

WATERBURY DEVELOPMENT REVIEW BOARD
General Minutes—March 18, 2020

Board members present: David Frothingham (Chair), Tom Kinley (*phone*), David Rogers (*phone*), Bud Wilson (*phone*), and Andrew Strniste (*phone*). Staff present: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Martin (Secretary) (*phone*).

David Frothingham opened the meeting at 6:30 p.m. in the Steele Community room in the Municipal Center, 28 North Main Street, Waterbury, VT. David Frothingham, Steve Lotspeich, and Dina Bookmyer-Baker were present in the meeting room. The applicants, public, and Board members participated in this meeting via conference call. The meeting was audio recorded. The agenda was followed as presented.

1) **#018-20: John and Nicole Grenier** (owner/applicant)

Conditional Use and minor Ridgelines/Hillsides/Steep Slopes review to construct a garage addition for the existing dwelling at 901 Ring Road. (CNS/RHS zoning and overlay districts)

Present and Sworn in:

John Grenier, Owner/Applicant (*present by phone*)

Testimony:

- The exterior cladding of the garage will be complimentary to the existing dwelling.
- All lighting will be on the east side; there will be no lighting on the west side of the building.
- The lighting over the garage doors will be downcast and shielded.

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

2) **#017-20: Superior Development Ltd. Co.** (owner/applicant)

Site Plan and Conditional Use Review for a change of use within the existing building to include an indoor gymnasium and fitness facility at 150 Pilgrim Park. (IND zoning district)

Present (*by phone*) and Sworn in:

Wayne Lamberton, Owner/Applicant

Patrick Malone, Owner/Applicant

Joe Greene, Joseph Architects, Consultant to Applicant

Testimony:

- Classes/training would be held Monday – Friday.
- Events that may bring in spectators would be primarily held of weekends, when there is plenty of parking in that area.
- Types of recreational and amusement events could possibly be any indoor sport (gymnastics, as an example). There is not a primary event planned at this point.
- There are clearly identified pedestrian paths around this building/area.
- 12 parking spaces will be allocated to the indoor recreational use.

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

3) **#013-20: Waterbury Housing Ltd. Partnership** (owner), **Tabbatha Henry** (applicant)

Site Plan and Conditional Use review to change the use of 1200 SF of retail space to craft

production with a retail showroom in the Stimson & Graves building at 10 Stowe Street. (DC/DDR zoning and overlay districts) —Continued from 3/4/19.

Present (by phone) and Sworn in:
Tabbatha Henry, Applicant)

Testimony:

- The exit area of the venting system on the outside of the building must be painted so as not to be a visual concern.
- The approximately 6” fan would go in to a wooden insert in the window. Having a piece of trim painted to match the exterior was suggested. The applicant agreed.
- The new installation plan has the venting pointing down once it exits the building.

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

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

- Consultation with applicants and consideration of pending application, including but not limited to reopening the hearing and scheduling a site visit: #003-20, Perry Hill Partners, c/o Aaron Flint & Jason Wulff (owner/applicant), Site Plan, Conditional Use, and Downtown Design Review to change the use of office space to two dwelling units in the previously-approved mixed-use building at 11 N. Main Street, (VMR/DDR zoning & overlay districts).

Present for the discussion: Aaron Flint (*phone*), Jason Wulff (*phone*), and George McCain. The Applicants and their consultant agree that the building and exterior changes differ from what was approved. The Board chose to reopen the hearing and schedule a site visit on April 1, 2020 at 6:30 p.m. The Applicant is prepared to submit the building renovations for Downtown Design Review, and expects to have a revised application ready by Monday, April 6 to be warned for a future meeting, on May 6, 2020.

- Review minutes and decisions from the previous meeting: Dave Rogers moved, and Andrew Strniste seconded the motion, to approve the general minutes for March 4, 2020 and the decisions for applications #114-20 (Unsworth) and #013-20 (Henry), as amended.

Vote: Motion approved: 5–0.

- Public Comment / Other business: None.

Adjournment: There being no other business, the meeting was adjourned at 7:45 p.m.



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

Approved: _____ April 15, 2020

Notice of upcoming meetings:

- Wednesday, April 1, 2020, 6:30 p.m.
- Wednesday, April 15, 2020, 6:30 p.m.
- Wednesday, May 6, 2020, 6:30 p.m.

**Town of Waterbury
Development Review Board
Decision #018-20 - March 18, 2020**

In Attendance: Board members present: David Frothingham (Chair), Tom Kinley (*phone*), David Rogers (*phone*), Bud Wilson (*phone*), and Andrew Strniste (*phone*). Staff present: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Martin (Secretary) (*phone*).

Owner/Applicant:	John and Nicole Grenier
Address/Location:	901 Ring Road, Waterbury Center, VT
Zones:	Conservation (CNS) and Ridgelines/Hillsides/Steep Slopes (RHS) overlay district
Application #	018-20
	Tax Map # 14-050.000

Applicant Request

The Applicant seeks approval to construct a garage, with associated living space, which is to be attached to the existing single-family dwelling at 901 Ring Road.

Present and sworn in:

John Grenier, Owner/Applicant (*present by phone*)

Exhibits

- A: Application #018-20 (zoning, conditional use, RHS overlay), submitted 2/14/20.
- B: (B1) First Floor Plan, Grenier Garage Addition, prepared by Wilson Architects, Sheet A1.1
(B2) Elevations, Grenier Garage Addition, prepared by Wilson Architects, Sheet A2.1.
- C: Site Plan for John Grenier, prepared by Grenier Engineering, Sheet 1 of 1, dated 1/20/20.
- D: Orthophotos and parcel map of the lot, showing zoning districts and contours. (Staff)
- E: Letter to adjoining landowners, mailed certified on: 2/28/20.

Findings of Fact:

1. Existing conditions: John and Nicole Grenier own a 10± acre parcel at 901 Ring Road in the Conservation (CNS) and the Ridgelines/Hillsides/Steep Slopes (RHS) zoning and overlay districts. The lot is developed with a two-story dwelling, built in 2003. The lot has frontage on and an access drive to Ring Road, a private road. The property is served by a private well and an on-site septic system.

Prior permits: Zoning permit #50-03T was issued for a house, garage, and deck, along with a Town on-site septic permit, S-15-03. The Ridgelines/Hillsides/Steep Slopes regulations were added to the Zoning Regulations in 2006. The garage was not built and the 2003 zoning permit has expired.

2. Project: The Applicant proposes to construct a 24' x 32' (1024 SF) x 29' tall garage addition that will include a bedroom and a bathroom, and be connected to the existing single-family dwelling.
3. General Dimension, Location, and Height Requirements, Section 504: In the CNS zoning district, the minimum lot size is 10 acres and the setback requirements are 100' from the front, sides, and rear

property lines. The lot meets the minimum lot size. The proposed addition will meet the minimum setbacks from the property lines (Applicant's Exhibit C, the Site Plan).

4. Ridgelines, Hillsides, Steep Slopes, Section 1001: The lot is in the RHS Overlay District, above 1,200 FIE, but below 1500 FIE. Therefore, the project is considered "minor" development in RHS. The project is greater than 800 SF; therefore it is subject to review under Article X.
5. 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): No change in the residential use of the property and no additional dwelling unit is proposed. No new roads or water/sewer construction are proposed. The property is served by a private well and an on-site septic system. 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 proposed addition is similar in scale to the surrounding homes (Applicant's Exhibit B, Elevations). The exterior cladding of the garage will be complimentary to the existing dwelling. All lighting will be on the east side, over the garage doors, and will be downcast and shielded. (Applicant testimony). The Board concludes that the project is appropriate in scale and design relative to other single-family dwellings in the CNS/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. The proposed project complies with the conditional use criteria and other applicable zoning bylaws. The Board concludes that the project will not violate any municipal bylaws and ordinances in effect.
 - d. Methods to control fumes, gas, dust, smoke, odor, noise, or vibration; Section 303(f)(2): Standard home construction will occur during normal working hours. The proposed residential use will not typically create the above-named nuisances, and therefore, no devices or special methods are proposed to control these impacts. The Board concludes that no devices or special methods are necessary.
 - 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 and Nicole Grenier to construct a garage addition at 901 Ring Road, as presented in

application #018-20 and supporting materials, meets the Conditional Use and RHS Overlay District standards as set forth in Sections 303 and 1004.

Decision Motion:

On behalf of the Waterbury Development Review Board, Tom Kinley moved and Dave Rogers seconded the motion to approve applications #018-20 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.
- (3) Except as amended herein, this approval incorporates zoning permit approval #50-03-T.

Vote: The motion was approved, 5-0.

David L. Frothingham AAA

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

Approved: April 15, 2020

***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 #017-20 ▪ March 18, 2020**

In Attendance: Board members present: David Frothingham (Chair), Tom Kinley (*phone*), David Rogers (*phone*), Bud Wilson (*phone*), and Andrew Strniste (*phone*). Staff present: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Martin (Secretary) (*phone*).

Owner/ Applicant:	Superior Development Ltd. Co. / Malone Clay Point Properties LLC	
Address/Location:	150 Pilgrim Park Road, Waterbury, VT	
Zoning District:	Industrial (IND)	
Application #	017-20	Tax Map # 19-385.400

Applicant Request:

The Applicant seeks approval to change the use for a portion of the existing industrial/business professional office building at 150 Pilgrim Park Road from industrial to recreation/amusement facility use.

Present (*by phone*) and sworn in:

Wayne Lamberton, Owner/Applicant
Patrick Malone, Owner/Applicant
Joe Greene, Joseph Architects, Consultant to Applicant

Exhibits:

- A: Application #017-20 (3 pages: zoning permit, site plan, conditional use), submitted 2/14/20.
- B: Cover letter from Joseph Greene, Joseph Architects, LLC, dated 2/14/20.
- C: (C1) Overall Aerial Plan of site showing existing parking, submitted 3/17/20;
(C2) Parking Allocation chart, 150 Pilgrim Park Road, submitted 3/17/20.
- D: Orthophotos of parcel at two scales, dated 3/13/20. (staff)
- E: Letter to adjoining landowners, mailed certified on 3/2/20.

Findings of Fact:

1. Existing conditions: Superior Development Ltd. Co. / Malone Clay Point Properties LLC owns the existing industrial building at 150 Pilgrim Park Rd on a 44+/- acre parcel, that is in the Industrial (IND) zoning district. The property is currently developed with an industrial/business professional office building (150 Pilgrim Park Road) and a connected distribution center (131 Pilgrim Park Road) formerly used by Keurig Dr. Pepper. The property is served by the municipal water and sewer systems, and has access via Pilgrim Park Road. Access also includes a private road that bisects 131 and 150 Pilgrim Park Road and continues south-easterly and provides access for the site to Demeritt Pl.

Superior Development LTD also owns the remainder of Pilgrim Industrial Park that includes buildings located at 5 and 93 Pilgrim Park Road.

Project: The building at 150 Pilgrim Park Road is currently and partially occupied with a combination of industrial/light industrial and business professional office uses as shown on Exhibit C2, Parking Allocation table. The Applicant proposes to convert a 7,500 sq. ft. area in the building, that is currently vacant, from industrial to a recreation/amusement facility use for an indoor gymnasium and fitness facility. Classes/training would be held primarily Monday through Friday. Events that may bring in spectators would be primarily held on weekends, when there is plenty of parking in that area. Types of recreational and amusement events could possibly be any indoor sport (gymnastics, as an example). There are no primary events planned at this point.

2. Exhibit B1, Cover Letter from Joseph Architects, describes the use in detail. The letter states that: “Students under 16 years old are expected to be dropped off and picked up. 10+/- students of 16 years and older are expected. 2 instructors are also anticipated. This would result in a need for 12+/- parking spaces to support the new use.” This review is limited to the area of the parcel in the vicinity of 150 Pilgrim Park Road. Any change of use for the warehouse/distribution center located at 131 Pilgrim Park Road that is currently vacant is not included in this review.
3. Site Plan Review and Approval, Section 301: The Board considered the following criteria:
 - a. Section 301(f)(1) (A-D), Traffic access and pedestrian safety: The property has vehicular access via Pilgrim Park Road and the private road that connects the site to Demeritt Place. No changes are proposed to the existing pedestrian access to the building. Existing sidewalks and crosswalks provide access from along Pilgrim Park Road and the private road.
 - b. Section 301(f)(2) (A-G), Circulation and parking, loading, refuse, and service areas: The proposed project does not include constructing or enlarging any parking areas. The access, circulation, and parking layout is unchanged from the layout that has been in place for the past 15 years or so and is shown on Exhibit C2. Tractor-trailer trucks loop through and around the existing parking lots and access the loading docks at the northwesterly and southeasterly end of the building at 150 Pilgrim Park Road. The project makes no change to the vehicular circulation, parking, or surfacing.
 - c. Section 301(f)(3) (A-F), Landscaping, screening, and lighting: At least 20 trees exist adjacent to the parking areas. The proposal does not include additional landscaping or exterior lighting.
4. Parking Regulations, Section 414: Exhibit C1 includes a parking table. For the 7,500 sq. ft. indoor gym and fitness center, 12 parking spaces are required and are provided within the existing parking areas shown on Exhibit C1. Exhibit C2 shows that 216 parking spaces are required for the existing uses in the building at 150 Pilgrim Park Road. 331 parking spaces are shown on Exhibit C1 and those parking spaces serve both 131 and 150 Pilgrim Park Road.
5. Conditional Use criteria, Section 303:

The proposed recreation/amusement facility use is a conditional use in the IND zoning district. Prior to granting approval for conditional use, the Board must find that the proposed use conforms to the following general and specific standards:

- a. Section 303(e)(1) Community facilities: The proposed use will not unduly impact the roads, is served by the public water and wastewater systems, does not include any residential use, and does not increase demand for fire protection. The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities.
- b. Section 303(e)(2) Character of the area: Pilgrim Industrial Park includes other uses such as industrial, light industrial, and business professional offices. The existing structures are appropriate in scale and design with the industrial zoning district and no changes are proposed to the exterior dimensions or character of the existing structures. The proposed use 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 recreation/amusement facility project application complies with the conditional use criteria and 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 proposed use does not produce any of these impacts, nor will require any devices or special methods to control them.
- e. Section 303(h) Removal of earth or mineral products conditions: The proposed use 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 Superior Development Ltd. Co. / Malone Clay Point Properties LLC to change the use for a 7,500 sq. ft. portion of the existing commercial/industrial building at 150 Pilgrim Park Road as presented in application #017-20 and supporting materials, meets the Site Plan and Conditional Use criteria set forth in Sections 301 and 303, and the parking criteria in Section 414.

Motion:

On behalf of the Waterbury Development Review Board, Dave Rogers moved and Tom Kinley seconded the motion to approve application #017-20 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 zoning permit approval #04-10-V.

Vote: The motion was approved, 5-0.

David L. Frothingham A.A.

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

Approved: April 15, 2020

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 #013-20 ■ March 4 / March 18 2020

In Attendance:

(3/4/20) Board members present: David Frothingham (Chair), David Rogers (Co-Vice Chair), Bud Wilson, and Alex Tolstoi. Staff present: Dina Bookmyer-Baker (ZA) and Patti Martin (Secretary).

(3/18/20) Board members present: David Frothingham (Chair), Tom Kinley (*phone*), David Rogers (*phone*), Bud Wilson (*phone*), and Andrew Strniste (*phone*). Staff present: Dina Bookmyer-Baker (ZA), Steve Lotspeich (Community Planner), and Patti Martin (Secretary) (*phone*).

Owner/Applicant:	Waterbury Housing Ltd. Partnership (owner), Tabbatha Henry (applicant)	
Address/Location:	10 Stowe Street, Waterbury, VT	
Zones:	Downtown Commercial (DC), Downtown Design Review (DDR), Historic Commercial (HC) overlay and sub-district.	
Application #	013-20	Tax Map # 19-291.000

Applicant Request

The Applicant seeks approval to change the use of 1200 SF of retail space to craft production with a retail showroom in the Stimson & Graves building at 10 Stowe Street.

Present and sworn in:

(3/4/20) Tabbatha Henry, Applicant
(3/18/20) Tabbatha Henry, Applicant (*via phone*)

Exhibits:

- A: Application #013-20 (5 pages: zoning, site plan, conditional use, DDR overlay), submitted 2/3/20.
- B: National Register of Historic Places Inventory–Nomination Form for #39, Knights of Columbus Block.
- C: (C1) Excerpt of site plan from prior application.
(C2) Excerpt of floor plan from prior application, annotated by Applicant, revision submitted 3/18/20.
- D: Street views of the building. (Staff)
- E: Letter to adjoining landowners, mailed certified on: 2/14/20.
- F: Kiln and vent description and photos, prepared by Applicant, submitted 3/17/20.

Findings of Fact:

1. Existing conditions: Waterbury Housing Ltd. Partnership owns a 0.17± acre parcel located at 2–10 Stowe Street. The property is developed with a three-story mixed-use building, which includes 14 dwelling units on the upper floors and retail/office tenants on the ground floor. The property does not provide on-site parking. The building is served by municipal water and sewer systems. The parcel is located in the Downtown Commercial (DC) zoning district and the Downtown Design Review (DDR) overlay/Historic Commercial (HC) sub-district.

2. Proposal: The Applicant proposes to change the use of 1200 SF of retail space on the first floor, at the westerly end, of the Stimson & Graves building to craft production with a retail showroom. The craft production area will include a sink, spray-booth, and kiln, as shown on Applicant's Exhibit C2, the floor plan. A vent pipe will be installed in the bottom of the existing window on the North side. A new sign for the business will be applied for separately.
3. Table of Uses, Section 503: Craft production is a conditional use in the DC zoning district and is defined as follows:

(definition) *Craft Production: Small-scale production of craft or art products, such as pottery, textiles, crafted wood products, and so forth.*

4. Site Plan Review and Approval, Section 301: As the project makes no change to vehicular and pedestrian access, circulation, and safety, or to the parking, landscaping, and screening, the Board finds that the project does not require Site Plan Review.
5. Parking Regulations, Section 414: The Applicant/business owner currently has one full-time employee and anticipates needing one or two part-time employees in the future. The project makes no increase to the parking requirements.
6. Conditional Use criteria, Section 303: Craft production is a conditional use in the DC zoning district. Prior to granting approval, the Board considered the following general and specific standards:

- (a) Section 303(e)(1) Community facilities: The Applicant states (Exhibit A4) that the craft production uses minimal water and will include a sink trap to contain anything from going into the municipal sewer system. The Board concludes that the proposed change of use will not have an undue adverse impact on the capacity of existing or planned community facilities.
- (b) Section 303(e)(2)(A-E) Impact on the character of the area: No change is proposed to the exterior of the building other than a vent that will extend outside the window on the North wall (facing the gas station). The vent and the window insert for the vent will be painted to match the building and window trim (which are scheduled for repainting this season). The Board concludes that the change of use will not have an undue adverse impact on the character of the area affected.
- (c) Section 303(e)(3) Municipal bylaws in effect: This proposed project application complies with the site plan and conditional use criteria, and other applicable zoning bylaws. The Board concludes that the proposal 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 application states that the craft mechanicals include vent pipes to draw the fumes out and filters to capture particulates from the discharge. The exterior vent will point down to avoid directing odors toward the residential windows on the floors above. The Applicant's and her staff's routine includes cleaning and mopping inside daily for dust control. The Board concludes that the measures proposed are adequate to control the anticipated impacts.

- (e) Section 303(h) Removal of earth or mineral products: The project does not include earth removal activities. This provision does not apply.

Conclusion:

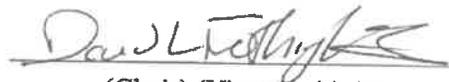
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Tabbatha Henry and Waterbury Housing Ltd. Partnership to change the use of a portion of the existing mixed-use building at 10 Stowe Street to include craft production with a retail showroom as presented in application #013-20 and supporting materials, is exempt from Site Plan Review and meets the Conditional Use criteria set forth in Sections 301 and 303.

Decision Motion:

On behalf of the Waterbury Development Review Board, Andrew Strniste moved and Dave Rogers seconded the motion to approve application #013-20 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) The Applicant shall paint the vents and supporting structures that are visible on the outside to match the exterior of the building and window trim.

Vote: The motion was approved, 5-0.



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

Approved: March 18, 2020

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.*