

# **WATERBURY PLANNING COMMISSION**

## **Approved Minutes**

**Monday, March 12, 2018**

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

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

Consultant: Brandy Saxton, Place Sense

Public: Alyssa Johnson, Economic Development Director; Martha Staskus, Resident; Gunner McCain, McCain Consulting.

The Chair opened the meeting at 7:00 p.m. at the Municipal Center at 28 N. Main Street

### **AGENDA REVIEW AND MODIFICATIONS**

There were no changes.

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

There were none.

### **REVIEW AND APPROVAL OF MINUTES**

Mark Ray moved and Eric Gross seconded the motion to approve the minutes of February 12, 2018, with changes.

Vote: Approved 4 - 0

Mary Koen moved and Mark Ray seconded the motion to approve the minutes of February 26, 2018, with changes.

Vote: Approved 4 - 0

### **WATERBURY ZONING REGULATIONS – RE-WRITE**

The discussion of the zoning re-write was continued with Brandy Saxton, our planning consultant.

Numbering system:

There are currently seven levels in the hierarchy. Planning Commissioners wants three digits then letters alternating with numbers, all separated by periods. These are examples:

- 4 Development Standards
- 4.4 Planned Unit Development
- 4.4.1 Applicability
- 4.4.1.A
- 4.4.2.G.1.a

www

#### **4015 - Stormwater**

Steve L. asked the question whether Waterbury should regulate stormwater in addition to the state regulations. Brandy explained that the proposed draft would supplement the State regulations and would be for smaller projects that do not meet the state threshold. The state threshold has either already changed or will change from one acre of impervious surface to a half acres of impervious surface. Steve Lotspeich will get verification whether the state threshold has changed yet. That will help inform whether we move ahead with this local regulation. We may want to regulate stormwater on smaller projects that could impact the drainage along town roads to assist with compliance with the upcoming Municipal Roads General Permit that the state is requiring be in place by July 1, 2018.

#### **4014 – Riparian Buffers**

This section was reviewed with Brandy to get her input on the relationship between the proposed bylaws and the state permit requirements for riparian buffers. The draft requirements would apply to situations where the state would not have jurisdiction. Steve raised a concern that we do not necessarily know if the state will be regulating riparian areas for a proposed development and the draft requirements may not be acceptable to the state if they have jurisdiction.

4014B(1) – We would need to define the map for surface waters that this bylaw would apply to. One option is to tie the mapped data to the ANR Natural Resources Atlas. This aspect needs to be revisited when we deal with natural resources and the referenced maps.

#### **2306 Subdivision Review**

2306.D (3) (c) We need to make sure that the definition of “road” is consistent with the E-911 requirement that a private or public road serves three or more residences or commercial buildings.

#### **2306.E Land Division.**

Brandy questioned the legality of differentiating between land division that is reviewed and approved administratively and sub-division that requires Development Review Board review and approval. State statute is not clear on this aspect and does not explicitly enable the administrative approval of any subdivisions. Brandy suggested and it was agreed that we need to get a legal opinion on this aspect before moving ahead with the draft bylaws. Steve will follow up and will get a legal review.

2306.J(1) Steve explained that we need to have final subdivision plats submitted 150 days after the DRB approves the preliminary plat to give time for review before the 180 day time limit has expired.

2306.J (5) Change the word “must” to “may”.

#### **4306 Design and Layout of Necessary Improvements**

These proposed bylaws are almost entirely new language recommended by Brandy. Similar proposed bylaws were rejected by the Waterbury Select Board when they were proposed about eight years ago in conjunction with proposed Subdivision Regulations. The Select Board should be consulted before moving forward with this language or similar language to see if they have an

“appetite” for these bylaws. One issue with these bylaws that was raised before was the cost to developers since this would all be private infrastructure and would not typically be turned over to the town. What has the history been on this as far as support from the community?

#### 4306.A Roads

The benefit of these proposed bylaws is that they would help provide for public safety with road access for emergencies and would have an environmental benefit such as avoiding problems such as erosion that can impact the downstream town road system. We need to look at this proposal in light of the upcoming Municipal Road General Permit due on July 1<sup>st</sup> of this year.

#### 440 Planned Unit Development

4402 Conservation Subdivision was reviewed. A concern was raised by Gunner McCain regarding how steep slopes are defined, i.e. what is the extent of a 25% or greater in steep slope. If small areas are included that can prevent an access road from being built to access a developable area of lesser slopes.

4403 Cluster Housing was reviewed. A comment was made that this Section needs to allow for more flexibility in terms of the size of the footprint of residential units so it can be applied more broadly.

4404 Campus Development was reviewed. It was suggested that the special signage requirements in Subsection 4404.I should not be included here but should be included in the signage section.

The question was asked whether we want to include “affordable housing” incentives in this section. Brandy’s recommendation is to make the PUD bylaws conducive to the creation of affordable housing with the provisions such as those in the Cluster Housing section and not use density bonuses to incentivize the creation of affordable housing because it is rarely utilized. We have one example, the Meadowcrest development off Crossroad, where three additional perpetually affordable lots were permitted.

#### NEXT MEETING

Brandy is not able to attend the Planning Commission meeting on April 9<sup>th</sup> so she will suggest dates that she is available to meet. Since her contract is finished at the end of April and the grant period ends in May this final meeting is important to review the proposed sign regulations and give her feedback, edits, and comments for revisions to the draft bylaws.

#### ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,



Patti Spence  
Secretary