

**WATERBURY DEVELOPMENT REVIEW BOARD**  
**Approved General Minutes—February 2, 2022**

**Attending:** Board members present: Dave Rogers (Acting Chair), Bud Wilson, Harry Shepard Patrick Farrell, Joe Wurtzbacher. George Lester

Staff: Stephen Lotspeich (Planning & Zoning Director and Zoning Administrator), Patti Martin (Secretary).

Dave Rogers, Acting-Chair, opened the public meeting at 6:32 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) **#002-22: One Stowe Street LLC/Brittany Degree** (owner/applicant)  
Site Plan and Downtown Design review for changing the use of 1,400 sq. ft. on the 3rd floor of the building located at 1 Stowe St. from business professional offices to a hair salon.  
(DWN/DDR zoning/overlay districts)

Present and sworn in:  
Brittany Degree (owner/applicant)  
Lynn Mason, Owner  
David Juenker, Owner

The hearing was closed at 6:40 p.m. The Board approved the project with conditions and will issue a written decision within 45 days.

- 2) **#116-21: SEAM Properties, LLC** (owner/applicant)  
Site Plan, Conditional Use (including Waiver), and Downtown Design review for demolishing an existing historic carriage barn and constructing an 1,800 sq. ft. footprint addition to the existing mixed-use building located at 104 S. Main St. for three additional multi-family dwellings.  
(VMR/DDR zoning/overlay districts)

Present and sworn in:  
John Pitrowski, Engineer  
Scott and Mary-Ellen Lamson, Applicant/owner  
Adam Lamson, interested party  
Mike Kearns, abutting property owner  
Georgiana Bjornlund, abutting property owner

The hearing was closed at 7:54 p.m. The Board approved the project with conditions and will issue a written decision within 45 days.

- 3) **Jay McCormack & Rich Gardner, Realtors** (prospective owners)  
Informal sketch plan review for a proposed addition to the existing historic building located at 102 S. Main St. in the VMR zoning district. The addition would be for multi-family use.

On overview of the concept was given by Steve Lotspeich. Jay McCormack gave additional detail. The intention is to convert the current 2 apartments to a 5 room residential apartment. Then 8

apartments will be added to the structure.

The DRB gave feedback that the proposed final structure is too large with too many units.

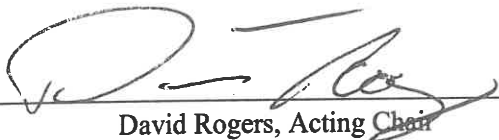
**Agenda items to be scheduled by the Chair:**

- Public comment / Other business: There was none.
- Review prior meeting minutes and decisions (01/19/22):

Motion: Dave Rogers moved and Bud Wilson seconded the motion to approve the general minutes for the meeting held on January 19, 2022 and the hearing minutes for #112-21 and #115-21, as amended. And the hearing minutes from February 2, 2022 for #116-21 and #02-22, as amended

Vote: The motion was approved 6 - 0.

**Adjournment:** There being no other business, the meeting was adjourned at 9:00 p.m.

  
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David Rogers, Acting Chair

Date: February 2, 2022

**Next meeting:**

Wednesday, February 16, 2022, 6:30 p.m.

No reviews are scheduled at this time.

**Town & Village of Waterbury  
Development Review Board  
Approved Decision #002-22 – February 2, 2022**

**Attending:** Board members present: Dave Rogers (Acting Chair), Bud Wilson, Harry Shepard, Patrick Farrell, Joe Wurtzbacher. George Lester

Staff: Stephen Lotspeich (Planning & Zoning Director and Zoning Administrator), Patti Martin (Secretary).

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Owner:	One Stowe St. LLC
Applicant:	Brittany Degree
Address/Location:	1 Stowe Street, Waterbury, VT
Zoning District:	Downtown (DWN), Downtown Design Review (DDR) overlay district
Application #	002-22 Tax Map # 19-302.000

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**Applicant Request:**

The applicant seeks approval to change the use of 1,650 sq. ft. on the 3rd floor of the existing building from the existing *Office, professional, business or administrative service* use to the *Personal service* (a hair salon) use at 1 Stowe Street.

**Present and sworn in:**

Brittany Degree, owner/applicant  
Lynn Mason, Owner  
David Juenker, Owner

**Exhibits:**

- A: Application #002-22 (3 pages: Zoning Permit, Site Plan, submitted 1/4/22).
- B: Site Plan for Downtown Streetscape Improvements, prepared by Stephen Lotspeich, dated 8/4/2011, showing the building at 1 Stowe Street.
- C: Aerial photo of parcel in its neighborhood (staff).
- D: Sketch/area Table Addendum from Listers Card.
- E: Letter to adjoining landowners, mailed certified on: 1/14/22.

**Findings of Fact**

1. Existing conditions: One Stowe St. LLC (Lynn Mason & David Juenker) owns a 0.05± acre (2,178 SF) parcel located at 1 Stowe Street. The property is currently developed with a 4-story commercial building of 4,788 SF of floor area. The uses in the building include: (1) Blackback Pub, a *restaurant/bar*, occupying 3600± SF; on the first and second floor; and the *Office, professional, business or administrative service* use occupying 1650 SF on the third floor and 900 SF on the fourth floor. The building covers nearly all of the property. The parcel, located on the corner of Stowe Street and South Main Street, does not include an access drive or parking. An access drive serving a neighboring property abuts the parcel to the north. The property is served by municipal water and septic. The parcel is located in the Downtown (DWN) zoning district and the Downtown Design Review (DDR) overlay district.

Project scope: The project will not enlarge or change the exterior dimensions of the building. The project includes renovating 1,650 sq. ft. on the 3rd floor of the building from the existing *Office, professional, business or administrative service* use to the *Personal service* (a hair salon) use at 1 Stowe Street. The salon will have four chairs and a maximum of four employees. The hours of operation will be for the hair salon will be 9:00 a.m. to 7:00 p.m. with limited operations in the evening. No physical changes are needed to the exterior of the building.

2. Use Table, Section 1606.1: The *Personal service* use totaling less than 4,000 sq. ft. is a permitted use in the DWN zoning district as listed in the Interim Bylaws for the Downtown Zoning District adopted April 26, 2021. The proposal will result in a reduction to a total of 900 SF of the *Office, professional, business or administrative service* use in the building.
3. DWN Dimensional Requirements, Section 504, Table 5.2: The property is in the DWN zoning district as listed in the Interim Bylaws for the Downtown Zoning District in which the minimum lot size is 2,000 sq. ft. and there are no minimum setbacks. This is a conforming lot. The proposal makes no enlargement to the exterior dimensions of the building.
4. Site Plan Review and Approval, Section 301: No change in the pedestrian access to, or the exterior dimensions of, the existing structure is proposed. As the project involves a change of use, is not exempt from site plan review [WZR Section 301(a)(3)]. The Board will take into consideration the following objectives:
  - a. Section 301(f)(1) (A-D), Traffic access and pedestrian safety: The property does not include an access drive. The property is served by a public sidewalk on its Stowe Street and S. Main Street sides. The building includes a deck with 7 seats on the Stowe Street side. No change is proposed to the existing pedestrian entrances to the building, of which there are six (Exhibit B).
  - b. Section 301(f)(2) (A-G), Circulation and parking, loading, refuse, and service areas: The property does not include on-site parking. See compliance with the parking regulations in Section 414, paragraph 5, below. Deliveries are made from the access drive between 1 Stowe St. and 5 Stowe St., the neighboring parcel to the north. The refuse containers are located off of this driveway access, as well.
  - c. Section 301(f)(3) (A-F), Landscaping, screening, and lighting: The site is developed almost entirely with the building. Raised planter boxes are located on the S. Main Street side of the building. No change to the existing landscaping, screening, or exterior lighting is proposed.
  - d. Section 301(j), Special considerations for property bordering Route 2: South Main Street is also U.S. Route 2. The property is developed with existing structures and landscaping. These provisions do not apply.
5. Parking Regulations, Section 414: All of the parking will be on-street public parking, as the property has no on-site parking. The building is proposed to include three uses: Blackback Pub, a *restaurant/bar*, on the first and second floors, the *Personal service* use on the third floor, and the *Office, professional,*

*business or administrative service* use on the fourth floor. The parking requirement for the third and fourth floor of the *Office, professional, business or administrative service* use of 9 spaces was previously approved in applications #34-09V and #062-21. The Blackback Pub on the first and second levels was previously approved for 38 spaces. Therefore, the building was previously approved for a total of  $9+38=47$  spaces. The new total for the *Personal service* (hair salon) use for four chairs and four employees will be 8 spaces. The remaining 900 SF of the *Office, professional, business or administrative service* use will require 3 parking spaces. Therefore, the total requirement for the entire building will be  $3 + 8 + 38 = 49$  spaces.

The Blackback Pub hours of operation are: Tuesday-Saturday 12:00 noon to 11:00 p.m., and closed on Sundays and Mondays. The second-floor part of the restaurant is open only from 5:00pm to 11:00 p.m. on these days and has 49 seats. These hours overlap with the *Personal service* use, however the 16+ parking spaces required for the restaurant seating on the second floor can be utilized and shared by the *Personal service* use in the building during the day in accordance with Section 414(e)(2). Therefore, the DRB finds that no additional on-street parking spaces need to be allocated for the building and the current number of approved on-street parking spaces meets the parking requirement for the building including the change of use for the third floor.

6. Downtown Design Review: Due to the fact that there are no exterior changes proposed for the building, the DRB finds that this project is exempt from review under the Downtown Design Review Overlay District criteria in Section 1108.

**Conclusion:**


Based upon these findings, and subject to the conditions set forth below, the Board concludes that One Stowe Street, LLC's proposal to change the use of 1,650 sq. ft. on the 3rd floor of the existing building from the existing *Office, professional, business or administrative service* use to the *Personal service* (a hair salon) use at 1 Stowe Street, as presented in application #002-22 and supporting materials, meets the Site Plan Review criteria set forth in Section 301.

**Motion:**

On behalf of the Waterbury Development Review Board, Patrick Farrell moved and Joe Wurtzbacher seconded the motion to approve application #002-22 with the following condition:

- (1) The Applicant shall complete the project in accordance with the Board's findings and conclusions and the approved plans and exhibits.

**Vote:** The motion was approved 6 – 0.

  
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David Rogers, Acting Chair

Approved: February 2, 2022  
(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](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 Decision #116-21 ▪ January 19, 2022, February 2, 2022**

**Attending** (January 19, 2021): Board members present: David Frothingham, Chair, Tom Kinley (Vice-Chair), Bud Wilson, Harry Shepard, Alex Tolstoi, Patrick Farrell, Joe Wurtzbacher. George Lester (alternate, non-voting)

Staff: Stephen Lotspeich (Planning & Zoning Director and Zoning Administrator), Patti Martin (Secretary).

**Attending (February 2, 2022):** Board members present: Dave Rogers (Acting Chair), Bud Wilson, Harry Shepard Patrick Farrell, Joe Wurtzbacher. George Lester

Staff: Stephen Lotspeich (Planning & Zoning Director and Zoning Administrator), Patti Martin (Secretary).

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Owner/Applicant:	SEAM Properties, LLC	
Address/Locations:	104 S. Main Street, Waterbury, VT	
Zones:	Village Mixed-Residential (VMR) and Industrial (IND) / Downtown Design Review (DDR) zoning districts / overlay	
Application #	116-21	Tax Map # 19-414.000

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**Applicant Request**

The applicant seeks approval to demolish the existing carriage barn and add a building addition with three multi-family dwelling units, to the existing building located at 104 S. Main Street. The application also includes revising the layout of the existing access drive and parking area that is on-site.

**Present and sworn in** (January 19, 2022):

Scott & Mary Ellen Lamson, applicants/owners  
John Pitrowiski, project engineer  
Mike Kearns, abutting property owner  
Georgiana Bjornlund, abutting property owner

**Present and sworn in** (February 2, 2022):

Scott & Mary Ellen Lamson, applicants/owners  
John Pitrowiski, project engineer  
Adam Lamson, interested party  
Mike Kearns, abutting property owner  
Georgiana Bjornlund, abutting property owner

**Exhibits:**

- A: Application #024-20 (9 pp: Zoning, SP, CU (Waiver), Overlay/DDR, BLA), submitted 12/22/21.
- B: Letter & Narrative prepared by Trudell Consulting Engineers dated 12/22/21.
- C: Boundary Line Adjustment Plan by Trudell Consulting Engineers dated 11/12/21.
- D: Existing Conditions & Demolition Plan by Trudell Consulting Engineers dated 10/28/21.

- E: Site Plan & Detail Sheet by Trudell Consulting Engineers dated 11/11/21.
- F: Building Elevations and Floor Plans submitted 12/22/21.
- G: Photographs of existing main building & carriage barn submitted 12/22/21.
- H: Parcel map with orthophoto base map. (Staff)
- I: Letter to adjoining landowners, mailed certified on 3/27/20.
- J: National and State Register of Historic Places Description and Map (staff)
- K: Supplemental Information letter from 3801 Waterbury-Stowe Rd. dated 12/28/21
- L: Lighting Cut Sheets

**Findings of Fact:**

1. Existing conditions: SEAM Properties owns a 0.22± acre (9,583± sq. ft.) parcel located at 104 S. Main Street. The parcel is located in the Village Mixed-Residential (VMR) zoning district and the Downtown Design Review (DDR) and Historic Commercial (HC) overlay/sub-districts. SEAM Properties also owns an adjacent 1.06± acre (46,174± sq. ft.) parcel located at 112 S. Main Street. The parcel is located in the Industrial (IND) zoning district. The existing building has approximately 1986 sq. ft. of floor area with a medical office and two apartments.
2. Project: The Applicant proposes to demolish the existing garage/carriage barn and add an addition with three apartment units as shown on Exhibits E and F. There will be a boundary line adjustment between the two parcels described above creating Lot 1, a 0.46-acre (20,003 sq. ft.) parcel, and Lot 2, a 0.83-acre (36,128 sq. ft.) parcel. The proposed addition to the existing building will be located entirely on Lot 1. The existing parking area will be reconfigured and expanded to include a total of 12 parking spaces on Lot 1 that will serve the expanded building, including the three new dwelling units.

The addition will be as shown on Exhibit F. The building will have horizontal siding, double hung and casement divided lite windows, and an asphalt shingle roof with gutters. There will be a roof structure over each of the three doorways into the three units as shown on Exhibit F2. The addition will be connected with an open roofed breezeway structure with a concrete floor as shown on Exhibit F4. This single structure conforms to the definition of building that follows:

*(definition) Building: Any structure having a roof supported by columns or walls and intended for the shelter above ground or enclosure of persons, animals, activity, equipment, goods, or materials of any kind.*

3. VMR Dimensional Requirements, Table 5.2: *Minimum lot area for other uses: 20,000 SF; no minimum frontage requirement; maximum lot coverage: 25%; minimum setbacks: 40' front, 25' sides, 50' rear.* The reconfigured lot meets the minimum lot size. The existing mixed-use structure encroaches on the front, and side setbacks. The proposed addition will replace a shed that is in the rear and northerly side setback and will further encroach on that same side setback and the rear setback, and will not exceed the maximum lot coverage. (Exhibit E).
4. Waiver Request, Section 309: The proposed addition will be 5'+ from the northerly side property line and 14' from the southerly side property line (Exhibit E). The setback waiver request is to encroach on the northerly side yard setback by 20 feet (25' minus 5') and by 11 feet on the southerly side yard setback



(25' minus 14').

5. Site Plan Review and Approval, Section 301: Multi-family use is subject to site plan approval by the DRB before a zoning permit may be issued. As the project involves changes to vehicular access, circulation, and parking lot layout it is subject to site plan review. Prior to approval, the Board will take into consideration the following objectives:
  - a. Traffic access and pedestrian safety, Subsection 301(f)(1) (A–D): There will be no change to the existing 17' wide vehicular access to the site off S. Main St. This paved driveway will narrow to approximately 15' to access the proposed parking area at the rear of the parcel as shown on Exhibit E. There will be a 4' wide paved walkway accessing the entry doors into the three dwelling units from the parking area at the rear of the proposed building as shown on Exhibits E1 and E2.
  - b. Circulation and parking, loading, refuse, and service areas, Subsection 301(f)(2) (A–G): 12 parking spaces will serve the entire building with circulation via the proposed driveway as described above. See the parking regulations in paragraph 4, below. There will be no dumpsters for refuse and recyclables for this expanded building.
  - c. Adequacy of Landscaping, screening, and lighting, Section 301(f)(3) (A–F): The landscaping and screening are as shown on Exhibit E and utilize the existing vegetation plus three proposed shade trees near the proposed parking area at the rear of the addition as shown on Exhibit E1 and E2. Exterior lighting for the addition will consist of five building mounted lights with one recessed can light in the ceiling of the roof over each of the doorways into the three new dwelling units and one wall mounted motion sensor light on the east end and one on the west end for security. The lights mounted on the building and at the entrance will be shielded and downcast as shown on Exhibit L, the Lighting Cut Sheets. The exterior lighting on the front portion of the building will remain unchanged.
6. Parking Regulations, Section 414: The 12 parking spaces will serve the building as follows: The 378 sq. ft. of office space requires two spaces. The two existing apartments are require a total of three spaces. The three proposed two-bedroom apartments require five spaces. The total requirement for the building is 10 spaces ( $2 + 3 + 5 = 10$ ). The minimum parking requirement for the building is met.
7. 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 a permitted use and 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 exterior of the existing building. The building addition is subject to Design Review as detailed below. These criteria address the impact of the building addition on the historic resource of the existing and nearby buildings. The existing carriage barn is listed as a contributing structure to the Waterbury Village

Historic District that is on the State and National Registers of Historic Places therefore the demolition of that structure is subject to the Design Review bylaws. Exhibit B states that: “The building utilizes building materials that fit in the village setting and the landscaping is already in place with mature trees that will remain. This project is consistent with the character of the area.”

- 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.
  - 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.
8. Downtown Design Review Overlay District Standards, Sections 1107 and 1108: Prior to granting design approval, the Board shall find that the proposed development meets the Downtown Design Review standards, where applicable. As noted above, the existing garage/carriage barn is listed as a contributing structure to the Waterbury Village Historic District that is on the State and National Registers of Historic Places therefore the demolition of that structure is subject to Section 1107, Demolition of Historic Buildings.

Section 1107      Demolition of Historic Buildings

(a) Development Review Board approval is required for the demolition of any building or structure (including residential) in the Downtown Design Review Overlay District that is listed on the National Register of Historic Places. The Development Review Board shall approve the demolition if it finds that the demolition will satisfy the requirements of Section 411, and that:

- (1) The structure is determined to be a deterrent to a major improvement that will be a clear and substantial benefit to the municipality,
- (2) The retention of the structure would cause undue financial burden to the owner (the owner bearing the burden of proof), or
- (3) The retention of the structure would create or pose a risk to the health, safety, or welfare of the structure’s occupant(s) or the general public.

(b) In approving a proposed demolition, the Development Review Board may require that the applicant provide, prior to demolition, detailed documentation of the structure’s historic and architectural features, such documentation to be part of the permanent zoning records. Such documentation should meet the requirements of the Vermont Division for Historic Preservation for documenting historic buildings.

Exhibit K addresses all three criteria in Section 1107(a)(1)-(3) above.

Section 1108 Design Review Standards: 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. Exhibit B states that “The building material will employ typical rural building materials to fit in with the village setting: The walls will be sided in similar fashion to the existing apartment building and many of the surrounding buildings. The roof will be standing seam metal roofing matching the existing apartment building and a majority of the buildings in the direct vicinity.”
  - (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. 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.

**Conclusion:**


Based upon these findings, and subject to the conditions set forth below, the Board concludes that the proposal by SEAM Properties, LLC to demolish the existing carriage barn and construct an addition with three multi-family units, within 5’ of the northerly property line and 14’ of the southerly property line, at 104 S. Main Street meets the Site Plan, Conditional Use, Waiver, and Downtown Design Review criteria as set forth in Sections 301, 303, 308, 1107 and 1108.

**Decision Motion:**

On behalf of the Waterbury Development Review Board, Patrick Farrell moved and Harry Shepard seconded the motion to approve application #116-21 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) All outdoor lighting shall be downcast and shielded.
- (3) The addition shall have horizontal non-vinyl siding with trim colors that are complimentary to the color of the siding and trim of the existing building and in conformance with Exhibit F.
- (4) The Applicant shall submit, prior to demolition of the carriage barn, detailed documentation of the structure's historic and architectural features which meet the requirements of the Vermont Division for Historic Preservation for documenting historic buildings, as set forth in Section 1107(b).

**Vote:** The motion was approved 6 - 0.

  
David Rogers, Acting Chair

Approved: February 2, 2022  
(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](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.*