

**WATERBURY DEVELOPMENT REVIEW BOARD**  
**Approved General Minutes—May 6, 2020**

**Members:** David Frothingham (Chair), David Rogers (co-Vice Chair), Tom Kinley (co-Vice Chair), Bud Wilson, Andrew Strniste.

**Staff Members:** Steve Lotspeich, Community Planner/Acting ZA; Patti Martin, Secretary.

Derek Woolridge, Umair Arshad, Joe Greene, Joe Provencher, Hallie Nelson, Michael & Katharine Bodan, Loc Nguyen

The public meeting convened at 6:42 p.m. in the Steele Community Room in the Municipal Center, 28 North Main Street, Waterbury, VT. All attendees participated in this meeting via the Zoom platform.

David Rogers and Steve Lotspeich were present in the Steele Community Room.

Call to order by the Chair. *(Meeting was be audio recorded.) The agenda was followed as presented.* Applicants and consultants can be advised by phone call when their hearing is ready.

Applicants were instructed to try and have one spokesperson. Steve will give a staff overview. DBR members will ask questions one at a time, followed by staff comments. Then the hearing will be opened for public questions.

5 of 7 DRB members were present; 4 votes in the affirmative will be needed to pass a motion.

- 1. #026-20: Ben-Jerry's, SP-CU truck-trailer access drop-lot, 1281 Wby-Stw Rd. (owner/applicant)** Site plan and Conditional Use Review to construct a truck access drive and trailer drop-lot at 1281 Waterbury-Stowe Road, Waterbury, VT. (VCOM/RT100 zoning districts)

**Present and sworn in:**

Derek Woolridge, Consultant  
Umair Arshad, Consultant  
Joe Greene, Resident  
Joe Provencher, Resident

An overview of the project was presented by Derek Woolridge. The proposal is to create a new truck access away from the visitor pedestrian paths. Access to the current truck drop-lot is a safety concern due to the proximity to the primary guest handicap access area. The new entrance would bring the trucks around the north (right) of the plant and continue to the north and then to west around to the back of the building. There would be a fairly sharp right turn to the new truck access way just prior to the lower parking area.

This review involves conditional use and site plan review. Derek stated that they reviewed nine options for the location of the new tractor trailer drop lot and the one that was chosen near the northerly border of the Ben & Jerry's property was the best option considering all the environmental factors such as existing wetlands and the hillside terrain of the entire site.

Steve Lotspeich asked about the function and use of the drop lot, which will be used to drop off a

trailer while it is not being used or is waiting to be loaded or unloaded (at the rear of the plant). The new drop lot will save space in the loading dock area. Currently the trailers have to use the RV parking area, limiting the visitor parking in that area.

The following questions were asked by DRB members:

- ⇒ When will there be the most truck traffic? Most arrive “off peak.” No trucks will block the entrance to the existing lower parking area. The capacity of the factory is not being increased and the truck traffic will be the same.
- ⇒ What will the surface of the new access road be? The road material is being determined. Pavement is preferred, but cost is a factor, which is currently being researched. A key area to pave would be the entry to the lower parking lot so painted lines could delineate the visitor vs. truck lanes. A question was raised regarding the tightness of the turn into the lower lot and whether the tractor trailer trucks would have to go into the opposing lane thereby blocking cars trying to exit the lower parking lot. A question was asked about landscaping and the drainage needs.  
TO DO: Present a plan with the key paved areas marked.
- ⇒ What are the lighting requirements for the truck access road? There will be approximately 15 pole lights that will be downcast and shielded and are marked on the site plans along the roadway.  
TO DO: Cut sheets are needed for the lights. A photometric plan needs to be submitted as well.
- ⇒ Will there be refrigerator units running on the trailers in the drop lot and if so what will be the hours?  
TO DO: Report back on if refrigerated units will be running, and if so what will the hours be.
- ⇒ What is the status of the state permits for the project. The Act 250 land use permit will be applied for soon. There is still one other state permit pending.
- ⇒ Will employees use the truck access road. Yes - employees may also use this entry to access the rear of the employee parking lot, but it is not intended for visitor access.  
TO DO: Present a signage plan for traffic flow.

Screening along Route 100 where there is a large gap is a concern. Derek Wallbridge said that there is an underground utility corridor including an electrical conduit through this area. Dave F. suggested some additional evergreens would give better year-round screening.

TO DO: Revise landscaping plan to include additional screening of truck access from Rte. 100.

The Class 3 wetland between the access road and Route 100 was discussed. The berm of fill was discussed and pointed out on the plan. The fill appeared to be mapped and depicted in the FEMA 100-year floodplain. Derek pointed out that the surveyed boundary pertaining to the 100-year floodplain does not include the berm or the gravel wetland.

TO DO: Further conversation regarding the floodplain area on the survey will be needed between Steve and Derek.

The following comments from the public were raised:

The adjacent landowner, Jay Provencher, raised some concerns. His property abuts the Ben &

Jerry's property a lot previously owned Ramona Azulay and depicted on sheet C-01. Jay testified the fans from the roof of the existing building are frequently heard from this adjacent lot. There is concern pertaining to the hours the trucks will be coming, going and parking in the drop lot; the back-up noise from the trucks, the possibility of noise from refrigeration, and the added lighting area anticipated to be noticeable.

Joe Greene inquired about, and requested, a turning analysis for the entrance into the lower parking lot containing a template for the turning radii for tractor trailer trucks. Derek said that the analysis has been done. – TO DO: Add the turning templates for a tractor-trailer to the plan for the entry area with the scaled turning analysis.

*The hearing was continued to May 20, 2020 at 6:30 pm.*

**2. #028-20: Hallie Nelson, Site Plan review for in-home day-care, 258 Keltan Hts. (RT100)**

**Present and sworn in:**

Hallie Nelson

**Testimony:**

- 1.The daycare has been in operation since 2016.
- 2.She is licensed for less than 7 children.
- 3.There are 3 entrances which contain shielded lights, as well as shield lights for the garage.
- 4.The hours are 7:15 a.m. to 5:15 p.m., Monday - Friday

*The Board approved the project (5-0) with conditions and will issue a written decision within 45 days.*

**3. #030-20: Michael & Katharine Bodan, Setback waiver, garage & deck, 160 Worcester View Dr. (MDR/LDR)**

**Present and sworn in:**

Michael & Katharine Bodan

*The Board approved the project (5-0) with conditions and will issue a written decision within 45 days.*

**4. #003-20: Perry Hill Partners, c/o Aaron Flint & Jason Wulff (owner/applicant) Re-open the Site Plan, Conditional Use, and Downtown Design Review to change the use of 1,550 SF of office space to two dwelling units, and after-the-fact review of the rebuilt carriage barn and exterior renovations made to the historic structure at 11 N. Main Street. (VMR/DDR zoning & overlay districts)**

**Present and sworn in:**

Aaron Flint, Applicant  
George McCain, Consultant  
Joe Greene, Consultant

*The Board approved the project (4-1) with conditions and will issue a written decision within 45 days.*

**5. #023-20: Loc Nguyen (owner/applicant) Continuation of Site Plan, Conditional Use, and Special Flood Hazard Area Review to expand the existing restaurant use to include banquets and outdoor events at 1675 U.S. Route 2. (MDR/SFHA zoning and overlay districts) (continued from April 15, 2020)**

**Present and sworn in:**

Loc Nguyen

Follow up for the next meeting:

- a) landscaping plan for screening between the lower lawn and the neighbors;
- b) music plan to either have no amplification or some other form of sound control;
- c) revised lighting plan with no floodlight style lights.

*The hearing was continued to May 20, 2020 at 6:30 pm*

**Review of prior meeting minutes**

Tom Kinley moved and Dave Rogers seconded the motion to approve the general minutes of April 15, 2020 and the decisions for applications #024-20, #076-19, and #025-20, as amended.

Vote: The motion was approved 5 - 0

**Adjournment:**

There being no other business, the meeting was adjourned at 9:38 p.m.

  
 \_\_\_\_\_,  
 Chair

Approved: May 20, 2020  
 (date)

**Notice of upcoming meetings:**

Wednesday, May 20, 6:30 p.m.\* During the declared COVID 19 emergency, a public body is not required to provide a physical location for an open meeting or have a person physically present. The state legislature amended the Open Meeting Law to allow a public body to hold its meeting by phone, electronic, or other remote means, provided that the public can participate and information about how and when the public can access the meeting is published in the agenda. A quorum or more of the members of the public body must participate in the meeting.

***The Waterbury DRB has 1 Member & 2 Alternate positions open:*** The DRB meets twice a month and reviews commercial projects, larger subdivisions, Planned-Unit developments, and Ridgeline-Hillside-Steep Slope projects. Contact Dina Bookmyer-Baker (ZA), 802-244-1018 or [dbookmyerbaker@waterburyvt.com](mailto:dbookmyerbaker@waterburyvt.com) for more information or to apply. These volunteer positions will be filled by Select Board appointment.

**Town & Village of Waterbury  
Development Review Board  
Approved Hearing Decision  
Application #028-20 - May 6, 2020**

**In Attendance:**

Board members present: David Frothingham (Chair), David Rogers, Bud Wilson, Tom Kinley, Andrew Strniste.

Staff present: Steve Lotspeich (Acting Zoning Administrator) and Patti Martin (Secretary).

Applicant/Owner: Hallie Nelson (Applicant/Landowner)  
Address/Location: 258 Keltan Heights, Waterbury Center, VT  
Zoning District: Route 100 (RT100)  
Application #028-20 Tax Map # 09-213.200

**Applicant Request:**

The Applicant seeks approval to establish a registered home nursery/daycare in the existing single-family dwelling at 258 Keltan Heights.

**Present and sworn in:**

Hallie Nelson, Applicant

**Exhibits:**

- A: Application #028-20 (3 pages: Zoning Permit, Site Plan), submitted 4/6/20.
- B: Aerial views with site features marked, submitted 4/6/20.
- C: Orthophoto and parcel map of the lot (staff).
- D: Site plan with site features and required open space marked, submitted 4/6/20.
- E: On-site septic plan showing required open space, dated 6/6/07.
- F: Letter to adjoining landowners, mailed certified on 4/17/20.

**Findings of Fact:**

1. Existing conditions: Hallie and Shawn Nelson own a 4.34-acre parcel located at 258 Keltan Heights in the Route 100 (RT100) zoning district. The property contains a single-family dwelling and a detached garage, and is served by an on-site well and septic system. The lot has frontage on, and includes an access drive to, Keltan Heights, a private road.
2. Proposal: The Applicant requests after-the-fact approval allowing a registered home nursery/daycare on the property. The nursery/daycare operation will not exceed the care of more than seven children and will be registered by the State of Vermont. The Applicant is not proposing to enlarge the existing dwelling footprint/floor area, nor is proposing changes to the existing driveway. There are at least four existing parking spaces in front of the house

and garage that will be utilized to meet the parking requirement for dropping off and picking up the children, as well as the residential use of the property as shown on Exhibit B1. There will also be a fenced in play area on the north side of the house as shown on Exhibit B1.

3. Table of Uses, Section 503: A nursery/daycare with less than seven children is a permitted use in the RT100 zoning district. There will be no additional employees other than Hallie Nelson, the Applicant, working at the daycare facility.
4. Permitted and Conditional Uses by District, Section 503(b): Multiple uses within a single structure are permitted in the RT100 zoning district provided that all other requirements in this bylaw are met.
5. Site Plan Review and Approval, Section 301: As the proposal involves establishing a nursery/daycare use that will affect pedestrian safety, traffic access, and parking, the project is subject to site plan review. The Board reviewed and considered the following criteria:
  - a. Section 301(f)(1) (A-D), Traffic access and pedestrian safety: No change to the approved vehicular and pedestrian access is proposed. This small-scale project, the existing driveway, and pedestrian access to the house are adequate.
  - b. Section 301(f)(2) (A-G), Circulation and parking, loading, refuse, and service areas: A minimum of four outside parking spaces will be maintained to meet the parking requirement (Exhibit B1), see paragraph 6 below.
  - c. Section 301(f)(3) (A-F), Landscaping, screening, and lighting: No additional landscaping or screening is proposed. The existing outdoor lighting consists of two solar lights that will be downcast and shielded. The nursery/daycare use is anticipated to be typical of a residential area and does not require landscaping buffers, fences, or berms to reduce noise.
6. Parking Regulations, Section 414: The project includes a minimum of four on-site parking spaces to serve the single-family dwelling and the drop off and pick up aspect of the daycare. (Exhibit B1).

**Conclusion:**

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Hallie Nelson to add a nursery/daycare for less than seven children to the existing single-family dwelling at 258 Keltan Heights, as presented in application #028-20 and supporting materials, meets the Site Plan Review criteria set forth in Section 301 and Parking criteria set forth in Section 414.

**Motion:**

On behalf of the Waterbury Development Review Board, Dave Rogers moved, and Tom Kinley seconded the motion, to approve application #028-20 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. Any additional outdoor lighting shall be added to the site plan, resubmitted to the Zoning Administrator, and be downcast and shielded.

Vote: The motion was approved 5 - 0



Chair

May 20, 2020

(date)

This decision was approved on: May 20, 2020

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](mailto: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 Hearing Decision  
Application #030-20 - May 6, 2030**

**In Attendance:**

Board members present: David Frothingham (Chair), David Rogers, Bud Wilson, Tom Kinley, Andrew Strniste.

Staff present: Steve Lotspeich (Acting Zoning Administrator) and Patti Martin (Secretary)

**Applicant Request:**

The Applicants seeks approval to construct a residential addition to a single-family dwelling, to expand the deck, extend the roof, and add a garage/workshop, all of which will encroach into the setback at 160 Worcester View Drive.

**Present and sworn in:**

Michael and Katharine Bodan, Applicants

**Exhibits:**

- A: Application #030-17 (3 pages: zoning permit, conditional use, and variance), submitted 4/6/20.
- B: Zoning permit and waiver request narrative, submitted 4/6/20
- C: Site plan, submitted 4/6/20.
- D: Aerial photo with current house and proposed structures, submitted 4/6/20
- E: Orthophoto of parcel. (staff)
- F: Letter to adjoining landowners, mailed certified on 4/20/20.

**Findings of Fact:**

1. Existing conditions: Michael and Katharine Bodan own a 2.15± acre parcel located at 160 Worcester View Drive in the Medium-Density (MDR) and Low-Density Residential (LDR) zoning districts. The parcel currently contains a one and 1/2-story single-family dwelling. The structure was built in 1989 (Zoning Regulations were adopted in 1980). The parcel has access to Worcester View Drive via a 50' wide right-of-way and is served by on-site well and septic.
2. Project: The Applicants propose to construct an addition and a detached garage/workshop that will be located 4' from the south side property line. The proposed deck will be 46' from the same side property line. The roof of the house will be extended over the mudroom entrance. The project is located in the MDR district, which comprises a portion of the property. The project was previously approved by the Development Review Board on 10/18/17 and Zoning Permit #92-17 was issued. Construction began on the foundation for the garage and deck piers. The contractor found water damage in the wall of the house where the deck was to be attached thereby resulting in construction delays as described in Exhibit B1.

3. MDR Dimensional Requirements, Table 5.2: Minimum setbacks: 60' front; 50' sides/rear. The existing dwelling is located within the south side yard setback (Exhibit B).
4. Waiver Request: The setback waiver request is to allow the proposed detached garage/workshop to encroach into the south side yard setback by 46' (50' minus 4'), while also allowing the proposed deck to encroach into the south side yard setback by 4' (50' minus 46').
5. Conditional Use/Waiver criteria: As set forth in Section 309, the DRB may grant a waiver of building setbacks as a conditional use so long as the proposed project is reviewed in accordance with Section 303; provided that the encroachment does not have an undue adverse impact on the use and enjoyment of adjoining properties from which the setback waiver is sought. The Board must find that the proposed use conforms to the following general and specific standards in Section 303(e) and (f). See Exhibit B2, Waiver of Setback Narrative for Applicants' description of how the project meets these criteria.
  - (a) Section 303(e)(1) Community facilities: The proposed project will not change the residential use of the property or increase its occupancy. Also, the proposed project will not require additional water or sewer allocation (the parcel is served by a private well and an on-site septic system), will not increase traffic, burden the school capacity, or unduly 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 garage and deck design will match the style and materials of the existing dwelling.
  - (c) Section 303(e)(3) Municipal bylaws in effect: The proposed project will not change from its current use as residential, and this application is presented to comply with the conditional use criteria.
  - (d) Section 303(f)(2) Methods to control fumes, gas, dust, smoke, odor, noise, or vibration: The proposed garage, deck, and small addition to the house will not create the above-named nuisances.
  - (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 Michael and Katharine Bodan to construct an addition 46' within and a deck 4' within the south side yard setback at 160 Worcester View Drive, as presented in application #030-20 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, Dave Rogers moved and Tom Kinley seconded the motion to approve application #030-20 with the following conditions:

- (1) The Applicants 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 all Findings of Fact, Conclusions of Law, and Conditions in zoning permit approval #92-17.

Vote: The motion was approved 5 - 0



\_\_\_\_\_  
Chair

May 20, 2020

(date)

This decision was approved on: May 20, 2020

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](mailto: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  
Approved Hearing Minutes  
#003-20 - May 6, 2020**

**In Attendance:**

Board members present: David Frothingham (Chair), David Rogers, Bud Wilson, Tom Kinley, Andrew Strniste.

Staff present: Steve Lotspeich (Acting Zoning Administrator) and Patti Martin (Secretary).

Owner/Applicant: Perry Hill Partners, c/o Aaron Flint & Jason Wulff  
Address/Locations: 11 N. Main Street, Waterbury, VT  
Zones: Village Mixed-Residential (VMR) and Downtown Design Review (DDR) overlay  
Application #003-20 Tax Map # 19-285.000

**Applicant Request:**

The Applicant seeks to re-open the Board's original review and approval to change the use of 1,550 SF of office space to two dwelling units in the previously-approved mixed-use building at 11 N. Main Street. The application also includes revising the layout of the shared parking area that extends into the adjoining parcel at 28 Stowe Street, under common ownership. Review and approval also included the as-built footprint of the building, as well as the design and materials for the facades of the building that had been constructed.

**Present and sworn in:**

Aaron Flint, Applicant  
George McCain, Consultant  
Joe Greene, Consultant

**Exhibits:**

- A: Re-application #003-20 (6 pp: Zoning, SP, CU, Overlay/DDR), submitted 4/8/20.
- B: Revised Site Plan for Perry Hill Partners, titled Revisions to Multi-Use Development, prepared by McCain Consulting Inc., Sheet C-1, dated 12/24/19.
- C: Revised Elevations prepared by Joseph Architects, dated 11/06/19
- D: Floor Plans by Jennifer Lane, dated 12/24/19 (3 pp.)
- E: Pre-renovation Photos of Building submitted by applicant (5 pp.)
- F: Photos of Building as constructed submitted by applicant (6 pp.)
- G: Parcel map with orthophoto base map. (Staff)
- H: Letter to adjoining landowners, mailed certified on 4/17/20.

**Findings of Fact:**

1. Existing conditions: Perry Hill Partners own a 0.46± acre parcel located at 11 N. Main Street that was previously approved to remove and reconstruct the attached carriage barn, add one dwelling unit (to the existing 2 dwelling units), and establish an office use. The approval, under zoning permit #135-18, also included a boundary-line adjustment and shared parking arrangement with neighboring

parcel, 28 Stowe Street. 11 N. Main Street is located in the Village Mixed-Residential (VMR) zoning district and the Downtown Design Review (DDR) and Historic Commercial (HC) overlay/sub-districts.

2. **Project:** The Applicant proposes to replace 1550 SF of office space within the structure at 11 N. Main St. with two dwelling units and retain 800 sq. ft. of office space as shown on Exhibit D. The Applicant also proposed to revise the parking layout shared with 28 Stowe Street, which had been approved for a change of use under a separate zoning permit, #002-20. This review and approval also includes the as-built footprint of the building at 11 North Main Street and the design and materials for the facades of the building that have been constructed.
  
3. **Site Plan Review and Approval, Section 301:** Any use within the zoning district shall be subject to site plan approval by the DRB before a zoning permit may be issued. Since the project involves changes to vehicular access, circulation, and parking lot layout it is subject to site plan review. Prior to approval, the Board reviewed and considered the following criteria:
  - a. **Traffic access and pedestrian safety, Subsection 301(f)(1) (A–D):** There will be no change to the previously-approved traffic access to and through the site, with traffic circulating one-way, entering at 28 Stowe Street and exiting at 11 N. Main Street.
  
  - b. **Circulation and parking, loading, refuse, and service areas, Subsection 301(f)(2) (A–G):** Thirty-three parking spaces will serve both buildings with one-way circulation as described above. There will be two handicap parking spaces with one space designated to serve each building. See the parking regulations in paragraph 4, below.
  
  - c. **Adequacy of Landscaping, screening, and lighting, Section 301(f)(3) (A-F):** The landscaping and screening are the same as what was previously approved.
  
4. **Parking Regulations, Section 414:** The number of parking spaces provided will increase from 31 (what was previously approved) to 33 (what is currently proposed). Two parallel parking spaces have been added along the N. Main Street driveway (Exhibit C). The overall changes regarding both buildings results in the removal of 3 dwelling units from the Stowe Street building and replaces that space with combined office and retail. The N. Main Street building will replace some previously approved office space with 2 additional dwelling units. The parking requirements are as follows:

Dwellings: 1.5 spaces for each dwelling unit w/ 2 bedrooms; 1 space / each 1-bedroom unit  
 N. Main Street: 2-bedroom unit x 3: ..... 5 parking spaces;  
 1-bedroom unit x 2: ..... 2 parking space  
 Office and retail: 1 space for every 300 SF of floor area  
 N. Main Street: 1,122 SF office: ..... 4 parking spaces;  
 Stowe Street: 6,255 SF combined office/retail: ..... 21 parking spaces;

A minimum of 32 parking spaces are required for the combined uses currently proposed; 33 parking spaces are shown on the Site Plan, Exhibit C.

5. 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. Business professional offices are permitted uses; multi-family is a conditional use in VMR.
  - a. Section 303(e)(1) (A–E) Community facilities: The building will be served by municipal water and wastewater services.
  - b. Section 303(e)(2)(A–E) Character of the area: No changes are proposed to the building exterior.
  - 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 upon approval.
  - 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 residential and office uses.
  - 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.
6. Downtown Design Review Overlay District Standards, Section 1108: Prior to granting design approval, the Board shall find that the proposed development meets the Downtown Design Review standards, where applicable. The North Main Street building has been reviewed and approved.

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.*

The building addition utilizes a combination of materials that will be compatible with the existing main building as shown on Exhibit C and the photos in Exhibit F, including the approximately four-foot tall band of Corten steel or similar material w/variable "patina" along the ground level of the southern and eastern sides of the rear addition that replaced the previously demolished carriage barn. The façade of the original building, excluding the el are proposed to remain a horizontal clapboard type siding. The remaining facades of the south elevation, including the side entrance enclosure, the connecting el mid-section, and all facades of the carriage barn replacement, are vertical wood lap siding from the eave height down. The northern and western façades of the original building remain a horizontal

clapboard type siding. No Corten steel along the ground level is proposed in the northern façade of the original building or carriage barn replacement. The new roof for the el mid-section of the building is standing seam metal. All other roofs are asphalt shingle. The building is white except for the Corten steel band, to match the original building.

*(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.*

The proposed changes to the use and elevations of the original building and addition are consistent with the historic streetscape patterns and the site, including drives and pedestrian networks is compatible and integrated with adjoining parcels.

*(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.*

The changes to the building use and elevations are compatible with and in proportion to other building in the area.

*(C) New additions should be designed to complement and be compatible with, rather than detract from or obscure, the original structure.*

The revised façade of the addition which replaced the carriage barn is compatible with 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.*

The street scape of the building is proposed to remain unchanged from the original proposal.

*(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.*

The on-site utilities to the rear of the building are buried underground.

(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 roof pitch on the addition matches the moderately steep pitch of the main front portion of the existing building.

**Conclusion:**

Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by Perry Hill Partners to re-approve the change the use of 11 N. Main Street, reconfigure the parking area shared with 28 Stowe Street, and approve the as-built facades and the associated materials, meets the Site Plan, Conditional Use, and Downtown Design Review criteria as set forth in Sections 301, 303, and 1108.

**Motion:**

On behalf of the Waterbury Development Review Board Dave Rogers moved and Tom Kinley seconded the motion to re-approve application #003-20 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, as amended;
- (2)Any outdoor lighting shall be downcast and shielded.

Vote: The motion was approved 4-1.

  
\_\_\_\_\_  
Chair

Approved: May 20, 2020  
(date)

This decision was approved on May 20, 2020.

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](mailto: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.

