

WATERBURY DEVELOPMENT REVIEW BOARD
Approved General Minutes —December 19, 2018

Members: Dave Frothingham, Chair, Bud Wilson, Andrew Strniste, Mike Bard, Dave Rogers

Staff present: Dina Bookmyer-Baker (Zoning Administrator), Steve Lotspeich (Community Planner), 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.

1) **#124-18: Peter Hack, dba Civil Property Investments LLC** (owner/applicant)
Setback waiver request to construct a residential addition within the setback at 10 Turner Court, Waterbury, VT. (VR zoning district)

Hearing minutes and decision are separate.

2) **#129-18: Ion Science Inc.** (applicant), **Quinland Properties II** (owner)
Site Plan to change the use of a portion of the existing building from fitness facility to business professional office at 53 North Main St., Waterbury, VT (VNC zoning district)

Hearing minutes and decision are separate.

3) **#125-18: Schindler Development Corporation** (owner/applicant)
Subdivision and Ridgeline/Hillside/Steep Slope review for a four-lot subdivision to create four new residential lots on Bear Creek Lane, Waterbury Center, VT. (CNS/RHS zoning/overlay districts)

The hearing was continued to January 9, 2019 at 7:30 pm.

Other Business:

Sketch review: Caleb Ainsworth, Ainsworth Associates LLP (potential buyer), KCOS Holdings LLC (owner), 0 US Route 2 (parcel 010-1295), with plans to construct two duplex buildings with 3 bedrooms per dwelling unit, and garages. (MDR/SFHA)

Present: Caleb Ainsworth

Final plat review: #104-18, Joseph Duffy, 2-lot subdivision & revised building zone for Lot E Ripley Rd/Wood Farm Rd (CNS/RHS). DRB hearing: 10/17/18; decision approved: 11/21/18; final plat due: 5/20/2019 (180 days).

Motion: Mike Bard moved and David Rogers seconded the motion to approve the Final Plat for App. #104-18, Joseph Duffy, 2-lot subdivision & revised building zone for Lot E Ripley Rd/Wood Farm Rd.

Vote: Motion approved 5-0

Review minutes and decisions from previous meeting:


Dave Rogers moved and Andrew Srniste seconded the motion to approve the general minutes of 12/05/18 and the hearing decision for permit application # 115-18.

Other business:


Steve Lotspeich discussed the issue regarding the lot located at 18 Elm Street per application #123-18. The issue pertains to the different delineations of the boundary between the Downtown Commercial and the Village Residential Zoning District that divides the lot. The DRB agreed with the method outlined by staff for determining the boundary based on the measurements from the Town's on-line parcel mapping system. The DRB agreed that Planning Commission input on this issue is not necessary. Staff will inform the consultant about the recommended approach to delineating the boundary and have them revise the site plan that is part of the application.

Adjournment. The meeting adjourned at 8:55pm

Next meetings: Wednesday, January 9, 2019, and Wednesday, January 16, 2019,



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



(date)

**Town & Village of Waterbury
Development Review Board
Approved Hearing Decision, #124-18
December 19, 2018**

In Attendance: Board members present: David Frothingham (Chair), Dave Rogers, Mike Bard, Bud Wilson, Andrew Strniste

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

Owner/Applicant:	Peter Hack, dba Civil Property Investments LLC	
Address/Location:	10 Turner Court, Waterbury, VT	
Zone:	Village Residential (VR)	
Application #	124-18	Tax Map # 19-194.000

Applicant Request

The applicant seeks approval to construct a residential addition within the setback at 10 Turner Court, Waterbury, VT.

Present and sworn in:

Peter Hack, Owner/Applicant

Exhibits

- A: Application #124-18 (3 pages: zoning and conditional use), submitted 11/8/18 & 11/19/18; Applicant's Site Plan on Exhibit A2.
- B: Photograph of house with deck addition by Applicant, submitted 11/19/18.
- C: Parcel map with orthophoto base layer of individual lot and vicinity (Staff 11/8/18).
- D: Letter to adjoining landowners, mailed certified: 12/3/18.

Findings of Fact

1. Existing conditions: Peter Hack owns a 0.11 acre (4,792 SF) parcel located at 10 Turner Court in the Village Residential (VR) zoning district. The lot is currently developed with a one and 1/2-story single-family dwelling, built in 1920, and a small toolshed (*Village Zoning Regulations* were enacted ~1973). The lot has driveway access to, and possibly a corner of frontage on, Turner Court - a private road off of Railroad Street. The lot is served by municipal water and sewer systems. The house appears to be located in the rear and southerly side setbacks, being approximately 4' (rear) and 6' (side) from the rear and side property lines, respectively. (Applicant's Exhibit A3)
2. Project: The proposal is to construct two decks on the front of the house. Each deck will continue the side lines of the house with respect to the side property lines. There will be no change to the rear building dimensions. The project appears to meet the setback to the front property line. The northerly deck and

stairs addition will be 8' x 8' (64 SF); the southerly deck will be 4' x 12' (48 SF). The new deck to the South will be located 6' from the nearest side property line, according to Applicant's Exhibit A3.

3. VR Dimensional Requirements, Table 5.2: Minimum lot area: 10,000 SF (one-family); setbacks: 30' front/rear, 10' sides. The lot does not meet the minimum lot size and the existing house is located 6' from the side property line. The southerly deck addition will be located 6' from the side property line, coming no closer than the house.
4. Waiver Request: The setback waiver request is to encroach into the side-yard setback by 4 feet (10' side setback requirement minus 6' from the side property line = 4' encroachment).
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 must find that the proposal conforms to the following general and specific standards:
 - (a) Section 303(e)(1) Community facilities: No increase in occupancy and no change in the residential use of the property is proposed. This residential addition does not require municipal water or sewer allocation, will not burden the school capacity, and will not increase the demand for fire protection.
 - (b) Section 303(e)(2)(A–E) Character of the area: The use of the property will remain residential. The decks sizes will not support large gatherings. No additional exterior lighting is proposed.
 - (c) Section 303(e)(3) Municipal bylaws in effect: The use of the property will remain residential. The deck will not increase the distance of encroachment. The project application presents compliance with the conditional use criteria.
 - (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.
 - (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:

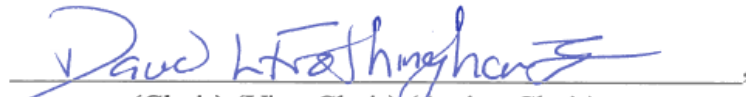
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Peter Hack to construct a residential addition 4' within the side yard setback, for a 4' x 12' deck, at 10 Turner Court, as presented in application #124-18 and supporting materials, meets the Waivers and Conditional Use criteria set forth in Sections 309 and 303.

Decision Motion:


On behalf of the Waterbury Development Review Board, Mike Bard moved and Dave Rogers seconded to approve application #124-18 with the following condition(s):

- (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 shall be downcast and shielded.

Vote: Passed 5 - 0



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



(date)

This decision was approved on: January 9, 2019

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 DRB Hearing Decision, #129-16-V
December 19, 2018**

In Attendance: Board members present: David Frothingham (Chair), Dave Rogers, Mike Bard, Bud Wilson, Andrew Strniste

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

Applicant:	Ion Science	
Owner:	James Quinn, Quinland Properties Two LLC	
Address/Location:	53 North Main Street, Waterbury, VT	
Zoning District:	Village Neighborhood Commercial (VNC)	
Application #	129-18	Tax Map # 19-022.000

Applicant Request

The applicant seeks approval to change the use of a portion of an existing commercial structure from a fitness facility to business professional offices at 53 North Main Street.

Present and sworn in:

Justin Blackman, Applicant
James Quinn, Landowner

Exhibits:

- A: Application #129-18 (3 pp: Zoning Permit & Site Plan), submitted 11/26/18
- B: Site Plan prepared by applicant and previous Site Plan (#39-16-V) prepared by owner
- C: Lister card, floor plan sketch, and photos.
- D: Aerial photo of parcel in its neighborhood and Google Street View photos. (staff)
- E: Copy of decision for zoning permit #30-16-V for reference. (staff)
- F: Letter to adjoining landowners, mailed certified on: 12/04/18.

Findings of Fact:

1. Existing conditions: Quinland Properties Two 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: The existing commercial building of 7,719± SF was previously used as a car dealership, which was converted to retail and shop area for a commercial rental business. In 2014 a portion of the building (the garage/shop area) was approved to be used for a gym/fitness facility. In 2016 the space proposed to be used by Ion Science was also approved as a gym/fitness facility (#30-16-V, Exhibit E).

2. Project scope: The proposal makes no change to the building exterior, but proposes to change the use of 1,454 SF of floor area from a gym/fitness facility to business professional offices and reconfigure the previously approved parking area layout. (Exhibits A2, E).
3. Table of Uses, Section 503: A business professional office is defined as: *“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.”* Business professional office is a permitted use in the VNC 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 is proposed; the project involves a change of use and reconfiguring the parking layout. 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. See compliance with the parking regulations in Section 414, below. No change is proposed to the paved surface of the parking areas. (as depicted on Exhibit B2).

No dumpster or refuse container is shown; Owner states that none is provided as the property has permission to use the dumpster across the street (Crossroads Deli). Provisions for snow-storage are not shown; Owner states that snow will be stored in the green spaces (in the northerly corner next to Butler Street and the north-easterly corner closest to the neighboring apartment building).

- c. Landscaping, screening, and lighting, Section 301(f)(3) (A-F): The site is developed; the parking layout is proposed to be reconfigured, but does not expand the existing parking area. Green space, landscaping, and raised planters exist on the site.
- 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. These provisions do not apply.

5. Parking Regulations, Section 414(b): The previous approval for Crossfit in 2014 (Exhibit E) allocated 14 parking spaces to the fitness facility that would occupy 2,300 SF of floor area, which would accommodate a maximum class size of 12 with 2 employees. Four parking spaces were allocated to the existing retail space, Valley Rental All, which included the rear storage area. The site plan submitted with this application shows 3,200 SF of floor area that is now allocated to Crossfit. The class size and number of staff has not increased as a result of Crossfit occupying more floor space (900± SF) than what was approved in 2014 (Landowner testimony).

Parking requirement summary: Crossfit has been allocated 14 spaces; Studio Zenith previously required 13 spaces, and Pack and Park requires 1 space, for a total of 28 parking spaces required. The site plan shows 24 parking spaces, including one handicapped-access space. The parking spaces measure at least 9' by 18' and all have unobstructed access. Ion Science will require five parking spaces ($1,454/300 = 4.85$) versus the 13 spaces required for the previous tenant that occupied the same space (Studio Zenith). This is a reduction of eight spaces resulting in a total requirement of 20 parking spaces for the building.

Conclusion:

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the Ion Science request to change the use of a portion of an existing commercial structure from a gym/fitness facility to business professional offices at 53 North Main Street, as presented in application #129-16-V and supporting materials, meets the Site Plan criteria set forth in Section 301. With the reduction in the parking requirement for the building from 28 to 20 spaces, the proposal meets the parking criteria in Section 414, and no allocation of public parking spaces is required to meet the parking requirement.

Motion:

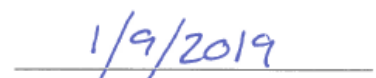
On behalf of the Waterbury Development Review Board, Mike Bard moved and Dave Rogers seconded to approve application #129-18 with the following conditions:

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

Vote: Passed 5 - 0



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



(date)

This decision was approved on January 9, 2019

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.