

**WATERBURY PLANNING COMMISSION  
TOWN SELECT BOARD  
VILLAGE TRUSTEES  
Special Joint Meeting  
Approved Minutes  
Wednesday, October 11, 2017**

**Attendees:**

Planning Commission: Ken Belliveau, Chair; Mary Koen; Eric Gross; Mark Ray

Staff: Steve Lotspeich, Community Planner; Bill Shepeluk, Municipal Manager

Select Board: Chris Viens, Chair; Don Schneider

Trustees: P. Howard (Skip) Flanders, Village President; Lefty Sayah; Natalie Sherman

Consultant: Brandy Saxton with Place Sense

Public: Kellee Mazer, MK Monley, Clarissa Finks, John Boyer, Herschell Murry, Will Bucossi, Jan Gendreau, Robert Dabrowski, Bill Minter, Andrea Andrus, Dan Roscioli, Billy Vigidor, Marcia Guyette, Tracy Sweeney, John Grenier, Dan DeSanto, Georgia Ayers, Duncan McDougal, Chris Austin, Joe Greene, Wayne Lamberton, John Farr, Clement Despault, Don Einhorn, Alyssa Johnson, Jeffrey Larkin, Monica Callan, Peter Holm, Marie Gervais, Glenn Anderson, Kathryn Grace, Nick Waringa, Chris Parsons, Whitney Aldrich, Rob Buck, Holly Buck

The Planning Commission, Select Board, and Trustees meetings convened at the Municipal Center, Steele Community Room, at 7:00 p.m.

**Agenda review and possible modifications:**

The agenda was reviewed and no modifications were made.

**Announcements and comments from the general public:**

There were no announcements made and no comments were provided by the general public.

Mark Ray was unable to attend the remainder of the meeting due to family obligations.

**Public meeting on the re-write of the Zoning Regulations:**

Ken Belliveau introduced the public meeting on the Planning Commission's project to re-write the Zoning Regulations. This project is funded by a state Municipal Planning Grant. The Town hired Brandy Saxton with the planning consulting firm Place Sense who was present at the meeting. Steve Lotspeich explained that the last comprehensive re-write of the Zoning Regulations took place in the mid-1990's. Individual chapters have been added and amended since then including the Subdivision Chapter.

Steve narrated a Power Point presentation and discussed how the Zoning Regulations are part of the implementation of the Municipal Plan. Brandy gave an overview of how the re-written Zoning Regulations will be organized using “plain language” that will be easier for people to understand. She summarized the content of each of the six proposed Chapters. Steve gave the rest of the presentation and highlighted various topics that the Planning Commission has been discussing including: regulating future development in the Route 100 corridor, zoning and development issues in rural areas of Waterbury, opportunities for future planned unit development, the evolving village areas of Waterbury including the downtown and Waterbury Center village, promoting our historic districts, encouraging multi-family housing, and providing more flexibility for uses in all areas of the Town and Village.

Ken Belliveau opened up the meeting to all those present and the following questions and comments were provided:

- The time frame for the grant was discussed. Brandy’s contact with the town ends on January 31, 2018 and can be extended to May when the grant period ends. The plan is to have a draft of the new zoning regulations prepared in the time frame of January to March, 2018.
- The question was asked regarding how other communities are dealing with similar issues and re-writing their regulations. The Planning Commission is reviewing examples of re-written zoning regulations from other communities in Vermont. Brandy said that many communities have been doing this type of more comprehensive review and re-write of their zoning regulations. It is common that municipalities do a major re-write of their zoning regulations every 15-20 years.
- Bill Minter is interested in flexibility of uses and how a new building would look under this scenario. In reflecting the vision in the Municipal Plan, can there be recommendations rather than requirements in the zoning regulations? Brandy responded that regulations need to be legally binding requirements that can hold up in court if contested. In the review process there can be advisory language but it should be consistent with the requirements in the bylaws.
- Kathi Grace discussed the issue of Waterbury being a one-acre town for Act 250 with the threshold for the Act 250 jurisdiction for commercial uses being for lots one acre and larger as opposed to a threshold of ten acres that is more common when municipalities adopt subdivision regulations. Concern has been raised in the past regarding whether our development review process is robust enough to substitute for the Act 250 review process and deal with a broad enough range of criteria in the review. Staff capacity for the review for commercial projects on parcels in the one to ten acre range could also a challenge for Waterbury if our review process was broader covering more criteria.
- Whitney Aldrich expressed concern about retaining the historic look and feel of Waterbury moving forward.
- Dan DeSanto asked a question regarding the development review process including the need for municipal infrastructure and the adequacy of that infrastructure to handle additional development. Public wastewater infrastructure is very important to where dense development can occur. He asked a second question regarding whether we are looking at a clean slate for the review criteria in certain districts. It was answered that we will build on the review criteria that we already have. Our current zoning maps are very complex reflecting the fact that we have a Village and Town that each have their own zoning map and some unique districts. We will be looking at how we can merge similar zoning districts and simplify the number of districts.

- Skip Flanders said that the Water and Sewer Commissioners are doing a study of where public wastewater service could be extended in the future. After June 30, 2018 the Village of Waterbury will be going away as a separate municipality as long as the Charter change is approved by the state Legislature. After that date additions to the sewer district and sewer line extensions will be determined by the Water and Sewer Commissioners. Ken Belliveau recommended that there should be water and sewer districts that include areas where sewer lines may be extended in the future. Bill Shepeluk said that the new sewer district will be the current Village of Waterbury. Extending sewer mains beyond that district may be decided in conjunction with proposed development with the developer paying to have the public sewer mains extended to serve that new development.
- Joe Greene asked how the draft parts of the zoning re-write will be available for review? The draft parts will be made available at the regular Planning Commission meetings and are public information. At the end of the grant project it is anticipated that the draft zoning regulations will be made available on the municipal website. He asked how will the results of the survey be shared by the public? These results will also be made available on the municipal website. Joe thinks that the current regulations are very adequate and that development in Waterbury is well regulated. He thinks that Waterbury has done a comprehensive job of regulating development responsibly. He thinks that Waterbury should become a ten-acre town in respect to Act 250 jurisdiction for commercial development. With this change many aspects of development would continue to be regulated by the state including areas such as stormwater.
- Duncan McDougall mentioned that we have had public opinion surveys in the past that have supported bike and pedestrian facilities and those projects should be supported in the zoning re-write. Review criteria requiring energy conservation and efficiency should also be included in the zoning re-write.
- A question was asked regarding the survey of the Waterbury Village Historic District that is currently being done as a parallel project to the zoning re-write. That project is not directly related to the zoning re-write. If the Historic District is extended in the future the additional historic buildings will derive the benefit of being exempt from most of the substantial damage review criteria in the flood hazard regulations including having to elevate the lowest floor of a building
- Nick Waringa, a local resident and member of the Waterbury Conservation Commission asked that the Shutesville Wildlife Corridor be taken into consideration in the review process. The corridor takes in much of the northern half of the town including the area along Sweet Rd.
- A question was asked regarding town roads and how they are regulated through zoning. Town roads and streets are the purview of the Select Board. Is there a scenario where private roads are built and become public roads? In order for a new road to be taken over by the Town for maintenance, the road has to be constructed to the town road standards. The state Clean Water Act now applies to municipal roads with the Municipal General Road permits being required by 2020. There have been requests over the years that private roads be taken over by the Town. Typically those roads have not met the Town road standards. Where new roads and the subsequent development should go in the future is a Municipal Plan issue.
- Glenn Anderson raised issues regarding the dissolution of the Village of Waterbury and the future of the Village water system including the water source areas near his house on Sweet Rd.
- Concern was raised that wildlife habitat in the Worcester Range should be protected. Our ridgelines should be protected in terms of the visual impact to retain our scenic quality and importance of this resource.
- Home occupations should be broadened to allow more opportunities for employment. The zoning re-write will be looking at this issue and a tiered system of bylaws will be considered including

exempt home occupations, home occupations that are approved by the Zoning Administrator, and home industries that may require review by the Development Review Board.

- Georgia Ayers said that they have run into obstacles for signage for their business on Elm St. Ken responded that the Planning Commission will be re-writing the sign bylaws including the requirements for signage that promotes businesses and directs people to the business location.
- John Boyer asked if there are their particulars in zoning that limit businesses in terms of size and range of the use? Ken responded that various aspects of zoning regulate businesses with criteria such as parking requirements. Waterbury has strengths such as the walkability of the downtown area and opportunities for people with limited ability, mobility and economic means to access businesses and residences. Providing opportunities for new types of business such as recreational marijuana dispensaries (assuming that the state law is changed regarding marijuana) to be allowed is important. The extent that the state allows municipalities to regulate uses such as the sale of recreational marijuana was discussed. We are a Dylan's Rule state so we can only regulate what the state allows. Regulating the total number of certain types of businesses is difficult and may not be advisable. Some municipalities regulate how far apart certain kinds of uses such as gas stations can be located.
- Rob Buck raised the issue of the adequacy of infrastructure such as roads to handle the traffic created by development. The conditional use review process deals with these off-site impacts but that review process typically does not come into play with incremental residential development. Rob made a comment that we need to look at our road infrastructure in a comprehensive way. He also has a concern regarding noise and feels that those standards need to be developed.
- Limits to stormwater and promoting clean water should be addressed in the zoning regulations.
- Chris Austin raised concern regarding many pre-existing small lots that end up needing waivers from setbacks for development. He recommended that we need to look at relating setbacks to the actual lot size. Stowe has a bylaw that takes this approach. Chris thinks that some changes of use should not have to go through a DRB review process and should be handled administratively.
- Kelley Mazer spoke to the need to allow more multi-family housing opportunities in the Village Residential Zoning District including areas such as Wallace St.
- Ann Imhoff talked about the Green Mountain Byway and Route 100 being a scenic byway that needs to have its scenic qualities be preserved. More affordable housing needs to be created in our community as well.

The distribution of the survey was discussed. It was agreed to both send the survey to a random sample from the Voter Checklist and promote it through Front Porch Forum and the municipal website.

#### **Review Minutes:**

The minutes for the Planning Commission meeting on September 25, 2017 were reviewed.

#### **MOTION:**

Mary Koen moved and Eric Gross seconded the motion to approve the minutes of September 25, 2017.

**VOTE:** The motion passed unanimously.

#### **Other Planning Commission Business:**

##### **Planner's Report:**

- The Vermont League of Cities and Towns 2017 Fall Planning and Zoning Forum on November 1<sup>st</sup> was discussed. Eric Gross, Mark Ray, and Steve Lotspeich are planning on attending.

- The Green Mountain Byway “Fun Event” on October 26<sup>th</sup> at 6:00 p.m. at the Green Mountain Tech Center in Hyde Park was announced. The Town of Cambridge, Town of Johnson, Village of Johnson, town of Hyde Park, Village of Hyde Park, Town of Morristown, and Village of Morrisville have all been invited to attend to learn about the Byway and possible join along with the current members of the Town and Village of Waterbury and the Town of Stowe. The Green Mountain Byway is in part a marketing tool that promotes tourism and economic development.

**Adjournment:**

The meeting was adjourned at 9:05 p.m.

**Future Planning Commission Meeting Agenda Items:**

**October 23, 2017:** Review additional draft parts of the re-written zoning regulations.

Respectfully submitted,



Steve Lotspeich  
Acting Secretary