

**WATERBURY PLANNING COMMISSION  
MEETING  
Wednesday, March 2, 2011  
Approved Minutes**

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Members: Darren Higgins, Chair; Joel Baker; Rebecca Washburn; Craig McKenzie; Kane Smart; Jeff Whalen; Jason Wulff  
Staff: Stephen Lotspeich  
Public: Giancarlo (John) Devito

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Darren Higgins opened the meeting at 7:05 p.m.

**APP. NO. 05-11-T, VERMONT AGENCY OF TRANSPORTATION, TOWN OF WATERBURY**

The Planning Commission considered a request for an exemption from site plan review for App. No. 05-11-T, the extension of Farr Rd. The Planning Commission determined that these types of road construction projects may need review under Section 301(a) that states: "Any use shall be subject to site plan approval of the Planning Commission before a zoning permit may be issued, with the exception of the following:" Roads are not specifically exempted from Site Plan Review in the Zoning Regulations. The issue of whether a road is a use that has to be reviewed was discussed. The site plan review criteria in general may or may not apply to roads. It was the general opinion of the Planning Commission members that roads fall under their review. It was noted that the project will be reviewed by the Town Zoning Board of Adjustment under the Flood Hazard Area Regulations.

**MOTION:**

Joel Baker moved and Kane Smart seconded the motion to waive site plan review for Application No. 05-11-T, the Vermont Agency of Transportation, Town of Waterbury, pursuant to Section 301(a)(3), because the project is not a substantial change of use.

**VOTE:**

The motion was approved unanimously.

**APP. NO. 04-11-T, GIANCARLO (JOHN) DEVITO**

Darren Higgins opened the site plan review for changing the use of 600 sq. ft. on the first floor of the existing residential duplex at 1971 Guptil Rd. to a retail art gallery. Mr. Higgins swore in Mr. Devito. Mr. Devito presented the project. The issue of parking along the street in the vicinity of the property was discussed. There will be a gallery opening about once per month. It is anticipated that these openings will attract approximately 25 people. Staffing of the gallery will be the owner, Mr. Devito, and his wife. The apartment on the second floor will be retained. The site plan review criteria were discussed as they relate to the project.

Mr. Higgins closed the public portion of the Site Plan Review.

**EXHIBIT LIST:**

Exhibit A      Zoning Permit Application

- Exhibit B Site Plan dated 2-23-11  
Exhibit C Floor Plan for Building dated 3-2-11  
Exhibit D Notice Sent to Adjacent Landowners dated 2-18-11

**FINDINGS OF FACT:**

This project is Site Plan Review for changing the use of the 600 sq. ft. on the first floor of the existing residential duplex at 1971 Guptil Rd. to a retail art gallery. The existing apartment on the second floor will be retained. The typical hours of operation for the art gallery will be 11:00 a.m. to 8:00 p.m., Tuesday through Saturday.

Access to the site will be via the existing driveway off Guptil Rd. as shown on Exhibit B, the Site Plan. There are five parking spaces identified on the Site Plan. The minimum parking requirement for the retail space is two spaces (one space for each 300 sq. ft. of space). The apartment requires 1.5 spaces for a total of four spaces. There is public parking available along Guptil Rd. adjacent to the nearby triangular park.

Pedestrian access to the retail shop is via the existing and proposed flagstone walkways in front of the building. The upstairs apartment has a separate entrance at the rear of the building. No changes are proposed to the existing landscaping and existing exterior lighting.

**MOTION:**

Jeff Whalen moved and Joel Baker seconded the motion to approve App. No. 04-11-T, Giancarlo (John) Devito, site plan review for changing the use of the 600 sq. ft. on the first floor of the existing residential duplex at 1971 Guptil Rd. to a retail art gallery, with the following conditions:

- 1. 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.*
- 2. Any lights on the interior of the building that are designed or directed so as to increase the amount of light outside of the building require a revision of the site plan.*

**VOTE:**

The motion was approved unanimously.

**FLOOD HAZARD AREA REGULATIONS**

The Planning Commission reviewed the suggested language change to add a development standard for the mapped flood hazard areas where the base flood elevations and floodway areas are not determined and changes to the submission requirement that requires an engineer's certification that there will be no increase to the base flood elevation as a result of development. The proposed draft language that would allow the base flood elevation to increase up to 0.10' was discussed. It was agreed that this figure should be 1.0', which is the maximum increase allowed in the federal minimum standard. The Select Board and Trustees will discuss the draft amendments, including this new language, at their joint meeting on March 7<sup>th</sup>.

**SIGNS FOR NEW FIRE STATIONS**

The Planning Commission discussed the request by the Fire Department for building signage that exceeds the maximum allowed square footage for each fire station. The members discussed whether the proposed signs on the buildings could be approved under Section 801.7(e) which allows additional sign square footage to be permitted for government-owned properties by the Planning Commission if the signage is primarily directional or informational. The companion Section 801.7(d) which allows

the permitting of similar signage for privately owned parcels that are greater than five acres was also discussed. It was decided that allowing the approval of the requested signs for the fire stations under Section 801.7(e) would possibly undermine the application of Section 801.7(d) to privately owned property.

The majority of the Planning Commission members felt that the Zoning Regulations would have to be amended to accommodate the larger signs being requested by the Fire Department. A concern was raised that private businesses should be treated the same as the municipality in terms of allowed sign square footage. The members agreed to have further discussion of these various signage issues at a future date.

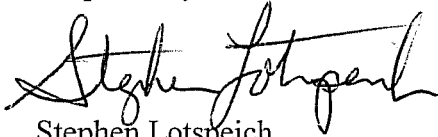
### **ANNOUNCEMENTS**

The workshop being sponsored by Revitalizing Waterbury, Inc. on Community Branding on Sunday, March 6<sup>th</sup> from 4:00 p.m. to 5:30 p.m. was announced and Planning Commission members were encouraged to attend.

### **ADJOURNMENT**

The meeting was adjourned at 10:00 p.m.

Respectfully Submitted,



Stephen Lotspeich  
Community Planner

**\*\*THESE MINUTES WERE APPROVED ON March 16, 2011 \*\***