

WATERBURY DEVELOPMENT REVIEW BOARD
General Minutes—December 2, 2020

Attending: Board members: Tom Kinley (Acting Chair), Dave Rogers, Bud Wilson, Patrick Farrell, Harry Shepard, Alex Tolstoi, and George Lester.

Staff: Dina Bookmyer-Baker (Zoning Administrator), Steve Lotspeich (Community Planner), and Patti Martin (Secretary).

Public: Alyssa Johnson (Economic Development Director), Bruce Humphrey, Resident

Tom Kinley, acting Chair, opened the public meeting at 6:30 p.m. and made the following introductory remarks: Appellants and consultants will be given the option to be contacted once their hearing is ready to commence. Appellants should try to have one spokesperson. Staff will give an overview of the project. The Appellant or spokesperson will present any new information to the Board. The DRB members will ask questions, followed by staff questions and comments. The hearing will then be opened to the public for comments and questions. Attendees were advised that the DRB is a seven-member Board, with seven members present tonight, and that any approval will require four votes in the affirmative.

- 1) **#118-20: John Ledsworth** (applicant), **Ron Rondeau** (owner)
Setback waiver request to construct a breezeway between the house and garage at 10 Hillcrest Terrace. (VR zoning district)

The hearing was continued to Dec. 16, 2020 at 6:30 pm because the applicant was not available to attend the hearing this evening.

- 2) **#128-20: Perry Hill Partners** (appellant/owner)
Appeal of the Zoning Administrator's (ZA) denial of zoning permit #122-20 for a change of use of the first floor from retail/office to a taproom, brewery, and retail space at 28 Stowe Street. (DC/DDR zoning & overlay districts).

Attending and sworn in:

Aaron Flint, Perry Hill Partners (Applicant/Owner/Appellant)
Jason Wulff, Perry Hill Partners (Applicant/Owner/Appellant)
George McCain, McCain Consulting, Inc. (Project Consultant)
Joe Greene, Joseph Architects (Project Consultant)
Ryan Miller (Brewer, Freak Folk Bier, Prospective Tenant)
Lillian MacNamara (Brewer, Freak Folk Bier, Prospective Tenant)
Scott Woodard, Waterbury American Legion Inc. (Adjacent Landowner)
Edward French, Stackpole and French (Appellant Atty)
Dina Bookmyer-Baker (ZA, Appellee)
Randy Ricker, Masonic Lodge (Adjacent Landowner)
Mark Frier, Resident & Business Owner

Jason Wulff explained that they applied for a taproom that is a restaurant/bar use with a facility for brewing beer on-site. He sees the brewing operation as an accessory use to the taproom that is for tasting the beer. Most of the floor area on the first floor is for the taproom and retail uses. He thinks there are grey areas in how the definitions are applied. He thinks that the brewing operation at the Prohibition Pig is precedent for this kind of small-scale brewing. He stated that

the Waterbury Municipal Plan supports these uses in the downtown that are oriented to walk-in business.

Ed French, the attorney for the appellant, presented their legal argument. He stated that approximately 80% of the project space is for the taproom (restaurant/bar) and retail uses. The brewery component supports the restaurant/bar use. It is important that the restaurant/bar and retail operation are the primary uses. He stated that the ZA's conclusion that the brewery is a primary use doesn't address the fact that the retail and restaurant/bar are the primary uses. He said that the general industry use includes bottling plants and other heavy industries that are different in concept from the brewing operation that is proposed. This proposal is a walk-in type business. The restaurant/bar use is primary and the beer will be for consumption on the premises. He said that the retail use is the sale of retail goods as defined in the Waterbury Zoning Regulations. He stated that the general industry use has nothing to do with this type of business in any town. This is a fair and appropriate application.

Dina Bookmyer-Baker (ZA) stated that she doesn't have wiggle room in dealing with applying the definitions in the Zoning Regulations. She must take the definitions literally. The general industry use definition is the best fit for the brewery use that is proposed. She stated that the Prohibition Pig is primarily a restaurant with the brewing operation as an accessory use to the restaurant. In the case of the subject application, the brewery is the principal use because if you were to take the brewery out, the use of the space as presented would not exist. The original application called it a taproom.

Ed French stated that a taproom is a bar. He asked the Development Review Board (DRB) to read the definition of general Industry.

Dina said that out of the 2500 sq. ft. of space on the first floor, 900 sq. ft. is retail. The basement floor plan shows mechanical equipment that is necessary for the brewery operation.

Alex Tolstoi asked what percent of the bottles of beer will be sold on-site. Ryan Miller said that ideally 100% of the bottled beer will be sold on-site. There will be tanks of beer that will feed directly to the taps in the taproom.

Ed French said that if these types of businesses outgrow the site, they typically move the brewing operation off site to another location.

Bud Wilson said that boutique beer wasn't anticipated when the Waterbury Zoning Regulations were written. He said that the floor plan in the application does not show 80% of the floor area in the taproom and retail uses but much less space is devoted to those uses. He is concerned about events and how they will be conducted in the space. He asked if the dots were seats or tables and the applicant said that the dots represent individual seats.

Patrick Farrell asked about the plans for production. Ryan responded by stating that there will be six serving tanks that will be 217 gal. each and will be connected directly to the bar. Brewing will take place two times per week. The bottling is done by hand and then the beer is aged in the bottles until it is finished. He said that events will take place about once per month with live music inside the building. There will be no outside block parties.

Harry Shepard has pause with how this intensity of use will be accommodated onsite. He thinks that the one-way access drive from Stowe St. is very narrow. He asked how the building and site will accommodate this use. Jason responded that the scale will not require tractor trailer

deliveries. Ryan said that the grain is delivered once per week. The scale is smaller than a typical brewery. The mixture of uses in the application lessens the intensity of the use overall. Lillian MacNamara said that their current brewing operation is small scale, including the amount of spent grain that is produced.

Harry asked how deliveries will be made and is concerned about the impacts to others due to the tightness of the site. A wider side door would be installed on the railroad side of the building to facilitate access to the first floor for the installation of the equipment and the deliveries of materials.

Steve Lotspeich reminded the DRB members that this is the review of an appeal of the ZA's denial of the application and is not a review of the application itself.

George Lester discussed the definition of a restaurant including a taproom. The recent application for 40 Foundry St. was a similar use and was categorized as a brewery. Ed French responded saying that the concern about this current application setting a precedent is not an issue because each application needs to be reviewed on its own merits. He thinks that this group of uses in the application are clearly allowed by the Zoning Regulations.

Scott Woodard spoke on behalf of the neighboring American Legion. His main concern is parking. He said that even with 21 seats, parking will be a zoo. The American Legion can hold up to 150 people. The sites at 28 Stowe St. and the Legion are very tight. He is concerned about the safety of the access drive for 28 Stowe St. that is in between that building and the Legion's building.

Randy Ricker spoke on behalf of the Masonic Association that owns the building across Stowe St. They have elderly members and parking is currently a zoo and will be more of a zoo with the new building occupied as proposed. Jason responded that he is conscious of the intensity of uses.

Mark Frier expressed his support for the project and is in support of entrepreneurs coming to the downtown area of Waterbury. He said that we need to support projects such as this one that the current Zoning Regulations didn't anticipate. He said that this project would be a great thing for the downtown he supports the DRB overturning Dina's denial of the application. He said that the use for a small taproom seems less impactful than other uses that could be applied for and have a different and perhaps easier process for approval.

George McCain said that the brewing operation in the application fits the definition of Craft Production and should be allowed under that use. Bud Wilson said that he does not agree that the proposed brewing operation is Craft Production. Bud said that use applies to producing products such as pottery.

Mark Frier stated that he has large delivery trucks serving his restaurant, the Reservoir with many products including barrels of beer. He thinks that the proposed uses in the application for 28 Stowe St. will probably generate less traffic than his restaurant, the Reservoir.

MOTION:

Dave Rogers moved and Harry Shepard seconded the motion to close the public portion of the hearing at 7:37 pm.

Vote: The motion was approved 7 – 0.

Approval of prior meeting minutes and decisions:

MOTION: George Lester moved and Bud Wilson seconded the motion to approve the general meeting minutes of November 18, 2020 and decisions for applications #102-20, #119-20, and #124-20.

Vote: The motion was approved 7 -0.

#128-20: Perry Hill Partners (appellant/owner):

MOTION:

Harry Sheppard moved and Bud Wilson seconded the motion to go into a private deliberative session to discuss the appeal of the denial of Application #128-20.

Vote: The motion was approved 7 – 0.

MOTION:

David Rogers moved and Alex Tolstoi seconded the motion to close the private deliberative session on the appeal of the denial of Application #128-20.

Vote: The motion was approved 7 – 0.

Adjournment:

There being no other business, the meeting was adjourned at 8:36 p.m.

Next meetings:

Wednesday, December 16, 2020, 6:30 p.m. (Applications due: Mon. 11/16/20)

- #130-20: Lackey/Haskins, Appeal denied zp #086 rplc dwl in setbk, 17 Hunger Mtn. Rd. (TMR)
- #118-20: continued from 12/02/20

Wednesday, January 6, 2021, 6:30 p.m. (Applications due: Mon. 12/7/20)

Wednesday, January 20, 2021, 6:30 p.m. (Applications due: Mon. 12/21/20)