18  
(date)

**Town & Village of Waterbury**  
**Development Review Board**  
**Decision #94-18 ■ October 3, 2018**

**In Attendance:** Board members present: Dave Rogers (Acting Chair), Tom Kinley, Mike Bard, Bud Wilson, and Andrew Strniste. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary). Alyssa Johnson (Economic Development Director) was also present.

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Applicant/Owner/:	Laurence Swanson (applicant) / Usine, LLC, Manuel Alves (owner)	
Address/Location:	11 Cabin Lane, Waterbury Center, VT	
Zones:	Route 100 (RT100) / Special Flood Hazard Area (portions)	
Application #	094-18	Tax Map # 09-037.000

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**Applicant Request**

The applicant seeks approval of additional informational and directional signage for WhistlePig Whiskey, as well as a separate tasting room and commercial kitchen within the existing Artisan Coffee building at 11 Cabin Lane.

**Present and sworn in:**

Lawrence Swanson, applicant  
Andy Gordon, neighbor

**Exhibits**

- A: Application #94-18 (6 pp: Zoning, Sign, Site Plan, Conditional Use), dated 8/31 & 9/14/18.  
—Applicant submitted a floor plan of the retail space and tasting room at the Oct. 3 hearing.
- B: Project narrative, prepared by Laurence Swanson, dated 8/31/18.
- C: Signage descriptions, prepared by Wood and Wood, dated August 29, 2018.
- D: Sign specifications, prepared by Sparky Potter Design Group/Wood and Wood, dated 8/30 & 8/31/18.
- E: Aerial photo of parcel in its neighborhood. (staff)
- F: Letter to adjoining landowners, mailed certified on: September 14, 2018

**Findings of Fact:**

1. Existing conditions: Usine, LLC owns a 7.6± acre lot located at 11 Cabin Lane. The property is developed with a 14,452 SF one- and two-story building and parking areas. The property is served by private well and septic, includes 670± feet of frontage on Route 100, and has driveway access, via a 50' right-of-way to Cabin Lane. The parcel is in the Route 100 (RT100) zoning district.

Background: The existing commercial building was approved in December 2014 (ZP #64-14-T) to include coffee-roasting, tasting lab, classroom, and café for the VT Artisan Coffee & Tea Company.

2. Proposal: The project makes no change to the exterior dimensions of the approved building or its location but proposes to lease approximately 500 SF of interior space to WhistlePig Whiskey to include retail space and a tasting room. The project also includes installing additional interior directional and instructional signage. The whiskey will not be crafted on the premises.

3. Table of Uses, Section 503. Retail store/service and restaurant/bar are conditional uses in the RT100 zoning district.
  
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 light industry, restaurant/bar, and commercial school. The current project involves establishing a new use that affects parking.
  
5. Parking Regulations, Section 414: The previously-approved uses required 18 parking spaces and the site plan provided 37 total parking spaces. The parking requirements for the proposed uses are as follows:
  - (a) Retail: 1 space for every 300 SF of floor area ( $300 \div 300$ ): ..... requires 1 parking space;
  - (b) Restaurant/Bar: 1 space/every 3 seats (3 seats): ..... requires 1 space;  
 + 1 space/every employee (1-2 employees): ..... requires 2 spaces.
  - Total required (18 for Vt Artisan Coffee) + (4 for WhistlePig Whiskey): ..... 22
  - Total parking spaces provided: ..... 37 (35 standard and 2 handicapped)
  
6. Conditional Use criteria, Section 303: The proposed retail store/service and restaurant/bar are conditional uses in the Route 100 zoning district. Prior to granting approval, the Board considered 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 and fits within the approved parking plan. The property is served by private water and wastewater systems. 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: No exterior changes are proposed to the previously approved structure. The Board concludes that the project is appropriate in scale in relation to existing uses 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 Applicant has obtained the necessary state licenses. The proposed use is before the Board for approval and will not violate any municipal bylaws and ordinances in effect. 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 product will not be crafted on the premises; it will be available to sample and purchase. The activity will be conducted indoors. The Board concludes that no devices or special methods are necessary to prevent or 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.
  
7. Signs in the Route 100 (RT100) District, Section 802.2(g) states, *“Additional sign square footage...may be permitted for nonresidential properties of more than five acres by the DRB as part of site plan approval. The purpose of this additional sign square footage must be primarily directional or informational, and it shall be located on interior portions of the property and not be primarily visible*

from public roads.” The property is nonresidential and is greater than five acres. The proposal includes placing five signs, four of which (A–D) meet the type and location requirements in Section 802.2(g). However, Sign (E) is proposed to be placed underneath the Vermont Artisan Coffee road-side sign, which is not an interior location and would be primarily visible from Route 100. Furthermore, the proposed size of Sign (E) is 11 SF, which makes total size of the road-side sign greater than 40 SF. Section 802.2(d) states that “no sign shall be larger than forty (40) square feet.” The Board cannot approve proposed sign (E).

**Conclusion:**

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Lawrence Swanson and Usine LLC to place additional informational and directional signage, with the exception of Sign (E), and to open a separate tasting room and retail store for WhistlePig Whiskey within the existing VT Artisan Coffee building at 11 Cabin Lane, as presented in application #94-18 and supporting materials, meets the Site Plan, Conditional Use, and Signage in the Route 100 District criteria as set forth in Sections 301, 303, and 802.2.

**Decision Motion:**

On behalf of the Waterbury Development Review Board, Mike Bard moved, and Tom Kinley seconded the motion to approve application #94-18 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 #64-14-T and #76-16-T.
- (3) This approval specifically excludes proposed sign (E), as it is too large and primarily visible from Route 100.

**Vote:** The motion was approved 5–0.

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

Approved: 11/21/2018  
\_\_\_\_\_  
(date)

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  
Decision #95-18 ▪ October 3, 2018**

Members: Dave Rogers (Acting Chair), Tom Kinley, Mike Bard, Bud Wilson, and Andrew Strniste.  
Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

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Owner/Applicant:	Dan Fuller & Elysa Walk	
Address/Location:	Lots 7 & 10 Stagecoach Lane, Waterbury Center, VT	
Zones:	Conservation (CNS) and Ridgeline/Hillside/Steep Slope (RHS) overlay district	
Application #	95-18	Tax Map # 14-065.990

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**Applicant Request**

The applicant seeks approval for a boundary-line adjustment between Lots 7 and 10 and to construct a primary single-family dwelling and a barn with an accessory dwelling unit on Lot 10 Stagecoach Lane in the Conservation (CNS) zoning district and Ridgeline/Hillside/Steep Slope (RHS) overlay district.

**Present and sworn in:**

Dan Fuller (applicant), Chris Austin (consultant)

**Exhibits**

- A: Applications #95-18 (8 pp: Zoning, Subdivision, Conditional Use, Overlay District), dated 8/31/18.
- B: Project narrative, prepared by Grenier Engineering, dated August 31, 2018.
- C: Overall SP and Site Plan of Lots #7 & #10, prepared by Grenier Engineering, dated 8/30/18.
- D: Floor plan sketch of proposed 1-bedroom apartment, prepared by Grenier Engineering, dated 9/18/18.
- E: Elevations of proposed primary dwelling, prepared by Jennifer Lane, dated 8/29/18.
- F: On-site photo, submitted by Grenier Engineering, dated 8/31/18.
- G: Orthophotos and parcel map of the lot and zoning districts. (Staff).
- H: Letter to adjoining landowners, mailed certified on: 9/14/18.
- I: WW-5-4833-6 State Wastewater and Water Supply Permit, issued 9/26/18.

**Findings of Fact:**

1. Existing conditions: Dan Fuller & Elysa Walk own two undeveloped parcels, Lots 7 & 10 on Stagecoach Lane in the Conservation (CNS) zoning district and the Ridgelines/Hillsides/Steep Slopes (RHS) overlay district. Each lot is at least 10 acres in area. The lots were previously approved by zoning permit #43-13-T. Each lot has driveway access to Stagecoach Lane, a private road. The lots have been cleared in accordance with the prior approval. The lots will be served by a private well and an on-site septic system.
2. Proposal: Only Lot 10 is proposed for development at this time. The applicant seeks a boundary-line adjustment between Lots 7 and 10 for better siting of the proposed structures on Lot 10. The acreage being exchanged between the two lots is equal (0.53± acres); therefore, there will be no change in the lot sizes (Exhibits B, C). In the prior approval, the access drives, easements and clearing limits were approved. No new clearing is proposed. Lot 10 is proposed for a single-family dwelling and a barn with an accessory dwelling.

3. The lots are in the RHS overlay district below 1500 FIE, which classifies this project as a minor development application. See Applicant's project narrative (Exhibit B) for compliance with the conditional use and RHS standards.

**Conclusion:**

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Dan Fuller & Elysa Walk for a boundary-line adjustment between Lots 7 and 10, and to construct a primary single-family dwelling and a barn with an accessory dwelling unit on Lot 10 Stagecoach Lane, as presented in application #95-18 and supporting materials, meets the Conditional Use and RHS Overlay District standards as set forth in Sections 303 and 1004.

**Motion:**

On behalf of the Waterbury Development Review Board, Mike Bard moved and Tom Kinley seconded the motion to approve applications #95-18 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 exterior lighting will be downcast and shielded.
- (3) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in permit #43-13-T.
- (4) The property owner must occupy either the primary dwelling or the accessory dwelling to maintain this approval; otherwise the dwelling unit loses its status as an accessory dwelling and must be approved as a standard dwelling.
- (5) The applicant shall follow Erosion Protection and Sediment Control measures during construction.

Vote: The motion passed 5-0.

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

  
\_\_\_\_\_  
(date)

This decision was approved on: October 17, 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](mailto: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 of Waterbury  
Development Review Board  
Decision #96-18 - October 3, 2018**

**In Attendance:** Board members Dave Rogers, (Acting Chair), Tom Kinley, Mike Bard, Bud Wilson, and Andrew Strniste. Staff present: Dina Bookmyer-Baker (ZA) and Patti Spence (Secretary).

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Owner/Applicant:	Dave Lachtrupp (applicant), Ripley Springs, LLC (owner)
Address/Location:	Ripley Springs land on Wood Farm Rd. and off Stagecoach Ln., Waterbury Center.
Zones:	Conservation (CNS) and Ridgelines/Hillsides/Steep Slopes (RHS) overlay district
Application #	096-18 <span style="float:right">Tax Map # 14-084.080</span>

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**Applicant Request**

The applicant seeks approval for a two-lot subdivision creating 10.5-acre Lot #3, a remaining 10.6-acre parcel, and 78.8 acres of remaining lands off Wood Farm Road and Stagecoach Lane, Waterbury Center, VT in the Conservation zoning district and Ridgeline, Hillside, Steep Slope overlay district.

**Present and sworn in:**

Dave Lachtrupp (owner/applicant)  
George Pierce (neighbor)

**Exhibits**

- A: Permit Application #96-18 (7 pages)
- B: Overall Site Plan, dated 9/28/18
- C: Lot 3 Overall Site Plan for Lot #3, dated 9-28-18
- D: ANR Natural Resource Atlas maps of Lot #3 and overall property, dated 8-11-15
- E: Wildlife Resource Assessment, amended March, 2010
- F: Prior DRB decision #39-14-T for clearing of Lot #3, dated 10-1-14
- G: Prior DRB decision #48-15-T for subdivision of Lot #3, dated 9-19-15
- H: Notice sent to adjacent landowners, dated 9-17-18.

**Findings of Fact**

1. The existing 99.9-acre parcel is located off Wood Farm Road and Stagecoach Lane and is within the Conservation zoning district and the Ridgeline, Hillside, Steep Slope overlay district.
2. House Site #3 will be accessed off of Stagecoach Lane and portions of the lot are above 1,500' in elevation. The remaining 10.6-acre lot is not proposed for development review in this application.
3. The Conservation zoning district requires a minimum lot size of 10 acres. The zone also requires building setbacks of 100 feet to all property lines. The site plan depicts that House Site #3 will meet the setback requirement.
4. House Site #3 is located between 1500 and 1530 feet in elevation (approx.), 7 therefore is classified as "major" development. Specific residential structures are not proposed for approval in this application.


5. Applicant's Lot #3 Overall Site Plan (Exhibit C) shows previously-approved home site as well as the view-corridor cutting. This application makes no change to the approved site clearing and preparation.
6. The applicant previously submitted an erosion plan and a visibility study for the home site that were included with zoning permit application #39-14-T.
7. Major development projects in the Ridgeline, Hillside, Steep Slope overlay district are subject to review by the Development Review Board.

**Conclusion:** Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Ripley Springs LLC for a two-lot subdivision creating 10.5-acre Lot #3, a remaining 10.6-acre parcel, and 78.8 acres remaining land off Wood Farm Road and Stagecoach Lane, as presented in application #96-18 and supporting materials, meets the Ridgelines/Hillsides/Steep Slopes and Subdivision criteria as set forth in Sections 1004 and 1202.

**Decision Motion:** On behalf of the Waterbury Development Review Board, Mike Bard moved and Tom Kinley seconded the motion to approve application #96-18-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) Future development is subject to review by the Board for compliance with the RHS criteria.
- (3) Except as amended herein, this approval incorporates all Findings of Fact, Conclusions of Law, and Conditions in zoning permit approval #39-14-T.
- (4) The Applicant shall submit the final plat, prepared in accordance with 27 V.S.A. § 1403, to the Zoning Administrator within 150 days of the approval date of this decision to be scheduled for Development Review Board approval. The approved final plat, signed by the DRB Chair (or Acting Chair), shall be duly filed or recorded in the office of the Clerk of the Town of Waterbury within 180 days from this approval, in accordance with 24 V.S.A. § 4463.

**Vote:** The motion was approved 5-0.

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

Approved: 10/17/18  
(date)

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](mailto:pete.kopsco@vermont.gov), and the appropriate state agencies to determine what permits must be obtained.

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