

# **WATERBURY PLANNING COMMISSION**

## **Approved Minutes**

**Monday, April 22, 2019**

Planning Commission: Ken Belliveau, Chair; Mary Koen, Martha Staskus

Staff: Steve Lotspeich, Community Planner; Patti Spence, Secretary

Alyssa Johnson, Economic Development Director

The Chair opened the meeting at 7:22 p.m. in the Steele Room in the Municipal Center at 28 S. Main Street.

### **AGENDA REVIEW AND MODIFICATIONS**

There were no modifications to the agenda.

### **ANNOUNCEMENTS AND COMMENTS FROM THE GENERAL PUBLIC**

Steve requested we look at date changes for the Planning Commission (PC) meetings in May due to the 4<sup>th</sup> Monday being May 27<sup>th</sup> and the Memorial Day holiday. May 6<sup>th</sup> and May 20<sup>th</sup> were suggested and work for those present. Steve will look for a place to meet and communicate the confirmed change.

Alyssa announced that the annual Edward Farrar Utility District meeting is on May 8th at 7:30pm in the Steele Room.

### **APPROVAL OF MINUTES**

Mary Koen moved and Martha Staskus seconded the motion to approve the minutes of April 8, 2019 as amended.

Vote: Approved 3 - 0

### **DISCUSS INITIAL DRAFT OF THE UNIFIED DEVELOPMENT REGULATIONS**

#### **Childcare:**

Family childcare home use was discussed and it was agreed that we should not require site plan review for this use. The Planning Commission considered the following statute in making that decision. 24 V.S.A. Section 4412 (5) states in part: "A family child care home serving six or fewer children shall be considered to constitute a permitted single-family residential use of property. A family child care home serving no more than six full-time children and four part-time children, as defined in 33 V.S.A. § 3511(7), shall be considered to constitute a permitted use of property but may require site plan approval based on local zoning requirements. A family child care facility serving more than six full-time and four part-time children may, at the discretion of the municipality, be subject to all applicable municipal bylaws."

Allowing childcare centers in the Tourism/Business district was discussed. The PC felt this use should be allowed in this district as it is where some of the larger employers are.

Child Day Care centers in the Industrial Commercial zoning district were discussed next. There could be some businesses that this would work for. Site plan review and/or conditional use review would eliminate issues that may not be appropriate to a Child Day Care center.

Overall it was felt that the larger Child Day Care centers should be allowed in all zoning districts except in the two low density residential districts, Rural and Conservation.

**Home Business:**

It was agreed to allow the home business use allowed in the Downtown district.

**Other Residential Uses:**

Steve suggested we don't need to include the Senior Housing use. Ken pointed out that Senior Housing doesn't need a separate use and set of regulations and the use can be handled within other uses such as multi-family, group homes, etc.

It was agreed to allow the Multi-family use in Tourism/Business zoning district.

The Specific Use Standards for Multi-family Dwellings in Section 4.2.1 were reviewed. It was agreed that these standards are more detailed and onerous than what is needed for this use in Waterbury. The proposed specific use standard are more suited to large multi-family projects that are much less common in Waterbury than smaller numbers of units in one project. It was agreed to look at specific use standards for this use from other municipalities that are less complex and would have a better fit to the typical multi-family projects and sites in Waterbury.

For the Assisted living, Skilled nursing services, and Emergency housing uses, the notes in the draft table were reviewed. There was discussion about whether these uses should fall under the "Group home" use and other categories licensed by the state. The state licensing requirements need to be reviewed at a future PC meeting. The group home must be for eight or fewer people with a disability and is a use by-right, permitted in a similar way to single-family dwellings. The Group home use must be allowed wherever single-family dwellings are allowed.

Steve recommended that 4.2.6.A(3), that requires at least 1,000 ft. separation between Group Homes, be deleted. Waterbury had a court case with a group home that was proposed by Washington Co. Mental Health near the Kirby House on S. Main St. The local decision to deny the permit was appealed to the State Environmental Court. The Court overturned the denial and determined that the 1,000 ft. minimum separation requirement was discriminatory based on the federal Americans with Disabilities Act.

Steve suggested our residential uses that also require state licensing should generally follow the State licensing definitions as closely as possible.

**To do:**

Steve will look up other specific use standards for Multi-family dwelling from other municipalities for the next PC meeting. The state licensing categories for Group homes and other nursing facilities will be researched and distributed for the next meeting.

**Actions:**

Three or four family dwelling            Change TB from X to P

Multi-family dwelling	Change R-5 and TB to P
Accessory dwelling	Change DWN to P
Home Occupation	Change DWN to P
Home Business	Change DWN to P
Family childcare home	Change DWN to P

### **OTHER BUSINESS**

Steve reported that the Floodplain Management Group had a meeting with Mindy Blank, the Executive Director of the Community Resiliency Organizations (CROs). They discussed doing the community assessment survey with Mindy again. They also discussed an outreach project at the Waterbury Farmer's Market that might involve setting up a flume table again. The date for this outreach project is to be worked out.

### **ADJOURNMENT**

The meeting was adjourned at 9:10 pm.

Respectfully submitted,



Patti Spence

Secretary