

**Minutes of the Waterbury Selectboard
Monday, December 4, 2023
Steele Community Room and via Zoom**

Attendees [in the room and via Zoom]: Roger Clapp, Dani Kehlmann, Michael Bard, Kane Sweeney, Alyssa Johnson (Selectboard), Tom Leitz, Kelly Hacket, David Frothingham, John Haase, Tamatha Thomas-Haase, Marcy Blauvelt, Tim Fitzgerald, Bill Minter, Lisa Scagliotti, Greg Probst, Amy Marshall-Carney, Joe Camaratta, Lauren Landy, Cheryl Gloor, Sibylle Kim, Linda, Michael

The meeting was called to order at 7:00 pm.

Approve Agenda

A. Johnson made a motion to approve the agenda as proposed with the addition of a consent agenda item of First-Class Commercial Caterer License for Farmhouse Flowers, 2007 Guptil Road, and Executive Session following discussion of next meeting agenda. The motion was seconded by K. Sweeney and passed unanimously.

Consent Agenda Items

- a.) Minutes of November 20, 2023
- b.) Snow Farm Winery LLC; Special Events Permit; Dec 16, 2023 12pm-4:30pm; Giving wine samples and customer education within a 10 x 10 space inside of the Cold Hollow Cider Mill.
- c.) Second Class License for Woodstock Farmer's Market 2802 Waterbury Stowe Road.
- d.) First Class Commercial Caterer License for Farmhouse Flowers, 2007 Guptil Road

K. Sweeney made a motion to approve the consent agenda. The motion was seconded by M. Bard and passed unanimously.

Public

T. Fitzgerald expressed concern about the policy he had reviewed in previous Selectboard minutes regarding road salt use. It has been a challenging travel season generally, and especially expressed concern for Loomis, Blush and Gregg Hill Roads. Manager T. Leitz noted that the policy was an interim policy, and as adopted only was for short, flat roads, mostly in the former Village of Waterbury. D. Kehlmann noted there was a Waterbury Roundabout article with additional information about the policy.

K. Hackett formally invited folks to the Harwood Bond Committee meetings. There is one tomorrow in Warren and one in Waterbury last week, with additional meeting scheduled in all communities in the district. K. Hackett also shared she will not be running again for the school board and will submit a letter to the Waterbury Roundabout and sharing with Brookside principals to look to recruit Waterbury folks to run for the Board.

A. Johnson noted the Charter vote is open from 7 am to 7 pm tomorrow, December 5th, in the Steele Community Room. There is also an open house for the Planning Commission on the zoning rewrite on Thursday, Dec. 7 at 5 pm in the Steele Community Room.

Waterbury Skatepark Coalition

A. Johnson made a motion to approve a letter of support for the skate park coalition VOREC application conditional on the review of a full completed application. The motion was seconded by K. Sweeny.

There was additional discussion of the VOREC application process. The Skatepark coalition is applying for the implementation track, while the proposed application from the Town is for the Flood Impact and Accessibility tracks.

There was additional discussion of the uses of funding for the project. L. Landy, secretary of the group, noted that the group is hoping to use the grant to fill the gap between fundraising and spending. The group has already raised \$40,000. They have two events that are significant fundraising events and an anonymous donor, so they are confident in the ability to raise the rest of the funding. B. Minter spoke as a member of the recreation committee in support of the project, and particularly the process of presented plans and receiving feedback from the Recreation Committee. D. Frothingham asked if the project and related funding was contingent on the local permitting process. The VOREC application has specific questions regarding the status of the permitting process.

The motion to approve a letter of support passed unanimously.

Discussion of Short-Term Rental Regulations

K. Sweeney provided some elaboration on his memo regarding proposed potential policies and challenges regarding short term rentals. The proposed definition of short-term rentals from the planning commission in the draft Unified Development Bylaw rewrite, matches the definition in state statute.

There was discussion regarding barriers and potential impacts of short term rental regulations. There isn't an accurate picture on how many short-term rentals there are in Waterbury from existing state information. Other communities had proceeded with regulations and registries, including proposed regulation in Stowe. There was question about legal considerations for registry. T. Leitz noted there is broad authority to regulate, and he could work with planning and zoning staff to present a draft framework for a registry. There was additional discussion regarding properties that have already been bought as short term rentals and if such uses would be grandfathered, as well as cases of the use of short term rentals for additional income.

It was noted that the Housing Task Force is looking at the topic to measure and understand impacts in Waterbury relative to other communities, as well as pulling together information about regulations in other communities, and potential proposals for Waterbury. At the group's last meeting in November, they determined the following short term including "1. Maximize the availability of housing options by ensuring that no long-term rental properties are converted into short-term rentals; 2. Reduce likelihood of investors from out of the area from purchasing homes for short-term rentals that would otherwise be critical elements of the local housing; 3. Ensure that short-term rentals are taxed in the same way as traditional lodging providers to ensure a level playing field and maintain local service and 3a.) Give residents the option to utilize their properties to generate extra income from short-term rentals as long as all other mentioned policy

objectives are met. J. Camaratta stated the Housing Task Force would continue discussing this at its next meeting, and would likely have proposal to the Selectboard by January.

D. Frothingham noted there is no definition in the current regulation and the closest thing is a boarding house. It was also noted with the recent passage of S. 100, accessory dwelling units (ADUs) are a use by right, and such units that are built could be converted to short term rentals. A property owner doesn't have to go to the Development Review Board for this.

There was discussion regarding the enforcement, and limited enforcement capacity. The 2024 draft budget will likely include funding for some planning and zoning software to transition away from paper and modernize for process. With a stable staff in that department, the 2025 budget could have the potential to reconsider enforcement, which would likely be staff driven. A fee to accompany a registration could serve as a potential revenue source. Killington and Chester have registries. There was additional discussion regarding the potential to reduce permitting fees, and the discrepancies between regulation of short and long term rentals. A. Marshall-Carney made comments regarding proposed approaches being considered by the Conservation Commission.

T. Leitz noted he would discuss with staff and report back to the Selectboard regarding information on a rental registry and other options.

FEMA Buyout Conversation

T. Leitz provided an overview of the application for a FEMA buyout at 36 Union Street. There are two other additional pending buyout request he is aware of.

It was noted that a buyout, if completed successfully, would result in FEMA leveling the building and leaving it with a clean site, along with a deed restriction for the property requiring it to remain undeveloped. There is some potential to do public bathrooms on concrete footers, a playground, or other recreation, but no impervious surfaces would be allowed. There are higher standards if someone besides the Town was to assume ownership which require Federal approval. The first step in the Selectboard approval of the application. Right now the state emergency management is covering the 25% local share of the buyout cost. T. Leitz emphasized that this will likely not be true indefinitely, so there is encouragement for those interested in the buyout process to start the process soon. The buyout price is based on an appraisal from FEMA on pre-flood value, and if there is agreement on the amount with the property owner than the buyout process can move forward.

The property is on the market today and the owner is not bound by the FEMA process. M. Bard expressed concern about the potential for hazardous waste issues. T. Leitz stated there are no concerns to his knowledge. T. Thomas-Hasse spoke in support of the buyout, and ensuring that folks are not impacted by flooding again at this location.

K. Sweeny made a motion to accept the FEMA Buyout application for 36 Union Street. The motion was seconded by M. Bard and passed unanimously.

Reappraisal & ARPA updates

T. Leitz noted that the Selectboard had previously proposed and have approved the allocation of

ARPA funds toward reappraisal costs. T. Leitz stated the Town is likely to be ordered to reappraise next summer. The ARPA funds allocated may not be spent for that purpose in time. T. Leitz is hopeful the state will take over reappraisal process. There was additional conversation regarding the state proposal and threshold requirements that cause reappraisal.

As the Select Board has done previously, it is allowing to spend ARPA on general government expenses. **M. Bard made a motion to reclassify the \$200,000 of ARPA funding previously allocated to the reappraisal as follows:**

General Government Pay: \$100,000

Lister Regular Pay: \$40,000

Planning Director Pay: \$30,000

Zoning Administrator Pay: \$30,000

The motion was seconded by K. Sweeney and passed unanimously.

Armory Ave / High Street Land Use

T. Leitz noted that M. Bishop, the Town's new ZA was previously a real estate agent, and has a useful perspective for considering alternate uses of Town-owned property. T. Leitz provided an overview of the approximately 3 acres of town land from High Street to Hillcrest Terrace. Part of the land is permanently preserved because of Land and Water Conservation funding to purchase Dac Rowe Field, and subsequent amendments when the Town Offices were built. The building on the property is not in great shape, but is used as storage by public works for some equipment. There is an agreement related to the use of parking on the site with the school; they need 15-20 spaces, but there may be some potential to reconfigure how those spaces are provided; T. Leitz plans to meet with the school. On far side of the lot is a walking path to the preserved portion of the land, which would be maintained.

T. Leitz noted that there is some potential for the land on both sides on High Street and Hillcrest that could be developed, and expressed interest in working with legal counsel to look at some potential options. Any proposals would need to go through a public input process and permitting before relevant boards, and this was just the start of a conversation. There is the potential for .3 to .5 acres for development on High Street side, and a similar amount on Armory Ave. T. Leitz noted that while not directly comparable, as a reference for scale, there is a recently completed 9 unit building on .5 acres on High Street.

It was emphasized the neighbors and the schools would likely be highly interested in a proposal. T. Leitz noted it was preliminary, and nominal costs to pursue ideas, but potentially could result in potential to add housing. With any proposal, the Town would maintain Armory and certain amount of parking, as well as access to the path. The parcel is served by public water and sewer.

A. Johnson made a motion to support the continued exploration of the potential for housing development on the municipal parcel. The motion was seconded by K. Sweeney and passed unanimously.

C. Gloor noted that High Street parking is already challenging with the school. Many folks on High St. do not have garages. She expressed concern about taking away some of the parking, and noted that folks already must park in other neighborhood at times to access High St. Any impacts to parking might cause additional consternation.

Next Meeting agenda

There was discussion of the Dec 18th Selectboard meeting. There is one tax abatement request, which will be considered at a 6pm Board of Abatement meeting before the Selectboard meeting. For the Selectboard agenda, Skip Flanders will provide an EFUD update, including plans to expand water service of a mobile home park and Cabot annex on Route 100.

T. Leitz indicated he hopes to have a full draft budget overview, which can inform the process for future meetings. The Board concurred with proposed January meeting dates as outlined in the memo from K. Petrovic.

There was additional discussion regarding potential public works requests and gravel hauling. It was noted that T. Leitz and R. Clapp had attended a meeting with Duxbury, Fayston, Waitsfield, Bolton regarding the closure of the Bolton gravel pit.

Executive Session

A. Johnson made a motion that premature public knowledge of a pending real estate transaction would clearly place the Town of Waterbury at a substantial disadvantage. The motion was seconded by M. Bard and passed unanimously.

A. Johnson made a motion to enter Executive Session for the purpose of discussing pending real estate transitions. The motion was seconded by M. Bard and passed unanimously.

The Selectboard exited Executive Session at 8:45 with no action taken.

Being no further business, the meeting was adjourned at 8:45 pm.

Next Meeting of the Select Board: Monday December 18, 2023

Respectfully submitted,

Alyssa Johnson, Selectboard Secretary