

WATERBURY PLANNING COMMISSION

Approved Minutes

Monday, September 14, 2020

Planning Commission: Ken Belliveau, Chair; Mary Koen; Katya D'Angelo; Eric Gross
Staff: Steve Lotspeich, Community Planner
Public: Alyssa Johnson, Economic development Director; Joan Liggett; Dave Lachtrupp

The Chair opened the meeting at 6:10 p.m. The Planning Commission (PC) members and Steve Lotspeich participated in person and the members of the public participated via ZOOM.

AGENDA REVIEW AND MODIFICATIONS

The agenda was reviewed and no changes were made.

ANNOUNCEMENTS AND COMMENTS FROM THE GENERAL PUBLIC

There were no announcements or comments from the general public.

REVIEW OF MINUTES

MOTION

Mary Koen moved and Eric Gross seconded the motion to approve the minutes of July 27, 2020, as amended.

Vote: The motion was approved 4 - 0.

MOTION

Katya D'Angelo moved and Mary Koen seconded the motion to approve the minutes of August 24, 2020, as amended.

Vote: The motion was approved 4 - 0.

DISCUSS THE PROPOSED UNIFIED DEVELOPMENT BYLAW

Steve Lotspeich gave a brief overview of the progress to date on the Unified Development Bylaw. Mary Koen would like to include Section 3.2, Base Zoning Districts, in the next steps of the work on the Bylaw. The other members agreed to go through the Bylaw sequentially and include Section 3.2.

The PC started the review with Section 3.1.2, Establishment of Overlay Zoning Districts. The term "Uplands" Overlay District that the draft uses instead of the current term, "Ridgelines, Hillsides, Steep Slopes (RHS)" Overlay District was discussed. The PC agreed that the name will be changed to the "Higher Elevation" Overlay District.

Steve mentioned that the Waterbury Conservation Commission is working on a map and possible draft bylaw amendments for the Shutesville Wildlife Corridor. These proposed bylaw amendments and additional areas could be either incorporated into the proposed "Higher Elevation" Overlay District or could possibly become a separate overlay district. Both the term for the amendments to the current RHS Overlay District and how to accommodate the Conservation Commission's recommendations will need further discussion.

Section 3.1.4, Interpretation of Zoning District Boundaries was discussed in terms of the Zoning Administrator's (ZA) authority to make judgements in these situations. Section 3.1.5.B, Prohibited Uses, and Section 3.1.5.C, Materially Similar Uses were discussed and the same concern about whether the ZA should have the authority to made judgement calls and decisions in these cases is appropriate. Ken said that, in his opinion, the proposed language is not consistent with the role of the ZA in state statute which is to be enabled to make decisions only when they are black and white and don't require judgement calls. Making judgement calls when the bylaws and associated maps are unclear or need interpretation is generally the role of the Development Review Board, either in a regular review of a zoning permit application or under an appeal of the ZA's decision. Steve will recommend changes to these Sections for the PC to consider to be consistent with the statutory role of the ZA.

Section 3.1.5.D, Multiple and Mixed Uses, was discussed. This deals with multiple principal uses within one building and the draft allows this to occur in all zoning districts. This topic will be re-visited when the PC discusses the proposed zoning districts for our villages.

Section 3.1.5.E, Accessory Uses, was discussed in terms of the percentage of the total area of a building that can be occupied by the accessory use. The PC previously decided that the percentage should be 35% rather than 40% that is in the draft. Mary said that she would like the PC to discuss the percentage again at a subsequent meeting. 35% is generally consistent with the limitation for Home Occupations but may not be consistent with other accessory uses such as family daycare facilities that are "uses by right" under state statute for single-family dwellings. Steve will check the specific uses identified in Section 3.1.5.E(3) that are also detailed in Section 4.2 to see if one percentage limitation would work for all the accessory uses identified or does the percentage need to vary or be flexible to accommodate different kinds of accessory uses. Steve will research any other percentage limitations, either in our draft Bylaw or state statute. Then the PC will re-visit what the appropriate percentage limitations should be in this Section.

The PC agreed to start with Section 3.1.6, Dimensional Standards, and try to review all of Section 3.2, Base Zoning Districts, at the next meeting on September 28th.

OTHER BUSINESS

Steve informed the PC that the Dina Bookmyer-Baker is on vacation and the Zoning Administrator's Report was not available.

Ken requested that the PC be kept informed about the overall re-opening of the Municipal Offices. The Select Board decided to keep the offices closed, except by appointment only, until at least October when we will know whether there will be a spike in the number of cases of COVID19 due to the schools re-opening. In the meantime, the offices are closed and other municipal boards and commissions are generally meeting remotely.

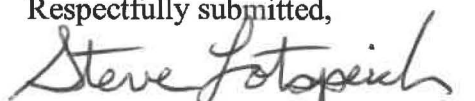
NEXT MEETING

The next meeting will be held on September 28th at 6:00 p.m. in person and via ZOOM. The first meeting in October is scheduled for the 12th which is Indigenous People's Day and is a municipal holiday. The PC will discuss the October meeting schedule at the next meeting.

ADJOURNMENT

The meeting was adjourned at 7:55 p.m.

Respectfully submitted,


Steve Lotspeich, Acting Secretary