

Informal Review

Date: _____	Application #: _____
Fees Paid: _____	+ \$15 recording fee = _____
Parcel ID #: _____	
Tax Map #: _____	

TOWN OF WATERBURY ZONING PERMIT APPLICATION

Please provide all of the information requested in this application.

Read the Zoning Regulations and familiarize yourself with the requirements. Failure to provide all the required information will delay the process of this application. Based upon the nature of the project you may need to submit additional information. For instructions on how to fill out this form please refer to the *Zoning Permit Application Instructions & Fee Schedule* available on the municipal website or at the municipal offices. Submit one copy of the completed application and a check payable to the *Town of Waterbury* according to the zoning fee schedule. For questions about the permit process, please contact the Zoning Administrator at 802-244-1018.

CONTACT INFORMATION

APPLICANT

Name: Jamie Carpenter
Mailing Address: 71 McNeil Rd.
Waterbury Ctr., VT 05677
Home Phone: 802-760-7339 (C)
Work/Cell Phone: 802-244-0100
Email: Carsvt15@gmail.com

PROPERTY OWNER (if different from Applicant)

Name: Scott Carpenter
Mailing Address: 71 McNeil Rd.
Waterbury Center, VT 05677
Home Phone: _____
Work/Cell Phone: 802-373-4286
Email: Carpenterscott88@yahoo.com

PROJECT DESCRIPTION

Physical location of project (E911 address): 71 McNeil Rd.
Waterbury Center, VT 05677
Lot size: 1.27 Acres Zoning District: _____
Existing Use: AUTO REPAIR Proposed Use: SAME
Brief description of project: DEMOLITION OF 1 OR MORE
BUILDINGS IN ORDER TO CONSTRUCT NEW
BUILDING FOR AUTO REPAIR

Cost of project: \$ \$700K Estimated start date: 8/22
Water system: TOWN Waste water system: TOWN

EXISTING

Square footage: 4702 Height: 16'
Number of bedrooms/baths: 2/4
of parking spaces: ~40
Setbacks: front: 13'
sides: 13' / 75' rear: 20'

PROPOSED

Square footage: 3800 Height: 16'
Number of bedrooms/bath: 0/1
of parking spaces: ~40
Setbacks: front: 120'
sides: 50' / 70' rear: 50'

ADDITIONAL MUNICIPAL PERMITS REQUIRED:

- Curb Cut / Access permit E911 Address Request
 Water & Sewer Allocation none of the above

[Additional State Permits may also be required]

CHECK ALL THAT APPLY:

NEW CONSTRUCTION

- Single-Family Dwelling
 Two-Family Dwelling
 Multi-Family Dwelling
 Commercial / Industrial Building
 Residential Building Addition
 Comm./ Industrial Building Addition
 Accessory Structure (garage, shed)
 Accessory Apartment
 Porch / Deck / Fence / Pool / Ramp
 Development in SFHA (including repairs and renovation)
 Other _____

USE

- Establish new use
 Change existing use NO CHANGE
 Expand existing use OF
 Establish home occupation USE

OTHER

- Subdivision (# of Lots: _____)
 Boundary Line Adjustment (BLA)
 Planned Unit Development (PUD)
 Parking Lot
 Soil/sand/gravel/mineral extraction
 Other _____

TOWN OF WATERBURY CONDITIONAL USE INFORMATION

Date: _____	Application #: _____
Fees Paid: _____	(\$15 recording fee already paid)
Parcel ID #: _____	
Tax Map #: _____	

This Conditional Use (and Setback Waiver) information sheet supplements the Zoning Permit application. Please provide all of the information requested on each form. Read the Zoning Regulations and familiarize yourself with the requirements. Failure to provide all the required information will delay the process. Submit one copy of the completed forms and a check payable to the Town of Waterbury according to the zoning fee schedule. For questions about the permit process, please contact the Zoning Administrator at 802-244-1018.

PROJECT DESCRIPTION

Brief description of project: OWNER OF PROPERTY WOULD LIKE TO REVIEW THE CONDITIONS OF AN EXPIRED PERMIT FROM APPROX. 2011 THAT ALLOWED THEM TO BUILD A NEW BUILDING ONLY IF THEY DEMOLISHED EXG. BUILDINGS IN SITE OF SAME AREA.
S.F.

CONDITIONAL USE CRITERIA

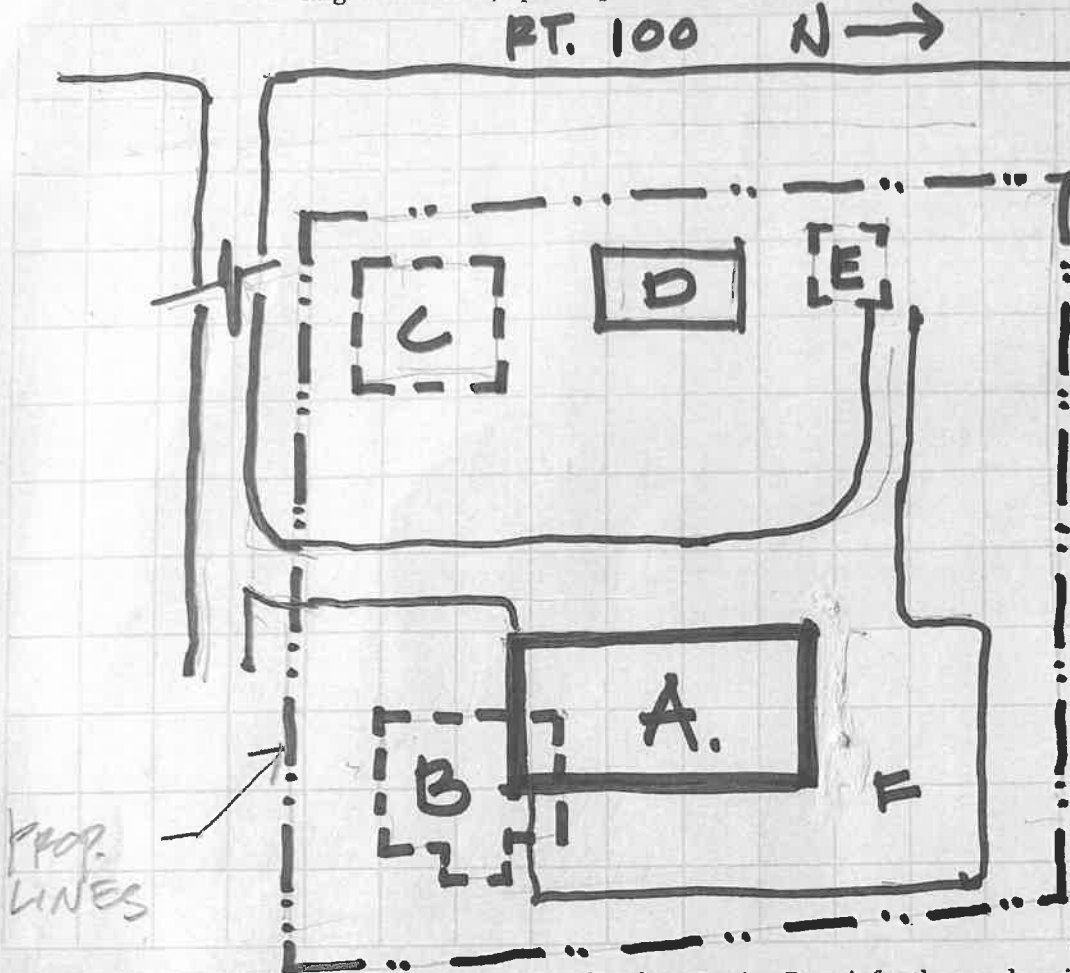
Please respond to the following; you may answer on a separate sheet and attach additional pages and supporting materials:

1. Describe how the proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities to accommodate it (including roads and highways, municipal water or sewer systems, school system, fire protection services): AUTOMOTIVE REPAIR & SALES ARE EXISTING USES ON THIS PROPERTY. OWNER NEEDS TO IMPROVE & EXPAND EXG. FACILITY W/ NO IMPACTS ON ROADS OR MUNIL. SERVICES OF ANY KIND.
2. Describe how the proposed use will not have an undue adverse impact on the character of the area affected as defined by the Municipal Plan and the zoning district in which the proposed project is located: NEW BUILDING WILL BE @ BACK OF SITE, INVISIBLE FROM WATERBURY/STONE ROAD. NO ADDITIONAL UNDU E ADVERSE IMPACTS.
3. Describe how the proposed use will not violate any municipal bylaws and ordinances in effect: USE OF PROP. IS A GRANDFATHERED USE/OCCUPANCY & WILL NOT CHANGE
4. Describe any devices or methods to prevent or control fumes, gas, dust, smoke, odor, noise, or vibration: ALL BEST PRACTICES WILL BE IMPLEMENTED
5. For removal of earth or mineral products which is not incidental to a construction, landscaping, or agricultural operation, a removal project must meet specific conditions outlined within Section 302 of the Waterbury Zoning Regulations. Are the conditions included within the Application Submittals?
WE ARE SEEKING AN INFORMAL SITE PLAN REVIEW TO DETERMINE VIABILITY OF PROJECT AT THIS TIME. ARCH + CIVIL DESIGN WOULD FOLLOW.

CONTACT Zoning Administrator Phone: (802) 244-1018
Mailing Address: Waterbury Municipal Offices, 28 North Main Street, Waterbury, VT 05676
Municipal Website: www.waterburyvt.com

SKETCH PLAN

Please include a sketch of your project, drawn to scale, with all required measurements - see *Zoning Permit Application Instructions*. You may use the space below or attach separate sheets. For plans larger than 11"x17" please provide a digital copy (pdf. file format) in addition to a paper copy.



- A. PROPOSED 38' x 100' GARAGE
 - B. DEMO'D GARAGE
 - C. OFFICE, CLIENTS WOULD LIKE NOT TO TEAR DOWN
 - D. EXG. HOUSE AS IS
 - E. RESID GARAGE CLIENTS WOULD LIKE NOT TO TEAR DOWN
 - F. NEW PARKING INVISIBLE FROM PT 100
- PLAN TO SCALE PROVIDED

SIGNATURES

The undersigned hereby applies for a Zoning Permit for the use described in this application to be issued on the basis of the representations made herein all of which the applicant swears to be complete and true.

Applicant Signature _____
 Property Owner Signature _____

6/2/22
 date
 6/2/22
 date

CONTACT

Zoning Administrator Phone: (802) 244-1018
 Mailing Address: Waterbury Municipal Offices, 28 North Main Street, Suite 1, Waterbury, VT 05676
 Municipal Website: www.waterburyvt.com

OFFICE USE ONLY

Zoning District/Overlay: _____
 Review type: Administrative DRB Public Warning Required: Yes No
 DRB Referral Issued (effective 15-days later): _____
 DRB Mtg Date: _____ Decision Date: _____
 Date Permit issued (effective 16-days later): _____
 Final Plat due (for Subdivision only): _____
 Remarks & Conditions: _____

 Authorized signature: _____ Date: _____

- REVIEW/APPLICATIONS:**
- Conditional Use Waiver
 - Site Plan
 - Variance
 - Subdivision:
 - Subdv. BLA PUD
 - Overlay:
 - DDR SFHA RHS CMP
 - Sign
 - Other _____
 - n/a

CENTERLINE
RT. 100 NORTH

DISTANCE TO CL 289'-0"

MICHEL ROAD

EXISTING STONE RETAINING WALL

PROPOSED PLANTER & SHRUB ZONE

PROPOSED PLANTER & SHRUB ZONE

AUTO DISPLAY (24 CARS)

EXISTING GARAGE MANSFIELD MOTORCARS (TO BE REMOVED)

EXISTING SUPPL GARAGE (TO BE REMOVED)

EXISTING HOUSE

DEDICATED OPEN SPACE ZONE

PAVED PARKING

EXISTING PRIVATE DRIVE

DEDICATED OPEN SPACE ZONE

DEDICATED OPEN SPACE ZONE

PROPOSED 38' X 100' GARAGE

PROPOSED

EXISTING GARAGE (TO BE REMOVED)

EXT TO BLDG (TO BE REMOVED)

GARAGE ENTRANCE & PARKING

CEDAR HEDGE AT PROPERTY LINE

EXISTING DRIVEWAY - 4,000 S.F.
PROPOSED AUTO DISPLAY AREA - 6,000 S.F.
NEW BUILDING - 3,800 S.F.
EXPANDED DRIVE AND PARKING - 6,700 S.F.
EXISTING HOUSE 860 S.F.

TOTAL ALLOCATED SPACE - 21,460 S.F.

RESERVE SPACE FOR FUTURE USE - 3,600 S.F.

SQUARE FOOTAGE OF LOT - 52,272 S.F.

DEDICATED OPEN SPACE - 27,200 S.F.

(NOTE: 26,136 MIN REQ.)

DEDICATED OPEN SPACE ZONE

EXISTING TREELINE

218'-7"

243'-8"

71'd

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

P/L

231'-8"

SCALE - 1" = 15'

SITE PLAN

DESIGN BY:

PROPOSED MANSFIELD

PARKING & SITE PLAN

Previous DRB Decision

Town of Waterbury
Development Review Board
Approved Minutes and Decision
Date: June 16, 2011

Board Members Present: Jeff Larkin, Acting Chair; Martha Staskus; Rick Boyle; Jeff Whalen;
David Rogers, Dave Frothingham

Staff Present: Steve Lotspeich, Alena Schnarr, Patti Spence

Fourth Order of Business: Application for Site Plan Review, Extension of the non-conforming use,
and Variances - Findings and Decision

Permit #: App. No. 15-11-T
Applicant: Scott Carpenter
Landowner: Scott Carpenter
Location of Project: 75 McNeil Rd., Waterbury Center

The continuation of 15-11-T was opened at 8:50 p.m.

The following interested party was present and sworn in:
Scott Carpenter, Jamie Carpenter

EXHIBIT LIST:

Exhibit A	Zoning Permit Application dated 5-6-11
Exhibit B	Parking and Site Plan dated 6-2-11
Exhibit C	Garage Building Isometric View, Floor Plan, and Elevations dated 6-1-11
Exhibit D	Notices Sent to Adjacent Landowners dated 5-25-11
Exhibit E	Photographs provided
Exhibit F	Revised parking and site plan showing undeveloped land, dated 6-16-11

TESTIMONY:

The 13' x 50' addition will be on the rear of the existing auto/vehicle repair/service garage structure adding a net of 450 sq. ft. to the garage. The existing 484 sq. ft. garage near the residence will be removed and will not be replaced with another structure. The existing 484 sq. ft. garage to be demolished is used as part of the vehicle repair/service business. There will be a net reduction of 34 sq. ft. of commercial building footprint.

The addition to the garage will be used for additional equipment and tools for the existing bays. It will also provide space for an office for the service writer. A fourth service bay will be added on the north side of the addition. This will allow for the addition of one employee in the service garage for a total of five employees working in that building.

The garage does not have a floor drain in it.

The site currently does not have a state Act 250 land use permit.

All the buildings will have a stone pattern at the base of the walls and cedar siding on the upper part of the walls as shown on Exhibit C, Garage Building Isometric View, Floor Plan, and Elevations.

There are no streams located on or in close proximity to the property.

Mansfield Motorcars has had a state license for sales of vehicles since 1988. The business has also had a license to inspect vehicles during this time.

The open space is clustered on the north side of the site, adjacent to open area on the surrounding property.

A board member was concerned with the use of some green space to the rear of the garage that appears to be used for parts. Scott Carpenter responded that there is a bin in this location for used parts that are periodically recycled.

The applicant agreed that there will be no additional exterior lights and the four proposed pole lights shown on Exhibits B and F were removed.

The public testimony portion of the review was closed by Jeff Larkin, the Chair.

FINDINGS OF FACT:

Description of Project:

This project is located at 75 McNeil Rd. off Route 100 in Waterbury Center. The site currently has the pre-existing non-conforming uses of auto/vehicle repair/service and auto/vehicle sales. This project includes a 450 sq. ft. addition and renovation to the existing garage building at the rear of the site and demolition of the existing 484 sq. ft. garage on the north side of the site. The use of the reconstructed garage will continue as auto/vehicle repair/service. The existing Mansfield Motor Cars building in the south-west part of the site will remain and will continue to be used for auto/vehicle sales. The existing single-family dwelling in the north-west part of the site will continue to be used as a dwelling.

Based on the application, testimony, exhibits, and other evidence the Town of Waterbury Development Review Board makes the following findings:

1. The applicant seeks approval for site plan review to construct a 450 sq. ft. addition to the existing auto/vehicle repair/service garage located at 75 McNeil Rd. off Waterbury-Stowe Rd. (Route 100) in Waterbury Center on an approximately 1.27-acre acre parcel in the Town of Waterbury, Tax Map # 13-142.000.
2. The property is located in the Route 100 Zoning District as described on the Town of Waterbury Zoning Map

3. This project includes a 450 sq. ft. addition and renovation to the existing garage building at the rear of the site and demolition of the existing 484 sq. ft. garage on the north side of the site. The use of the reconstructed garage will continue as auto/vehicle repair/service. The existing Mansfield Motor Cars building in the south-west part of the site will remain and will continue to be used for auto/vehicle sales. The existing single-family dwelling in the north-west part of the site will continue to be used as a dwelling.
4. Exhibit B, Parking and Site Plan shows at least 27,489 sq. ft. of dedicated undeveloped land. This area is at least 50% of the entire 1.27-acre site. The undeveloped land does not contain any buildings, parking areas, driveways, or other developed areas. The applicant is going to reduce the existing grass and gravel parking lot by 18 x 27 as per Exhibit F, to achieve the minimum 50% undeveloped land requirement.

SITE PLAN REVIEW:

1. There will be no additional exterior lights to those previously approved.
2. The Development Review Board finds that the application addresses the Site Plan Review Criteria in Section 301 of the Waterbury Zoning Regulations as follows:
 - (1) Adequacy of traffic access. Considerations shall include:
 - (A) Traffic flows at the intersection of driveways or access roads with public roads and at other affected streets and intersections.
 - (B) Location of driveway entrances and exits so as to have sufficient sight distances.
 - (2) Adequacy of circulation and parking. Considerations shall include:
 - (A) Assurance that the criteria of Section 414 of this bylaw are met.
 - (B) The need for additional off-street spaces beyond the number required in Section 414.
 - (C) The adequacy of surfacing and provisions for the runoff and discharge of stormwater.
 - (D) The provision of appropriate buffer space and landscaping to insulate parking areas from adjoining properties and public streets.
 - (E) Placement of trees and shrubs around the periphery of parking lots and in the interior so as to break up large parking areas. Large parking lots of 20 or more spaces shall include at least 1 tree for every 8 spaces.
 - (F) The adequacy of parking, loading, refuse, and service areas.
 - (G) Provisions for clearing snow for maintaining parking areas.
 - (3) Adequacy of landscaping and screening. Considerations shall include:
 - (A) Adequacy of landscaping, screening, and setbacks with regard to achieving maximum compatibility with and protection for adjacent properties and public roads.
 - (B) Preservation of attractive or functional existing vegetation.
 - (C) The adequacy of landscaping materials to meet seasonal, soil, and topographical conditions.
 - (D) There will be no additional lighting. (as marked on Exhibit F)
 - (E) Screening of unloading zones, trash bins, storage, and other service areas. Applicant has agreed to move the dumpster from its existing location 5 feet east towards shop along hedge.
 - (F) The need for landscaping buffers, fences, or berms to reduce noise.

(G) Any land development in the Route 100 District, including division of land into two or more parcels, shall be reviewed by the Development Review Board under the standards set forth for planned unit developments in Section 705(c)-(l), and Subsections 705(m)(1)-(3) of this bylaw, in addition to the standards set forth in Section 301. These criteria are to be used in site plan review only and do not require that a planned unit development application be submitted.

(H) For any land development in the Route 100 District, the Development Review Board may require suitable protection, such as deed restriction, for proposed undeveloped land designated under the criteria in Subsections 705(m)(1)-(3).

CONCLUSION REGARDING SITE PLAN REVIEW CRITERIA:

Regarding the Site Plan Review Criteria the Development Review Board concludes that all applicable site plan review criteria are met including the special criteria that apply to the Route 100 Zoning District.

EXTENSION OF NON-CONFORMING USE / CONDITIONAL USE REVIEW:

Based on the application, testimony, exhibits, and other evidence the Zoning Board of Adjustment makes the following findings:

1. The applicant seeks approval to extend the existing non-conforming auto/vehicle repair/service use under the conditional use criteria as allowed in Section 304(a)(2) of the Waterbury Zoning Regulations. This auto/vehicle repair/service use on the Carpenter property is a non-conforming use that pre-dates the establishment of the Zoning Regulations in the Town of Waterbury in March, 1980. This use was extended in the past when the subject auto/vehicle repair/service garage was constructed under Permits #071-98-T and #50-00T. The pre-existing non-conforming auto/vehicle sales use of the property in the Mansfield Motorcars building to the front of the site will remain unchanged.
2. The auto/vehicle repair/service use currently takes place in the 484 sq. ft. garage on the north side of the site. That building will be removed and that use will shift to the new 450 sq. ft. addition to the main garage for a reduction in the footprint dedicated to this use of 34 sq. ft.

Section 303(e) states:
Prior to granting any approval for conditional use, the Board must find that the proposed use conforms to the following general and specific standards:

1. The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities to accommodate it.

- The proposed use:
- (A) Will not cause the level of service on roads and highways to fall below a reasonable standard.
 - (B) Will not cause an unmanageable burden on municipal water or sewer systems.

- (C) Will not lead to such additional school enrollments that existing and planned school system capacity is exceeded and
- (D) Will not cause an unmanageable burden on fire protection services.

2. The proposed use will not have an undue adverse impact on the character of the area affected as defined by the Municipal Plan and the zoning district in which the proposed project is located.

(A) The proposed use will not result in undue water pollution, undue adverse impacts to downstream properties, and will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result; in making this determination, the Board shall at least consider the elevation, the slope of the land, and the nature of soils and subsoils and their ability to adequately support waste disposal;

(B) The proposed use will not result in undue noise, light, or air pollution, including offensive odors, dust, smoke, or noxious gasses.

(C) The proposed use will not have an undue adverse effect on the scenic or natural beauty of the area, historic sites, or rare and irreplaceable natural areas.

(D) The proposed use will not be otherwise inconsistent with existing uses in the immediate area; in determining the appropriateness of the use or structure in an area, the Board shall consider the scale and design of the proposed use or structure in relation to the scale and design of existing uses and structures in the same district.

(E) The proposed use will not cause danger of fire, explosion, or electrical hazard, or in any other way jeopardize the health and safety of the area.

(3) The proposed use will not violate any municipal bylaws and ordinances in effect.

(4) The proposed use will not comply with the specific lot area, setbacks, and lot coverage requirements set forth in this bylaw.

CONCLUSION REGARDING CONDITIONAL USE CRITERIA:

The Development Review Board concludes that all the conditional use criteria are met.

VARIANCE REVIEW:

Based on the application, testimony, exhibits, and other evidence the Town of Waterbury Zoning Board of Adjustment makes the following findings:

1. The applicant seeks a variance to construct a 450 sq. ft. addition onto the existing auto/vehicle repair/service garage.
2. The property is located in the Route 100 Zoning District as described on the Town of Waterbury Zoning Map.

3. The following variance is sought by the applicant: The addition will be have a setback of 13' 6" from the side property line to match the existing garage building requiring a variance of 36' 6" from the required minimum side setback of 50'. The addition will have a setback of approximately 19' from the rear property line requiring a variance of 31' from the required minimum rear setback of 50'. These variances require review under Section 308 of the Waterbury Zoning Regulations:
4. The following unique physical circumstances or conditions peculiar to the subject property are found:
The lot is a pre-existing small lot that is 1.27 acres in size. The existing garage building does not meet the required side and rear setbacks.
5. Because of these unique circumstances and conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Bylaw and authorization of a variance is necessary to enable the reasonable development of the property. The applicant cannot put the structure on the north side of the parcel. The addition is placed such that it allows for the reduction of a non-conforming square footage on the property while still being functional for the applicant.
6. An unnecessary hardship has not been created by the applicant.
7. The variance will not alter the essential character of the neighborhood, or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
8. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

CONCLUSION REGARDING THE REQUEST FOR A VARIANCE

The Development Review Board concludes that all the variance criteria are met.

DECISION AND CONDITIONS

Based upon these findings, and subject to the conditions set forth below, the Development Review Board grants the applicant approval for the site plan review, approval for the extension of the non-conforming auto/vehicle repair/service use under the conditional use criteria, and approval for the variances.

As conditioned, the proposed development meets the requirements of Sections 301, 303, 304, 308, and all other applicable Sections of the Waterbury Zoning Regulations.

MOTION:

Dave Frothingham moved and Jeff Whalen seconded the motion to approve application 15-11-T for the extension of the non-conforming auto/vehicle service/repair use, and review for a variance for an addition to the existing auto/vehicle service/repair shop located at 75 McNeil Rd. in Waterbury Center. The variances include a 36'6" variance from the required minimum side yard setback of

50', and a 31' variance from the required minimum rear setback of 50'. The site plan review includes demolition of the existing 484 sq. ft. garage. This approval is subject to the following conditions:

1. The site plan review approval includes the changes to Exhibit F, the Site Plan, to meet the required 50% minimum of undeveloped land.
2. This permit is granted on the condition that the applicant complete the project consistent with the Commission's findings and conclusions and the approved plans and exhibits.

VOTE:

The motion was approved unanimously.

Respectfully submitted,

Patti Spence, Secretary Date: 7-7-11

[Signature], Chair Date: 7-7-11

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Zoning Board of Adjustment. 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.

THESE MINUTES WERE APPROVED ON 7-7-11