

WATERBURY DEVELOPMENT REVIEW BOARD General Minutes—February 6, 2019

Board members present: Dave Rogers (Acting Chair), 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 Rogers, Acting Chair, opened the meeting at 6:30 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) **#001-19: John Barile** (applicant) **and John Zach Barile** (owner)
Minor Ridgelines, Hillsides, Steep Slopes review to construct a single-family dwelling and detached garage at 35 Moose Run Lane, Waterbury Center, VT. (MDR/RHS zoning/overlay districts)

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

- 2) **#003-19: Gary and Linda Guilmette** (owner/applicant)
Setback waiver request to enlarge the existing dwelling and attached garage within the setback at 26 Loomis Hill Road, Waterbury Center, VT. (TMR zoning district)

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

- 3) **#002-19: Marc & Heather Palmer, Marc George Palmer Revocable Trust** (applicant/owner)
Setback waiver request and revise previously-approved building zone for new single-family dwelling and attached garage in Ridgeline (minor) overlay district on Lot E Wood Farm Road, Waterbury Center, VT. (LDR/RHS zoning/overlay districts)

Testimony:

- The notice letters were sent 15 days prior to the hearing instead of being sent to be *received* 15 prior to the hearing.
- There will be no additional clearing on the lot.
- The contour elevation on the plan is 2 feet.
- Due to the steepness of the lot, the setbacks cannot be met and locate the house as desired.
- The dwelling could be rotated to be parallel to the woods line and meet the setback, but the best view (greatest # of rooms) is achieved with the proposed orientation.
- A concern was raised regarding a second building, a barn, which is shown on the plan for a future expansion and is also within the setback. Applicants should determine if they can find a suitable location for this accessory structure where it would meet the setback requirements.
- An adjoining landowner expressed that the applicant's design to maintain the meadow is of benefit to his property and he is in favor of the proposed building zone revision.
- Public comment: this lot is on the corner of Wood Farm and Ripley Road so the impact of the project from both roads should be considered, as far more public travels on Ripley Road.

The Board requested more specifics. The applicant was asked to bring building schematics and a narrative explaining the positioning of the house. The Chair continued the review hearing to March 6, 2019 at 6:30 p.m.

- 4) **#135-18: Aaron Flint Builders** (owner/applicant), **Stephen T. Van Esen Revocable Trust** (owner); Boundary-line adjustment between 11 N. Main St. and 28 Stowe St.; site plan, conditional use, and design review to remove and rebuild a historic building and establish multi-family/office at 11 N. Main St., and to construct a new mixed-use building for retail/office/multi-family at 28 Stowe St., Waterbury, VT. (VMR/DC/DDR-HC zoning/overlay/sub-districts).
—Continued from 1/16/19

Present and previously sworn in:

Aaron Flint, owner/applicant
Jason Wulff, applicant
Jennifer Lane, Architect for applicant
George McCain, Engineer for applicant

New testimony and follow up:

- There is, and will be, a full basement
- A cut sheet of lighting was provided
- The pedestrian walkway was redesigned and presented.
- The stormwater plan was updated.
- Signage was added.
- Parking design was updated.
- A landscape proposal was presented.
- Fire safety was discussed with the Fire Chief.
- Retail businesses will operate no earlier than 6 a.m. and no later than 10 p.m.

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

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

- Reviewed minutes and decisions from previous meeting:
Mike Bard moved and Andrew Strniste seconded the motion to approve the general minutes from January 16, 2019, as well as the decisions for applications #131-18, #130-18, and #125-18, as amended.
Vote: Motion approved: 4-0.

Next meetings:

Wednesday, February 20, 2019, 6:30 p.m.
Wednesday, March 6, 2019, 6:30 p.m.

Adjournment: The meeting was adjourned at 9:20 pm.



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

Approved on: 3/6/2019

(date)

These minutes were approved: March 6, 2019

Town of Waterbury
Development Review Board
Decision #001-19 ■ February 6, 2019

In Attendance: Board members present: Dave Rogers (Acting Chair), 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.

Owner/Applicant:	John Zach Barile (owner), John Barile (applicant)	
Address/Location:	35 Moose Run Lane, Waterbury Center, VT	
Zones:	Medium Density Residential (MDR), and Ridgelines/Hillsides/Steep Slopes (RHS) overlay district.	
Application #	001-19	Tax Map # 10-023.010

Applicant Request: The Applicant seeks ridgeline, hillside, steep slope (RHS) and conditional use approval to construct a primary single-family dwelling and a connected garage with associated living space at 35 Moose Run Lane in the Medium Density Residential (MDR) zoning district and Ridgeline/Hillside/Steep Slopes (RHS) overlay district.

Present and sworn in
John Barile, Applicant

Exhibits

- A: Application #001-19 (6 pp: Zoning, Conditional Use, Overlay District), 1/3/19.
- B: Site Plan prepared by Brown & Davis Design, dated 12/17/18.
- C: Floor plan and perspective views of proposed house and garage prepared by Brown & Davis Design, dated 10/12 and 10/31/18.
- D: Orthophotos and parcel map of the lot and zoning districts.
- E: Letter to adjoining landowners, mailed certified on: 1/17/19

Findings of Fact Existing conditions: John Zach Barile owns an undeveloped parcel of land, 35 Moose Run Lane in the Medium Density Residential (MDR) zoning district and the Ridgelines/Hillsides/Steep Slopes (RHS) overlay district. The lot is 2.17 acres in area and has direct access to Moose Run Lane—a private road. The lot has been cleared and is mostly an open field, and is part of a four-lot subdivision that was approved under Permit #60-05-T. This subdivision was approved prior to the enactment of the Ridgelines, Hillsides, Steep Slopes Article in the zoning regulations. The lot will be served by private well and an on-site septic system.

- 2. **Proposal:** No new clearing is proposed. A single-family dwelling with an attached garage with additional living space is proposed to be constructed on the lot. The lot is in the RHS overlay district below 1500 FIE, which makes this a Minor Development application. The project is subject to the conditional use criteria.

3. Conditional Use/Waiver criteria, Section 303: As set forth in Section 1001(c), uses that are permitted in the underlying zoning district shall be treated as conditional uses in the RHS overlay district. The Board considered the following general and specific standards:
 - a. Community facilities, Section 303(e)(1): The Applicant proposes a single-family dwelling which is a permitted use. The development will be served by private well and septic. The project will not unduly increase the traffic, does not require additional municipal water or sewer allocation, will not burden the school capacity, and will not unduly 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. Character of the area, Section 303(e)(2)(A-E): The use of the property will be residential. The addition of exterior lighting is unknown. The Applicant intends to preserve the existing meadow and trees on the property. The proposed one-story dwelling with a 2,688 SF footprint, and garage with a guest bedroom and bathroom totaling 1186 SF, for a total of 3,884 SF, has been designed in consideration of the character of the MDR zoning district. The structure will be finished in earth-tone colors. See Applicant's Exhibit C for the building perspective views. The Board concludes that the project is appropriate in scale and design relative to the MDR/RHS districts and will not have an adverse impact on the character of the area.
 - c. Municipal bylaws in effect, Section 303(e)(3): The proposal is for residential use. 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. Methods to control fumes, gas, dust, smoke, odor, noise, or vibration; Section 303(f)(2): The Applicant anticipates that the proposed residential will be consistent with other residential uses, which do not typically create the above-named nuisances, and therefore, no devices or special methods are proposed to control these impacts. The Board agrees and concludes that no devices or special methods are necessary to prevent or control these impacts.
 - e. Removal of earth or mineral products, Section 303(h): The project does not involve earth-removal activities. This provision does not apply.

Conclusion:

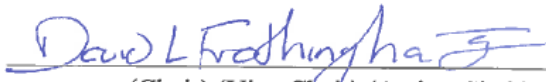
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by John Zach Barile (owner) and John Barile (applicant) to construct a primary single-family dwelling and attached garage on 35 Moose Run Lane, as presented in application #001-19 and supporting 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 Bud Wilson seconded the motion, to approve Application #001-19 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 shall be downcast and shielded.

Vote: Motion approved 4-0



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

Approved: February 20, 2019
(date)

State permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 80-505-5367 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 of Waterbury
Development Review Board
Decision, #003-19 ■ February 6, 2019

In Attendance: Board members present: Dave Rogers (Acting Chair), 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.

Owner/Applicant:	Gary & Linda Guilmette (applicant/owner)	
Address/Location:	26 Loomis Hill Rd., Waterbury Center, VT	
Zoning District:	Town Mixed Residential (TMR)	
Application #	3-19	Tax Map # 09-174.000

Applicant Request

The applicant seeks approval to construct additions and renovate an existing single-family dwelling with an attached garage. The addition to the garage is within the side setback at 26 Loomis Hill Rd., Waterbury Center, VT.

Present and sworn in

Gary & Linda Guilmette, owners/applicants

Exhibits

- A: Application #3-19 (3 pages: zoning, conditional use), submitted 1/7/19.
- B: Overall Site Plan prepared by the applicants, submitted 1/7/19.
- C: Building elevations and floor plans, prepared by Laura's Architectural Drafting and Design dated 1/28/19.
- D: Parcel map with orthophoto base layer (staff).
- E: Letter to adjoining landowners, mailed certified on 1/18/19

Findings of Fact

1. Existing conditions: Gary & Linda Guilmette own a 0.17 acre parcel located at 26 Loomis Hill Rd. in the Town Mixed Residential (TMR) zoning district. The entire parcel is currently open lawn with several trees in the rear yard, as well as contains a single-family house (Exhibit D). The lot is served by public water and private on-site septic. The lot and the house predate the establishment of the Town's zoning (1980), and therefore, the lot is considered a pre-existing non-conforming small lot.
2. Project: The applicants propose to construct additions and renovate an existing single-family dwelling with an attached garage. See Exhibit C. A portion of the roof on the main house will be raised creating a second floor for the main portion of the house. A 12' x 12' single-story addition will be constructed on the front of the house that will meet the front setback for the property. The side wall of the existing garage will be moved out approximately 2' toward the side yard line, thus encroaching further into the side setback. The existing house has 400 SF of living space and the renovated, expanded house will have 744 SF of living space. The side of the expanded garage will be approximately 26' from the side

property line. The front addition will be approximately 48' from the front property line (Exhibit B).

3. TMR Dimensional Requirements, Table 5.2: Minimum lot area: 1 acre; minimum setbacks: 30' front, 30' sides/ rear. The lot has adequate frontage; however, does not meet the minimum lot size and is a pre-existing, non-conforming lot. The existing house does not meet either of the side setbacks, nor the rear setback. The structure as proposed will extend approximately 2' further into one of the side setbacks.
4. Waiver Request: The setback waiver request is to encroach into the side-yard setback by 4' (30' minus 26').
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: The applicants propose a renovation and expansion of an existing single-family dwelling which is a permitted use. The development will continue to be served by public water and on-site septic. The project will not unduly increase the traffic, will not require additional municipal water or sewer allocation, will not burden the school capacity, nor will it unduly 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 application states that: “No change to exterior lighting is proposed. (The) Style of the proposed changes is attached.” 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: Upon completion, the development will remain a residential use. 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: A typical resident use will not emit any of the above impacts. No controls are proposed or required. 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 Gary & Linda Guilmette to construct additions and renovate an existing single-family dwelling with an attached garage 26' within the side setback at 26 Loomis Hill Rd. as presented in application #3-19 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, Mike Bard moved, and Bud Wilson seconded the motion, to approve application #3-19 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 shall be downcast and shielded.

Vote: Motion approved 4–0.



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

Approved: February 20, 2019
(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 of Waterbury
Development Review Board
Decision #135-18 ■ Jan. 16/Feb. 6, 2019

In Attendance: (1/16/19) 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).

(2/6/19) Board members present: Dave Rogers (Acting Chair), 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.

Owner/Applicants:	Aaron Flint Builders Inc., Jason Wulff (owner/applicants), Stephen T. Van Esen Revocable Trust (owner)
Address/Locations:	11 North Main Street and 28 Stowe Street, Waterbury, VT
Zones:	Village Mixed-Residential (VMR), Downtown Commercial (DC), Downtown Design Review (DDR), and Historic Commercial (HC) zoning/overlay/sub-districts
Application #	135-18 Tax Maps # 19-285.000 & 19-294.000

Applicant Request

The applicant seeks approval to remove and reconstruct a historic structure, add a two-bedroom apartment, establish an office use, and add parking and landscaping at 11 North Main Street, Waterbury, VT. The applicant also seeks approval for a new 36' x 70' three-story building located at 26-28 Stowe St. The application also includes a boundary line adjustment between the two existing parcels 900-0011.V and 948-0028.V creating two new parcels with one building located on each parcel and shared parking.

Present and sworn in:

(1/16/19) Aaron Flint, owner/applicant
Jason Wulff, applicant
Jennifer Lane, Architect for applicant
George McCain, Engineer for applicant
Gary Cromie, adjoining landowner representative
Clement Despault, adjoining landowner representative

(2/6/19) Aaron Flint, owner/applicant
Jason Wulff, applicant
Jennifer Lane, Architect for applicant
George McCain, Engineer for applicant

Exhibits

- A: Application #135-18 (13 pp: Zoning, SP, CU, Overlay, DDR standards, SD), submitted 12/10/18.
- B: Cover letter and project summary prepared by McCain Consulting, Inc., dated 12/10/18.
- C: Site Plan, prepared for Flint-Wulff Partnership, by McCain Consulting Inc. sheet 1 of 1, dated 12/7/18, and revised 2/1/19 (revisions to 11 N. Main area calcs., added parking, misc. per DRB comments).

- D: National Register of Historical Places Inventory Nomination form for 11 North Main St.
- E: Photographs of the 11 N. Main St. existing structures; additional photographs submitted 1/15/19.
- F: Stowe St. proposed building floor plans and elevations, prepared by Jennifer Lane, dated 12/3/18.
- G: Stowe St. proposed building perspective views and adjacent buildings, prepared by Jennifer Lane.
- H: Lighting specification sheets and lighting plan, submitted 12/10/18, and updated 2/1/19.
- I: 11 N. Main St. floor plans and elevations, by J. Lane, submitted 12/10/18; revised 2/1/19.
- J: Letter to adjoining landowners, mailed certified on 12/31/18.

Findings of Fact

1. Existing conditions:

- (a) 11 North Main Street—Aaron Flint Builders Inc. owns a 0.32 acre (13,939 SF) parcel located at 11 North Main Street. The parcel is developed with a 2.5-story residential building with a 2-story attached accessory structure (barn). The property is served by municipal water and sewer, includes 51 feet of frontage, and has four parking spaces and driveway access to North Main Street, a town road. The structures are included in the National Register of Historical Places (Exhibit D). The residential building includes a single-family dwelling and a 1-bedroom accessory apartment. The parcel is located in the Village Mixed-Residential (VMR), Downtown Design Review (DDR), and Historic Commercial (HC) zoning/overlay/sub-districts.
- (b) 28 Stowe Street—The Stephen T. Van Esen revocable Trust owns a 0.25± acre parcel located at 26-28 Stowe St. that was previously approved to be used for a commercial parking lot under Permit #19-16-V. The parcel is located in the Downtown Commercial (DC), Downtown Design Review (DDR), and Historic Commercial (HC) zoning/overlay/sub-districts.

2. Proposal: The project includes a boundary line adjustment for both parcels 900-0011.V and 948-0028.V to adjust the lot area of each parcel. The Flint lot that fronts on North Main St., which was 13,215 SF before the adjustment, will be 20,039 SF after the adjustment. This parcel will meet the minimum lot size of 20,000 SF for “other” uses, including multi-family and business professional offices in VMR. The Van Esen lot that fronts on Stowe St. was 17,495 SF before the adjustment and will be 10,671 SF after the boundary adjustment. This parcel is in the DC zoning district, in which there is no minimum lot size for all allowed uses, including multi-family, retail, and business professional offices. The project is proposed with two stormwater infiltration areas that will also serve for snow storage as shown on Exhibit C.

- (a) 11 North Main Street—The project includes dismantling the existing carriage barn structure at the rear of the building and reconstructing the structure in the same footprint using some of the existing timbers and boards. The rebuilt carriage barn will be taller, 2.5 stories, include loft space, and a full basement for mechanicals. The existing dwelling, residential connector building, and the rebuilt carriage barn combined will include two 2-bedroom apartments, one 1-bedroom apartment, and 2,672 SF of office space. Some windows will be replaced in the existing structure. Vegetative screening will be planted along the north and south property lines. Any new outdoor lighting will be downcast and shielded. Thirteen parking spaces will serve these proposed uses including four spaces serving the apartments and nine spaces serving the office space. The design of the structure replacing the carriage barn to be demolished will be as shown on Exhibit I.
- (b) 28 Stowe Street—A new three-story building is proposed to be constructed with a 36' x 70' footprint. The building is proposed with a gross floor area of 7,908 SF. Retail space of 1,824 SF is proposed on

the first floor and 2,214 SF of business professional office space is proposed on the second floor. The third floor is proposed to include three apartments: one studio (1-bedroom), one 1-bedroom, and one 2-bedroom apartment. These uses will be served by 18 parking spaces including four spaces serving the apartments and 14 spaces serving the retail and office space ($4,038/300 = 14$ parking spaces). The building architecture will be as shown on Exhibits F and G. The retail businesses will operate no earlier than 6:00 a.m. and no later than 10:00 p.m. An area northeast of the building is designated for outside fuel tanks to serve the proposed building. If the utility company requires these tanks to be located above ground, then they will be screened from view.

3. Site Plan Review and Approval, Section 301: As the proposal involves changes to vehicular access and circulation, parking lot and driveway construction, expansion, or relocation, and pedestrian access and safety, it is subject to site plan review. The Board considered the following objectives:
 - a. Traffic access and pedestrian safety, Section 301(f)(1) (A-D): There will be no changes to the traffic access to the site including the curb cut on N. Main St. and Stowe St. However the circulation through the site will be one-way with the entrance on Stowe St. and the exit on N. Main St.
 - b. Adequacy of circulation and parking, loading, refuse, and service areas, Section 301(f)(2) (A-G): 31 parking spaces will serve both buildings as described above. The circulation to these parking spaces will be via a one-way aisle as shown on Applicant's Exhibit C. There will be two handicap parking spaces with one space designated to serve each building.

Pedestrian access to the building at 11 N. Main St. will be via the front walkway and porch. The entrances on the south side of the building will be accessed by walkways connecting to the access driveway.

Pedestrian access to the building on Stowe St. will be improved with the addition of a 4' wide sidewalk on the west and north side of the proposed building on Stowe St. This sidewalk will be connected to the sidewalk on Stowe St. via an additional sidewalk. The existing concrete steps in front of this building that connect to the sidewalk on the Dry Bridge will be removed, pending approval by the Town of Waterbury. There will also be an at-grade patio in front of the building on Stowe St. that will also serve as pedestrian access to the front entrance and a gathering place for pedestrians and for small events.

- c. Adequacy of Landscaping, screening, and lighting, Section 301(f)(3) (A-F): Two arborvitae hedges are proposed in lieu of four trees as shown on Exhibit C. The maximum heights and widths of the hedges will be as shown and they will serve to screen the parking areas from the adjacent properties.

The proposed exterior lighting will be as shown on Exhibits C, F and I. There will be two 16' tall pole lights serving the parking areas as shown on Exhibits C and I. All exterior lights will be downcast and shielded.

4. Conditional Use criteria, Section 303: Prior to granting approval for a conditional use, the Board must find that the proposed use conforms to the general and specific standards below.
 - a. Section 303(e)(1) (A-E) Community facilities: The existing and proposed buildings will be served by municipal water and wastewater and other municipal services. 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 replacement addition to the building at 11 N. Main St. and the new building located at 26-28 Stowe St. are designed to fit the historic character of their immediate surroundings and the downtown area of Waterbury. 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 uses and structures are 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 buildings and their uses will not produce any of the above impacts beyond those customary to the residential, retail, and office uses. 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 and excavation activities other than activities associated with landscaping and construction.
5. Downtown Design Review Overlay District, Section 1102(a): The Regulations state that demolishing a structure located in the DDR overlay district requires design review approval by the DRB and that the Site Plan provisions as set forth in Section 301(a) shall apply.
- a. Application Requirements, Section 1106(5): An application that involves the demolition of a structure listed on the National Register of Historic Places shall include a report that includes a structural assessment of the building, including estimated costs for stabilization and renovation, and which documents that the applicant and/or landowner has explored available alternatives to the proposed demolition and found such alternatives to be infeasible. See Applicant’s Exhibit A10, which addresses the Downtown Design Review Standards for 11 N. Main Street.
 - b. Demolition of Historic Buildings, Section 1107: The DRB shall approve the demolition if it finds that the demolition will satisfy the requirements of Section 411 and Section 1107(a)(1-3). Section 411 does not apply, as the structure is proposed to be rebuilt. See Applicant’s Exhibit A10, which addresses the Downtown Design Review Standards for 11 N. Main Street.
 - c. Design Review Standards, Section 1108: Prior to granting design approval, the Development Review Board shall find that the proposed development meets the following standards, where applicable:
 - (1) Historic Structures (applying to all structures listed on the National Register of Historic Places):
 - (A) Original materials or materials typical of the architectural style of the structures shall be preserved or replaced with like materials to the extent feasible and appropriate.
 - (B) Historic building features shall be preserved or replicated to the extent feasible and appropriate.
 - (2) Historic/Commercial Sub-District:
 - (A) New building designs shall reinforce historic streetscape patterns, including orientation and setbacks. Building sites, including road and pedestrian networks, shall be designed in a manner that is integrated and compatible with adjoining parcels and areas.
 - (B) New buildings shall maintain overall height, size, massing, scale, and proportions compatible with those of buildings in the vicinity. New buildings shall incorporate building forms, lines,

- roof shapes, features, and materials compatible with those of buildings in the vicinity, but are not required to conform to a particular architectural style.
- (C) New additions should be designed to complement and be compatible with, rather than detract from or obscure, the original structure.
 - (D) Project design shall reinforce a pedestrian streetscape through the provision, where appropriate, of such features as connecting walkways, landscaping and street trees, the incorporation of architectural features such as porches, store fronts and windows, and pedestrian-scaled street furniture and lighting.
 - (E) On-site utilities shall be buried and utility boxes shall be screened from public view if the utilities along the street serving that structure are also buried.
 - (F) Buildings, or portions thereof, having eaves heights of twenty (20) feet or less above ground level shall incorporate moderately to steeply pitched roofs, unless the Board determines that another roof type is appropriate.

The Board concludes that the proposal meets the applicable design review standards.

Conclusion:

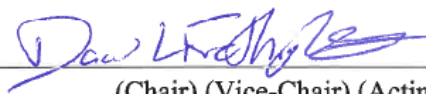
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Aaron Flint Builders Inc. (owner of 11 N. Main St.) and Stephen T. Van Esen Revocable Trust (owner of 26-28 Stowe St.) to remove and reconstruct a historic structure, add one dwelling unit, and establish an office use at 11 North Main Street, and construct a new 36' by 70' three-story building located at 26-28 Stowe St., and a boundary line adjustment between the two existing parcels 900-0011.V and 948-0028.V, meets the Subdivision, Site Plan, Conditional Use, and Downtown Design Review in the Historic Commercial overlay district criteria as set forth in Sections 1201, 301, 303, and Article XI.

Decision Motion:

On behalf of the Waterbury Development Review Board, Mike Bard moved and Bud Wilson seconded the motion to approve application #135-18 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 shall be downcast and shielded.
- (3) The removal of the concrete stairway at the front of the property located at 26-28 Stowe St. shall require separate written approval by the Town of Waterbury.
- (4) Within 180 days from this approval, the Applicant shall submit the final plat, prepared in accordance with 27 V.S.A. § 1403 and signed by the DRB Chair (or Acting Chair), to be recorded in the office of the Clerk of the Town of Waterbury, in accordance with 24 V.S.A. § 4463.

Vote: The motion passed 4-0.


 _____,
 (Chair) (Vice-Chair) (Acting Chair)

Approved: 3/6/2019

 (date)

Decision approved: March 6, 2019; corrected and re-approved March 28, 2019.

State permits may be required for this project. The landowner/applicant is advised to contact Peter Kopsco, DEC Permit Specialist, at 80-505-5367 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.*