

WATERBURY DEVELOPMENT REVIEW BOARD
General Minutes—May 20, 2020

Members: David Frothingham (Chair), David Rogers (co-Vice Chair), Tom Kinley (co-Vice Chair), Alex Tolstoi, Andrew Strniste.

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

Public: Michael Bilodeau, Dereck Woolridge, Umair Arshad, Nolan Titcomb, Tom Burrows, Jay Provencher, John Mutchler, Gunner McCain

The public meeting convened at 6:30 p.m. with Staff Member Steve Lotspeich present in the Steele Community Room in the Municipal Center, 28 North Main Street, Waterbury, VT, while all other attendees participated in the meeting via ZOOM.

Call to order by the Chair. *(Meeting was audio recorded.) The agenda was followed as presented.*

The following introduction was offered by the Chair, David Frothingham: Applicants and consultants were given the option to be contacted once their hearing was ready to commence. The applicants should try and have one spokesperson. Steve will give a staff overview. The spokesperson (and/or applicant) will make a presentation of new information to the Board. DRB members will be asked one at a time to ask questions, followed by staff questions. Then the hearing will be opened for public comment and questions.

Five of the six current DRB members were present. David F. reminded the applicants that four votes in the affirmative will be needed to pass a motion.

- 1) **#035-20: Trex Communities LLC** (owner), **Michael Bilodeau** (applicant)
Setback waiver to remove a mobile home and replace it with a larger mobile home in the setbacks at 294 East Wind Drive. (MDR zoning district)

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

- 2) **#026-20: Ben & Jerry's Homemade Inc.** (owner/applicant)
Continuation of the 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)

The following testimony was offered:

- a) Additional testimony was offered on the noise level from the compressor units on the trailers, truck engines, and back up alarms on trucks. Testimony was provided that noise level for back up alarms are approximately 10 decibels over the ambient noise levels for the area where the truck is backing up.
- b) Jay Provencher asked to get a baseline noise reading from the proposed new drop lot to his property.
- c) There are 4-5 trucks that arrive daily during the overnight hours. The majority of the trucks won't be backing up, unless a loaded trailer is being dropped off or picked up

which is approximately 10-20% of the truck volume. At those times there will be noise from the backup beepers.

- d) Ben & Jerry's allows a driver who has reached their maximum driving hours to have a "safe harbor" spot to pull over and sleep at the plant property. The DRB requested that this safe harbor area be in a different area than the new drop lot, particularly when the truck is idling. New noise measurements will be needed and a condition related to the idling of trucks in the drop lot needs to be agreed to.

Steve Lotspeich will work with the Ben & Jerry's team on the revised staff report and the conditions that will be needed for a draft decision and motion for the project.

The hearing was continued to June 3rd at 6:30pm.

- 3) **#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)

The applicant has requested further continuation to June 3, 2020. The hearing was continued to June 3rd at 6:30pm.

- 4) **Felix & Geraldine Callan Revocable Trusts** (owners) **John Mutchler** (applicant)
Pre-Application Conference for a proposed 7-lot residential Planned Unit Development (PUD) on a 109+ acre lot at the corner of Ripley and Sweet Roads in Waterbury Center
(MDR/LDR/CNS/RHS zoning and overlay districts)

Attending: Gunner McCain, Consultant; John Mutchler, applicant
Gunner presented the intended seven-lot residential PUD project proposal relating to the property, which will have a formal application submitted for DRB review in the future. The property is in three different zoning districts and all of it is in the Ridgelines, Hillsides, Steep Slopes (RHS) overlay district. The applicants are likely to request an adjustment pertaining to the double setback from the overall property line and reduce it to the normal setback for a couple of the lots due to the constraints of wetlands and other factors. The DRB members voiced support for the overall concept presented on the preliminary plans. Some of the setbacks need to be further detailed and justified in the application. There are existing wetlands and wetland buffers on the parcel that will need to be shown on the plans that are ultimately submitted.

Review of prior meeting minutes and decisions:

Tom Kinley moved and Dave Rogers seconded the motion to approve the general minutes of May 6, 2020, and the DRB decisions for applications #028-20 and #003-20, 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: June 3, 2020

Next meeting:

June 3rd at 6:30pm. To include continued hearings on Applications #026-20 and #023-20.

* 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 Alternate position 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 for more information or to apply. These volunteer positions will be filled by Select Board appointment.



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DATE: June 17, 2020

TO: Michael Bilodeau (via e-mail & certified mail)
Trex Communities (via e-mail)

RE: #035-20: Replace an existing mobile home with a larger mobile home in the front and rear setbacks at 294 East Wind Dr.

Please find attached a copy of the Development Review Board decision for your review. Pursuant to 24 V.S.A. §4464(b)(3), a copy of the decision is being sent to you since you participated in the proceedings.

This decision may be appealed to the 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 the decision, pursuant to 24 V.S.A. §4471 and Rule 5(b) of the Vermont rules for Environmental Court Proceedings.

Please contact the Acting Zoning Administrator at 802-244-1012 with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Stephen Lotspeich".

Stephen Lotspeich
Acting Zoning Administrator