

**WATERBURY DEVELOPMENT REVIEW BOARD**  
**General Minutes—February 20, 2019**

Board members present: Dave Frothingham (Chair), Dave Rogers, 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.

Dave Frothingham, 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 order was changed to discuss a site plan and DDR exemption request first.

**EXEMPTION REQUEST:**

**#015-19: David Nelson (Applicant), Jeffrey Larkin/Bank Hill LLC (Owner)**

Owner requests exemption from Site Plan and Downtown Design Review to enclose the front entrance and extend the dining deck for a restaurant proposed for McGillicuddy's (formerly Arvads and Allium) at 3 S. Main St. (DC/DDR)

Mike Bard moved and Dave Rogers seconded the motion to grant exemption from Site Plan and Downtown Design Review, as per Sections 301(a)(5), 1102(a), & 1104(a)(3), to enclose the front entrance and extend the dining deck for an existing restaurant use.

Vote: Passed 5-0.

Resume with scheduled agenda items.

- 1) **#005-19: Brian Leven/Furst Management Ventures LLC (applicant/owner)**  
Site Plan/Downtown Design/Conditional Use review to remove the drive-through addition and remodel the façade of the existing building at 14 S. Main Street, Waterbury, VT.  
(DC/DDR/SFHA zoning/overlay districts)

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

- 2) **#006-19: Nick Lizotte/VTRE 26 Union LLC (applicant/owner)**  
Site Plan/Conditional Use review to convert the residential care home to multi-family for six apartments at 26 Union Street, Waterbury, VT. (VR zoning district)

—Board member Dave Rogers recused himself because he does work for the applicant.

— Board member Andrew Strniste disclosed a potential conflict, but the applicant was not concerned. However, a neighbor on Union Street stated a concern. The parties agreed to commence with the hearing.

The Board requested revised plans to show grading and stormwater management, landscaping/screening, exterior lighting, and pedestrian ingress/egress. The hearing was continued to Wednesday, March 6, 2019 at 6:30 p.m. Plans due to the ZA by Friday, 3/1/19.

- 3) **Agenda items as scheduled by the Chair:**

- Review minutes and decisions from previous meeting:

Bud Wilson moved and Dave Rogers seconded the motion to approve the general minutes for February 6, 2019 and the decisions for applications #001-19 and #003-19, as amended.

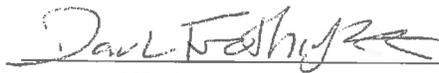
**Vote:** Motion approved: 5-0.

**Next meetings:**

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

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

**Adjournment:** The meeting was adjourned at 8:45 pm.

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

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

These minutes were approved: March 6, 2019

**Town & Village of Waterbury**  
**Development Review Board**  
**Decision #005-19 ■ February 20, 2019**

Board members present: Dave Frothingham (Chair), Dave Rogers, 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/:	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 #	005-19	Tax Map # 19-350.000

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**Applicant Request:**

The applicant seeks approval to remove the canopy roof and brick piers for the prior bank drive-through structure and create seven new parking spaces at the former TD Bank Building located at 14 S. Main St.

**Present and sworn in:**

Brian Leven, applicant  
Rob Colbert, Designer

**Exhibits:**

- A: Application #005-19 (7 pp: Zoning, Site Plan, Conditional Use, Overlay–Design Review), dated 1/21/19.
- B: Site Plan for Furst Management Inc., prepared by Grenier Engineering, dated 1/18/19.
- C: Proposed Building Floor Plans by RMC Design, dated 1/21/19.
- D: Existing and Proposed Building Elevations by RMC Design, dated 1/21/19.
- E: Photos of existing building & two other downtown buildings, submitted 1/21/19.
- F: Letter to adjoining landowners, mailed certified on 2/5/19.
- G: National Register of Historic Places listing, dated 1976

**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 and 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-districts, and portions of the parking area lie in the Special Flood Hazard Area (SFHA) overlay, but the building is not located in the SFHA.

Background: The existing commercial building was most-recently occupied in part by TD Bank.

2. Proposal: The project is to remove the canopy roof and brick piers for the prior bank drive-through structure. Seven new parking spaces will be created, including one handicap space as shown in Exhibit B, the Site Plan. There will be no change to the exterior dimensions of the existing building. However, a portion of the lower level of the west elevation and lower level of the south elevation will be reconstructed with large display windows as shown on Exhibit D. A new pedestrian entrance for the building will be constructed in the south elevation as shown on Exhibit D4. The applicant proposes to continue to use the existing parking lot for commercial parking as approved in zoning permit #133-18. The seven new parking spaces will be utilized for a future use of the building that will be reviewed under a separate application.
3. Historic Register Designation: The building is listed as contributing structure #75 to the Waterbury Village Historic District as shown on Exhibit G. The portions of the west and south façades that are proposed to be reconstructed are part of a non-historic addition to the building that was constructed in 1958 for use as a bank with a drive-through. The proposed re-constructed façade with large display-style windows will be similar to the historic display windows in the existing buildings located at 23 South Main St. and 3 Elm St., as shown in Exhibit E. The historic portions of all the building façades will be retained in their existing design as shown on Exhibit D.
4. Site Plan Review and Approval, Section 301: The project involves changes to parking and pedestrian access, therefore, it is subject to site plan review. The Board considered the following objectives:
  - a. Adequacy of traffic access and pedestrian safety (f)(1): There will be no changes to the traffic access to the site including the curb cut on S. Main Street that accesses the drive-through. This curb cut will not be closed off or modified under this application.
  - b. Adequacy of circulation and parking (f)(2): Seven new parking spaces for the future uses of the building will be added, including one handicapped-accessible parking space.

The pedestrian access to the building will be improved with the addition of a 5' wide sidewalk on the south side of the building. This sidewalk will serve the new entrance on the south façade and will access the existing sidewalk on S. Main St. The main entrance to the building on S. Main St. will be accessed by an extension of the existing handicap ramp as shown in Exhibit D3. The rear entrance to the one-story portion of the building will also be modified with a ramp for handicap access.
  - c. Adequacy of landscaping and screening (f)(3): Tall existing landscape plantings will be retained, as shown in Exhibit B.
5. Conditional Use criteria, Section 303: The proposed seven parking spaces will be an expansion of the commercial parking area that is a conditional use in the Downtown Commercial zoning district. 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 been operating.

- b. Section 303(e)(2)(A–E) Character of the area: The paid parking machine has been added to the bottom of the ground sign structure at the S. Main Street vehicle entrance.
  - c. Section 303(e)(3) Municipal bylaws in effect: The proposed use is approved by the Board, who find that the use 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 service does not produce any of the above impacts beyond what the parking area has previously been.
  - e. Section 303(h) Removal of earth or mineral products conditions: The project does not include earth removal activities. This provision does not apply.
6. Article XI Downtown Design Review Overlay District  
Section 1108 Design Review Standards
- (a) The Board grants design approval for the proposed development, which meets the following standards:
    - (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.

**Conclusion:**

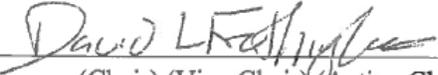
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Brian Leven and Furst Management Ventures LLC to remove the canopy roof and brick piers for the prior bank drive-through structure at the former TD Bank Building at 14 S. Main St., as presented in application #005-19 and supporting materials, meets the Site Plan, Conditional Use, and Downtown Design Review in the Downtown Commercial district criteria as set forth in Sections 301, 303, and Article XI.

**Motion:**

On behalf of the Waterbury Development Review Board, Mike Bard moved and Dave Rogers seconded the motion to approve application #005-19 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) Any outdoor lighting shall be downcast and shielded.
- (3) The curbed island south of the drive-through shall remain in place until the applicant returns with a final site plan change.

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

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

Approved: 3/6/19  
\_\_\_\_\_  
(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 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.*