

**WATERBURY DEVELOPMENT REVIEW BOARD**  
**General Minutes —January 9, 2019**

Board members present: David Frothingham (Chair), Dave Rogers, Mike Bard, Bud Wilson, and Andrew Strniste. Staff present: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Spence (Secretary). Alyssa Johnson (Economic Development Director) was also present.

Dave Frothingham, Chair, opened the meeting at 7:30 p.m. in the Steele Community Room in the Municipal Center, 28 North Main Street, Waterbury, VT. The meeting was audio recorded. The agenda was approved as presented.

1) **#131-18: Noah Tautfest** (owner/applicant)

Setback waiver request to construct a single-family dwelling and detached garage with an accessory dwelling unit within the setback at 0 Maggies Way (parcel 760-0875), Waterbury Center, VT. (LDR zoning district)

The location of the septic system relative to the setback request was discussed. The Board requested that the required setback be shown on the Site Plan. The presence of hydric soils and possibly wetland in the vicinity of the driveway was discussed. The Board requested the applicant to provide the report from the wetland biologist that there wasn't a wetland in the area at issue. The Board requested information from the septic engineer advising whether alternate locations for the septic field were or were not considered.

The Board continued the hearing to Jan. 16, 2019 at 6:30 p.m.

2) **#133-18: Brian Leven/Furst Management Ventures LLC** (applicant/owner)

Site Plan/Conditional Use review for commercial parking and additional signage at 14 South Main Street, Waterbury, VT. (DC/DDR-HC/SFHA)

**Present:**

Brian Leven, Owner/applicant representative  
Alyssa Johnson, Economic Development Director  
Katya d'Angelo, Resident

**Testimony:**

There are six shielded and downcast lights (not currently utilized). The parking lot will operate 24 hours. The applicant stated that if additional lighting is needed, it will be downcast and shielded.

The Board approved the project with conditions and will issue a written decision within 45 days.

3) **#123-18: Ben and Jeremy Ayers** (applicant), **Ayers Family Legacy LLC** (owner)

Site Plan, Conditional Use, and Special Flood Hazard Area review for a change of use to existing structures to add three dwelling units and an espresso shop at 18 Elm Street, Waterbury, VT. (DC/VR/SFHA zoning/overlay districts) —*Continued from 12/5/2018.*

The applicants presented further updates. The parking spaces near the neighbor's yard were reduced to one parking space. The neighbors should be apprised of this change, which differed from the Applicant's testimony presented at the 12/5/18 review meeting, which was the Randall Street curb-cut would not be used. Otherwise, the # of parking spaces presented meets the

requirements for the uses proposed.

The Board continued the hearing to Wed., March 6, 2019 at 6:30 p.m. for flood hazard review.

- 4) **#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)  
—*Applicant requested to continue the review to 1/16/2019.*

The Board granted Applicant's request and continued the hearing to Jan. 16, 2019 at 6:30 p.m.

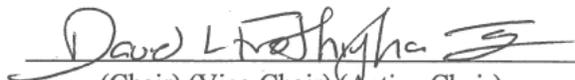
5) **Agenda items as scheduled by the Chair:**

- Review minutes and decisions from previous meeting (Dec. 19):  
Mike Bard moved and Dave Rogers seconded the motion to approve the general minutes from December 19, 2018 and the decisions for applications #124-18 and #129-18, as amended.  
Vote: Motion approved: 5-0.

**Next meetings:**

- Wednesday, January 16, 2019, 6:30 p.m.
- Wednesday, February 6, 2019, 6:30 p.m.

**Adjournment:** The meeting was adjourned at 9:15 pm.

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

Approved: 1/16/2019  
\_\_\_\_\_  
(date)

**Town & Village of Waterbury**  
**Development Review Board**  
**Decision #133-18 ■ January 9, 2019**

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

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Applicant/Owner/:	Brian Leven/Furst Management Ventures LLC	
Address/Location:	14 South Main Street, Waterbury, VT	
Zones:	Downtown Commercial (DC), Downtown Design Review (DDR)/Historic Commercial (HC), Special Flood Hazard Area (portions)	
Application #	133-18	Tax Map # 19-350.000

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**Applicant Request**

The applicant seeks approval to establish the use of commercial parking in the existing parking area at 14 South Main Street and place a second ground sign for paid parking at the Bidwell Lane access drive.

**Present and sworn in:**

Brian Leven, owner/applicant representative

**Exhibits**

- A: Application #133-18 (5 pp: Zoning, Sign, Site Plan, Conditional Use), dated 12/10/18.
- B: Site Plan for Furst, Inc., prepared by Grenier Engineering, dated 8/16/18.
- C: Site Plan, annotated by Applicant, to show the location of two ground signs, submitted 12/10/18.
- D: Photos of the two proposed ground signs, submitted 12/10/18 and 12/24/18.
- E: Aerial photos of parcel in its neighborhood and showing the SFHA overlay. (Staff)
- F: Letter to adjoining landowners, mailed certified on: 12/24/18.

**Findings of Fact:**

1. Existing conditions: Furst Management Ventures LLC owns a 0.81± acre lot located at 14 South Main Street. The property is developed with a 10,024 SF two-story building and parking areas. The property is served by municipal water and sewer, includes frontage on and access drives to South Main Street and Bidwell Lane (Exhibit B). The parcel is in the Downtown Commercial (DC) zoning district, Downtown Design Review (DDR)/Historic Commercial (HC) overlay and sub-district, and portions of the parking area lie in the Special Flood Hazard Area (SFHA) overlay, but not the structures.

Background: The existing commercial building was most-recently home to TD Bank.

2. Proposal: The project makes no change to the exterior dimensions of the existing building. The project will use the existing parking lot for commercial parking. The project also includes installing a paid parking machine and structure on which signage is attached at the S. Main Street entrance, as well as a second ground sign at the Bidwell Lane entrance.

3. Table of Uses, Section 503. A commercial parking area is a conditional use in the Downtown Commercial (DC) 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. A second ground sign can be approved by the Board as part of site plan approval. See paragraph 5, below.

(f)(3) Adequacy of landscaping, screening, and lighting:

(A–C) The project does not include changes to the existing landscaping and vegetation. The existing landscaping is adequate for the use proposed.

(D) Three existing light-poles located in the interior center median, each with two downcast and shielded lamps, will be maintained to provide lighting for safe pedestrian access and circulation. The commercial parking area will operate 24 hours/day, 7 days/week, as it does not include gates to prevent vehicles from entering the premises. Applicant seeks approval to add minor lighting to the payment machine, if needed, and accepts the requirement that all lighting shall be downcast and shielded to minimize spill onto adjacent properties or the public road.

5. Signs in the Downtown Commercial (DC) District, Section 802.2U

(a) The total SF of signage per property shall be 1 SF for each 200 SF of non-residential floor area. The building includes 10,024 SF of non-residential floor area, which when divided by 200, equals 50.12 SF of signage.

(c) Businesses with property and public buildings fronting on two public roads... wherein exposure to the public is vital... said business may have a second ground sign approved by the DRB.

The property includes access drives to two public roads: S. Main Street and Bidwell Lane. The S. Main Street sign (Exhibit D1) includes Signs #1, 2, 3, and 4 for a total 9.7 SF. The Bidwell Lane sign, #5 (Exhibit D2), is 8.5 SF. The proposal also includes placing 6 interior informational signs less than 2 SF in area, which are exempt from requiring a zoning permit as set forth in Section 801.5(b).

6. Conditional Use criteria, Section 303: The proposed commercial parking area is categorized a conditional use in the Downtown Commercial zoning district. Prior to granting approval, the Board considered the following general and specific standards:

(a) Section 303(e)(1) Community facilities: The operation of the parking lot will continue as it has previously. 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 project makes no changes to the exterior of the existing building. Only a paid parking machine will be added to the bottom of the ground sign structure at the S. Main Street vehicle entrance (Exhibits C, D1). 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 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 service does not produce any of the above-mentioned impacts beyond what the parking area has been. 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.

**Conclusion:**

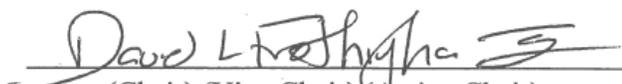
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Brian Leven and Furst Management Ventures LLC to place an second ground sign at the Bidwell Lane entrance and commence commercial parking operations at the existing parking area at 14 South Main Street, as presented in application #133-18 and supporting materials, meets the Site Plan, Conditional Use, and Signage in the Downtown Commercial 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 Dave Rogers seconded the motion to approve application #133-18 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) Any outdoor lighting will be downcast and shielded.

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

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

Approved: 1/16/2019  
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 (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 permits that 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.*