

**WATERBURY DEVELOPMENT REVIEW BOARD**  
**Approved General Minutes—November 3, 2021**

**Attending:** Board members: David Frothingham, Chair, Tom Kinley, Dave Rogers, Patrick Farrell, Joe Wurtzbacher, Bud Wilson, Alex Tolstoi.

Staff: Stephen Lotspeich, Planning & Zoning Director and Acting Zoning Administrator; Patti Martin, Secretary.

Dave Frothingham, Chair, opened the public meeting at 6:34 p.m. and made the following introductory remarks: Applicants should have one spokesperson. Staff will give an overview of the project. The Applicant/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. Note that the DRB is a seven-member Board, six members are present; an approval requires at least four votes in the affirmative.

1) **#081-21: Crush Partners LLP (owner/applicant)**

Site Plan and Conditional Use review to replace the existing retail building with the construction of a new 1,200 sq. ft. retail building and to reduce the front setbacks to 25' or review a waiver from those setbacks, on the parcel located at 3627 Waterbury Stowe Road. (TCOM zoning district) —*Continued from 9/15/21.*

The applicant requested that the hearing be continued because they are waiting for a response from VTrans on the application for a reconfigured curb cut on Waterbury-Stowe Rd. (Route 100). The hearing was continued to November 17, 2021 at 6:30 p.m.

2) **#090-21: Paul Steiner Family Trust / Waterbury Masonic Building Assoc. / Revitalizing Waterbury (owners/applicants)**

Site Plan and Downtown Design review for reconstructing alley located between 17 and 23 Stowe St. with pavers, landscaping & streetscape amenities. (DWN/DDR zoning/overlay districts)

Present and sworn in:

Karen Nevin, Revitalizing Waterbury (RW)  
Tom Nesbitt, Masonic Building Association  
Don Schneider, RW / Makersphere  
Jane Brown, RW Design Committee  
Kim (Duncan F.) Brown, RW Design Committee  
Carolyn Fox, RW Design Committee

The project was presented and discussed in detail. It was agreed that the project is somewhat conceptual at this stage and a follow up application and subsequent DRB review will be required once the details of the design and construction of the project are worked out.

The public hearing was closed at 7:30 p.m. The Board approved the project with conditions and will issue a written decision within 45 days.

**Agenda items to be scheduled by the Vice-chair:**

- Public comment / Other business: There was none.
- Review prior meeting minutes and decisions (10/20/21):

Motion: Tom Kinley moved and Alex Tolstoi seconded the motion to approve the general minutes for the meeting held on October 20, 2021 and the decision for application #085-21.

Vote: The motion was approved 7 - 0.

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

Approved: Thomas J Kinley Date: 11/17/2021  
Tom Kinley (Vice-chair)

**Next meetings:**

Wednesday, November 17, 2021, 6:30 p.m. (Applications due: Tues. 10/18/21)

- #095-21, Grace Investment Prop., LLC / CLiF, 3,300 sq. ft. office bldg. at 3579 Waterbury-Stowe Rd. (TCOM)
- #081-21, Crush Partners LLP, 1,200 sq. ft. retail bldg. at 3627 Waterbury Stowe Road. (TCOM)

**Town of Waterbury  
Development Review Board  
Approved Decision #090-21 ■ November 3, 2021**

**Attending:** David Frothingham (Chair), Tom Kinley (Vice Chair), David Rogers (Vice Chair), Bud Wilson, Alex Tolstoi, Patrick Farrell, and Joe Wurtzbacher (Alt).

**Staff:** Stephen Lotspeich, Planning & Zoning Director & Zoning Administrator, Patti Martin, Secretary.

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Owner/Applicants:	Paul Steiner Family Trust / Waterbury Masonic Building Assoc. (owners) Revitalizing Waterbury (applicant)
Address/Locations:	17-23 Stowe Street, Waterbury, VT
Zones:	Downtown (DWN), Downtown Design Review (DDR), and Historic Commercial (HC) zoning/overlay/sub-districts
Application #	090-21 <span style="float:right">Tax Maps #19-297.000 &amp; 19-298.000</span>

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**Applicant Request**

The applicant seeks approval to reconstruct the alley located between 17 and 23 Stowe St. with pavers, landscaping & streetscape amenities. The ownership of the alley is divided between two existing parcels 948-0017.V and 948-0023.V.

**Present and sworn in:**

Karen Nevin, Revitalizing Waterbury (RW)  
Tom Nesbitt, Masonic Building Association  
Don Schneider, RW / Makersphere  
Jane Brown, RW Design Committee  
Kim (Duncan F.) Brown, RW Design Committee  
Carolyn Fox, RW Design Committee

**Exhibits**

- A: Application #090-21 (8 pp: Zoning, SP, Overlay, DDR standards) submitted 10/06/21.
- B: Project description and timeline prepared by Revitalizing Waterbury (4pp.) submitted 10/06/21.
- C: Site Plan prepared by applicant dated 1/17/21.
- D: Perspective views of prop. alley re-build and elevations of exist. buildings prepared by applicant dated 1/17/21.
- E: Photographs of existing alley and buildings submitted 10/06/21.
- F: Parcel map with aerial photo of project vicinity dated 10/29/21.
- G: Letter to adjoining landowners, mailed certified on 10/18/21.

**Findings of Fact**

1. Existing conditions:

- (a) 17 Stowe Main Street—The Paul Steiner Family Trust owns a 0.25 acre (10,890 SF) parcel located at 17 North Main Street. The parcel is developed with a 3-story residential/commercial building. The property is served by municipal water and sewer and includes an 11-space parking lot in the rear of

the building that serves a mix of uses including residential apartments, a restaurant, a bakery, and a hair salon with retail sales and service. The most recent DRB approval was for the change of use for a portion of the first floor to a hair salon with retail sales and service. The parcel is located in the Downtown (DWN), Downtown Design Review (DDR), and Historic Commercial (HC) zoning/overlay/sub-district.

- (b) 23 Stowe Main Street—The Waterbury Masonic Building Assoc. owns a 0.09-acre (3,920 SF) parcel located at 23 North Main Street. The parcel is developed with a 2-story commercial building. The property is served by municipal water and sewer and has no on-site parking. There is public parking on the northeast and southeast sides of the building. The building includes a retail store on the first floor and a Masonic Hall on the second floor. There is an exterior stair in the alley that provides secondary access to the basement for the building. The parcel is located in the Downtown (DWN), Downtown Design Review (DDR), and Historic Commercial (HC) zoning/overlay/sub-district.
- (a) Proposal: The project is the reconstruction of the alley located between 17 and 23 Stowe St. with pavers, landscaping, streetscape amenities, and an enclosure for the exterior stair that accesses the basement for the building at 23 Stowe St., as shown on Exhibit C, the Site Plan, and Exhibit D, Perspective views of prop. alley re-build and elevations of exist. buildings. The structure that will enclose the exterior stair will be constructed of wooden panels, a door, and trim that will be grey in color and will match the architectural style of the building at 23 Stowe St. as shown on Exhibit D.

These parcels are in the DWN zoning district, in which there is no minimum lot size for all allowed uses, and no minimum setback requirement. Because the site is very flat, the stormwater from the pavers will runoff into the proposed landscape beds which is similar to the current condition.

2. Site Plan Review and Approval, Section 301: The proposal involves no change to vehicular access and circulation, parking lot and driveway construction, expansion, or relocation, on either parcel. The project is primarily to provide pedestrian access, safety, and an informal gathering place in the downtown. The project is subject to site plan review. The Board shall consider the following objectives:
- a. Traffic access and pedestrian safety, Section 301(f)(1) (A-D): There will be no changes to the traffic access to the site including the parking lot access off Bidwell Ln. There will be access into the alley from the southeast end for emergency vehicles. There is no longer any emergency access into the alley from Stowe St. because a granite curb was installed on Stowe St. as part of the Main St. Reconstruction project. Pedestrian access to the alley will be from both the existing sidewalk on Stowe St. and the existing parking lots off Bidwell Ln. behind the buildings at 17 and 23 Stowe St. The alley will serve this area of the downtown as an at-grade “patio” in between the two buildings and will include benches for seating. There will be space in the alley for occasional small community events such as art or music in the alley. Artwork may be displayed temporarily on the side of the enclosure for the exterior stair into the basement of the building at 23 Stowe St.
- b. Adequacy of circulation and parking, loading, refuse, and service areas, Section 301(f)(2) (A-G): There are no changes proposed to the circulation and parking, loading, refuse, and service areas for the two buildings at 17 and 23 Stowe St.

- c. Adequacy of Landscaping, screening, and lighting, Section 301(f)(3) (A-F): There will be landscaped beds included in the alley re-build as shown on Exhibit C. The plantings will be a combination of existing shrubs, one existing flowering crabapple, and additional shrubs, perennials and annuals.

There is no additional proposed exterior lighting. If any small exterior lights are added they will be downcast and shielded.

3. Downtown Design Review Overlay District, Section 1102(a): The Regulations state that all projects involving new structures that are located in the DDR overlay district requires design review approval by the DRB and that the Site Plan provisions as set forth in Section 301(a) shall apply. There is no demolition of any structures proposed. Both buildings located at 17 and 23 Stowe St. are listed as contributing historic structures to the Waterbury Village Historic District that is listed on both the State and National Registers of Historic Places.
- a. 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.
    - (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.
    - (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.
    - (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 Board concludes that the proposal meets the applicable design review standards.

**Conclusion:**

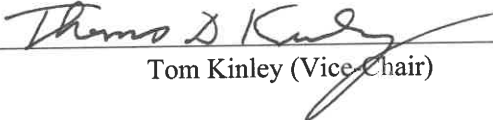
Based upon these findings, and subject to the conditions set forth below, the Board concludes that the conceptual proposal by Revitalizing Waterbury (applicant), Paul Steiner Family Trust (owner of 17 Stowe St.) and the Waterbury Masonic Building Assoc. (owner of 23 Stowe St.) to reconstruct the alley located between 17 and 23 Stowe St. with an exterior enclosure, pavers, landscaping & streetscape amenities, meets the Site Plan and Downtown Design Review in the Historic Commercial overlay district criteria as set forth in Sections, 301, and Article XI.

**Decision Motion:**

On behalf of the Waterbury Development Review Board, Dave Rogers moved and Patrick Farrell seconded the motion to approve application #090-21 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) Prior to construction a zoning permit application shall be submitted, reviewed, and approved by the DRB for the detailed designed of the enclosure of the stairs, the gateway feature, all additional exterior lighting, the layout of the pavers and a construction cross section, screens for utility structures, and any permanent art installations.

Vote: The motion was approved 7 – 0.

  
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 Tom Kinley (Vice Chair)

Approved: November 17, 2021  
 (date)

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, 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.*