

WATERBURY PLANNING COMMISSION

Unapproved Minutes

Monday, August 26, 2019

Planning Commission: Ken Belliveau (Chair), Mary Koen (Vice Chair), Eric Gross, Martha Staskus, Katya D'Angelo

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

Public: Alyssa Johnson, Economic Development Director; Judy Foregger; Rebecca Chase; Filomena Siner; Larry Morgan; Caroline Morgan; Dave Lachtrupp

The Chair opened the meeting at 7:01 p.m. in the Steele Community Room in the Municipal Center located at 28 S. Main Street.

AGENDA REVIEW AND MODIFICATIONS

There were none.

REVIEW OF MINUTES

Mary Koen moved and Eric Gross seconded the motion to approve the minutes of August 5, 2019 as amended.

Vote: Approved 3 – 0 with 2 abstentions

ANNOUNCEMENTS AND COMMENTS FROM THE GENERAL PUBLIC

There were none.

DRAFT UNIFIED DEVELOPMENT BYLAWS

Steve commented that all the changes to the Use Tables that have been decided on by the Planning Commission (PC) are in the updated tracked changes document that was sent via email to all PC members.

The discussion focused on the *Communication antennae and tower* uses and Section 3.3.2, Dimensional Table.

Communication antennas and towers

Steve distributed excerpts from state statute that deal with these uses including 30 V.S.A., Section 248a. This section references 24 V.S.A., Chapter 117 and how communication towers and antennas are generally permitted through the state Public Service Board (PSB) and can be exempted from review by the municipality at the discretion of the applicant. The Planning Commission and Select Board are invited comment on projects at the PSB hearings as interested parties.

Regarding number 6 “Telecommunications facility”, Steve offered to research whether the existing Consolidated Communications equipment, such as switching stations that are at Hope Davey Park and along Town roads and serve the land telephone lines, are now exempt from requiring zoning permits. They have been reviewed and permitted through zoning in the past but

may now be exempt under state statute.

The statute states that any equipment structures that do not exceed 300 square feet and a height of 10 feet, that are associated with towers, are also exempt.

Further discussion on this topic was tabled until it arises under the discussion of the special use criteria.

24 V.S.A. Section 4413(b) that exempts public utility power generating plants and transmission facilities regulated under 30 V.S.A. Section 248, was also discussed. Any power generating facilities including solar panels and wind turbines are exempt from the requirement to get a zoning permit as long as the facility is connected to the power grid and is “net-metered”. Generating facilities and equipment that is not connected to the grid and “net-metered” may require the issuance of a zoning permit.

Section 3.3.2 Dimensional Table

Steve presented the draft dimensional table, with a main focus on minimum lot size and acres/square feet per dwelling unit (maximum density).

There was a reference to the build-to-line. These dimensional requirements are similar to form based code and will be presented and discussed at a future meeting.

“Lot size averaging” was presented and discussed. When the proposed minimum lot size is smaller than the number of square feet or acres per dwelling unit for a given zoning district, then the lots can be different sizes as long as the average lot size meets the minimum density requirement. Examples of how this could be done were discussed.

Density in Section 3.3.2, the Dimensional Table is separated between residential uses and “all other principal uses” which are typically commercial, industrial, or governmental/civic.

There was discussion of what other review criteria need to be built into this process.

There were comments from the public that the proposed Dimensional Table and Zoning District Map is “down zoning” large rural areas of the town by changing properties from a two-acre minimum lot size and two acres per dwelling unit maximum density to a two-acre minimum lot size and five acres per dwelling unit maximum density. Areas designated in the proposed Conservation zoning district are also proposed for reduced housing density even though the proposed minimum lot size for many areas is the same or less than under current zoning. It was commented that this is not fair to the landowner to have their property “down zoned” in this way.

The Miller’s lot on Waterbury-Stowe Rd. (Route 100) was discussed. It is a three-acre lot that is limited to primarily residential use under the current Rte. 100 district requirements. The exception is a home occupation that requires that the house be owner-occupied. Under the draft Bylaws this lot would be located in the Rural zoning district that limits most commercial uses. The owners can't sell the property and the proposed changes would not be in the owner's favor. The nearby Ben & Jerry’s property is proposed to be in the Tourism Business zoning district which allows a wide array of commercial uses. Other nearby smaller lots that have been permitted for commercial use are also proposed to be in the Rural zoning district. Members of

the public asked what can be done to address this situation, both under the current zoning and the proposed Bylaws.

It was commented that the maximum structure height in certain rural zoning districts is 30' and in others it is 36'. It was requested that they all be consistent at 36'.

It was noted that the 1200 and 1500 foot contours are included in the zoning map for the entire town. It was commented that the both the Major and Minor Development designations in the current Ridgeline, Hillside, Steep Slope (RHS) bylaws should be retained with the associated elevation designations. The more basic review for Minor Development (1,200' to 1,500' in elevation) and the more involved review for Major Development (over 1,500' in elevation) should be continued.

Steve will have large format copies of the draft zoning maps printed for future meetings to facilitate an easier review of the details of the zoning maps.

These questions and further discussion on the Dimensional Table will be on the agenda for the PC meeting on September 23rd.

OTHER BUSINESS:

1. The Zoning Administrator's position has a three-year term that has expired and needs to be considered for a nomination for the next three-year term. The process for the Planning Commission review of the current Zoning Administrator and re-nomination by the PC was discussed. It was agreed to invite Bill Shepeluk and the Development Review Board (DRB) Chair to the PC meeting on September 9th. Steve will invite these people to the meeting and let them know that their input has been requested.
2. The draft Interim Historic District and Landmarks Review bylaws were discussed. The Central Vermont Regional Planning Commission (CVRPC) is working on maps of all five of our Historic Districts to accompany the draft bylaws and they will be ready in advance of the September 9th PC meeting. This will remain on the agenda for September 9th.
3. The Zoning Administrator's Report for June and July was presented and discussed.

ADJOURNMENT

The meeting was adjourned at 09:05 p.m.

Respectfully submitted,

Patti Spence, Secretary

ZA Report June-July 2019

Permit #	Appn-date	Project location	Owner / Applicant	ZA	DRB	DRB date	zp	Project description
010-19	2/12/19	510 RING RD	MARTHA STASKUS	R	G	5/15/19	G	Carriage barn with attached apartment, minor Ridgeline. (RHS)
020-19	3/19/19	30 FOUNDRY ST	FINLUM LLC / WATERBURY AREA MAKERS PLACE COOP	R	G	5/1/19	G	Change of Use - Waterbury Area Makers Place Coop (SP-CU)
023-19	4/2/19	0 US RTE 2	KCOS HOLDINGS LLC / CALEB AINSWORTH	R	G	5/1/19	G	Subdivision & building 2 duplexes, total of 4 residences.
025-19	4/2/19	139 E COUNTRYSIDE RD	EMMANUEL & MARIA AJANMA	G	—	—	G	Single family dwelling with porch and attached garage
028-19	4/5/19	30 FOUNDRY ST	FINLUM LLC / WATERBURY AREA MAKERS PLACE COOP	G	—	—	G	Sign
029-19	4/8/19	1 ELM ST	BANK HILL LLC / WOOD & WOOD SIGNS	P	—	—	P	Sign for the Wine Vault (projecting sign requires Selectboard approval).
030-19	4/10/19	Lot 41 E. COUNTRYSIDE RD	ERIC POULIN	R	P	6/19/2019 7/10/19	G	Single family dwelling in the setback. (WR)
031-19	4/12/19	2069 BLUSH HILL RD	DEVYN LAFRANCE	G	—	—	G	Single Family Dwelling
032-19	4/15/19	13 S PINNACLE RIDGE RD	BRUCE AND DONNA EPSTEIN	G	—	—	G	Garage. (5/14 Applicant revised.)
034-19	4/26/19	380 MAPLE ST	TOWN OF WATERBURY	G	—	—	G	Remove a shed
035-19	4/26/19	Lot 42 E COUNTRYSIDE RD	JESSICA JOHNSON	G	—	—	G	Single Family Dwelling. (Applicant revising, 5/29, 6/5.)
036-19	5/3/19	109 TWIN PEAKS RD	REBECCA GILSON	P	—	—	P	Home Occupation
037-19	5/6/19	284 RUBY RAYMOND RD	JAMES E MEGRATH	R	G	6/5/19	G	Garage in the setback. (WR)
038-19	5/6/19	3079 WATERBURY-STOWE RD	GREG & JANE EVANS	R	G	6/5/19	P	Garage with 2nd-floor accessory apartment and deck, in setback. (SP-CU) <i>Waiting on ww capacity.</i>
040-19	5/8/19	3579 WATERBURY-STOWE RD	GRACE INVESTMENT PROPERTIES	R	G	7/10/2019 8/7/19	P	Building with eight condominium townhouse dwellings. (SP-CU)
041-19	5/10/19	318 EVERGREEN WOODS	DORCAS HANNA / DAN SWEENEY	G	—	—	G	Single family dwelling, garage
042-19	5/13/19	0 MIDDLESEX NOTCH RD	JOEL AND MICHELLE BAKER / PETER A J FLINT AND GILIAN SKOVRON	G	—	—	G	Boundary line adjustment
043-19	5/14/19	380 MAPLE ST	TOWN OF WATERBURY	G	—	—	G	Signage
044-19	5/14/19	480 BLACK BEAR HOLLOW	BETH GILPIN	P	—	—	P	Home office
045-19	5/16/19	327 GREGG HILL RD	MICHAEL MACLEOD	P	—	—	P	Small barn (3 horses).
046-19	5/20/19	143 SOUTH MAIN ST	PHYLLIS SIMON	G	—	—	G	Remodel second floor to to become one apartment
047-19	5/20/19	28 THURSTON LANE	ROBERT & LONI BOEHME	R	G	6/19/19	G	Addition to living room in the setback. (WR)
048-19	5/20/19	0 WOOD FARM RD & STAGECOACH LN	RIPLEY SPRINGS / DAVID LACHTRUPP					4 lot SD/PUD 3 building lots, minor-RHS (PUD-RHS) —Incomplete/On Hold
049-19	5/20/19	0 SWEET RD	CHARLES PELKEY	R	G	6/19/19	G	Single family dwelling in the minor-Ridgeline. (RHS)
050-19	5/20/19	846 MAPLE ST	THOMAS & MELISSA STEELE	R	G	6/19/19	G	Construction of a mound system located in the Thatcher Brook floodplain. (SFHA)
051-19	5/23/19	17 EAST STREET	JANET COTE	G	—	—	G	Shed expansion
052-19	5/24/19	3 SOUTH MAIN ST	BANK HILL LLC / DAVID NELSON	P	—	—	P	Sign for McGillicuddy's Pub (projecting sign in public ROW requires Selectboard approval).
053-19	5/31/19	2802 WATERBURY-STOWE RD	LJBC ASSOCIATES LLC / WOODSTOCK FARMERS MARKET	G	—	—	G	Sign for Woodstock Farmers Market (formerly Pete's Greens).
054-19	5/30/19	289 MAGGIES WAY	ALAN DIBBELL	P	—	—	P	Patio/deck for gazebo.
055-19	5/31/19	90 TYLER RIDGE	DAVID DI DOMENICO & SARAH DUNN	P	—	—	P	Deck, after-the-fact.
056-19	5/31/19	14 SOUTH MAIN ST	FURST MANAGEMENT VENTURES LLC	R	G	7/10/19	P	Realign existing parking lot to create more spaces. (SP)
057-19	6/3/19	1820 WATERBURY-STOWE RD	REDNECK ACRES LLC	G	—	—	G	Ground sign.
058-19	6/4/19	120 RIPLEY RD	JOHN & ANNA SCHINDLER	P	—	—	P	Shed (residential storage).
059-19	6/4/19	771 BLUSH HILL RD	DON & SHANNON LINDE / STOWEBURY CONSTRUCTION SERVICES	R	G	7/10/19	P	Remodel to expand first floor living space, add HA ramp, in the setback. (WR)
060-19	6/4/19	17 HIGH STREET	BEN WRIGHT	P	—	—	P	Deck, 10x12, for hot tub.
061-19	6/5/19	Lot 8 HOMESTEAD LANE	NORMA MARCELLINO / BUD WILSON ARCHITECT	G	—	—	G	Single family dwelling
062-19	6/5/19	641 SHAW MANSION RD	MIKE & CASSANDRA COAKLEY	G	—	—	G	Detached garage with lean-to and loft
063-19	6/5/19	289 MAGGIES WAY	ALAN DIBBELL	R	G	7/10/19	P	Remove front steps, build front porch with railing, steps, roof in the setback. (WR)
064-19	6/7/19	Lot 1 GUPTIL RD (The Knolls)	COLE SHEA	G	—	—	G	Single family dwelling
065-19	6/10/19	11 MOODY COURT	AARON SCHULMAN	R	G	7/10/19	P	Expansion of second story on existing dwelling in setback. (WR)
066-19	6/13/19	3311 PERRY HILL RD	ANDREW ALCORTA	P	—	—	P	Permit barn, former agricultural exemption
067-19	6/14/19	277 MAPLE ST	PETER & LESLEY CLARK	P	—	—	P	After the fact accessory dwelling
068-19	6/18/19	141 HIGH BIRCHES	LANDE LAUREN LINCOLN / AARON FLINT BUILDERS	G	—	—	G	Construct a residential addition.
069-19	6/19/19	84 CARRIE LANE	WATERBURY COMMONS / PAUL ARNOT	G	—	—	G	Boundary line adjustment between Lots 16 & 17

ZA Report June-July 2019

Permit #	Appn-date	Project location	Owner / Applicant	ZA	DRB	DRB date	zp	Project description
070-19	6/24/19	157 WOOD FARM RD	MARC & HEATHER PALMER	R	G	7/24/19	P	Single family dwelling with garage and barn. (RHS-minor)
071-19	6/24/19	297 HOWARD AVE	MARK KULIS	R	G	7/24/19	P	Garage with second story & privacy fence. (SP-WR)
072-19	6/26/19	139 E COUNTRYSIDE RD	SCOTT SEARCH (Appellant); EMMANUEL & MARIE MILORD-AJANMA (Owner)	R	D	7/24/19	P	Appeal single-family dwelling 139 E. Countryside Rd. (A)
073-19	6/26/19	167 E COUNTRYSIDE RD	SCOTT SEARCH (Appellant); JESSICA JOHNSON and TREVOR LYMAN (Owner)	R	D	7/24/19	P	Appeal single-family dwelling 167 E. Countryside Rd. (A)
074-19	7/3/19	265 WILDFLOWER LANE	GREG MARTIN	G	—	—	G	Shed and deck expansion
075-19	7/8/19	420 SWEET RD	FELIX J CALLAN REVOCABLE TRUST	R	G	8/7/19	P	2 Lot Subdivision (RHS)
076-19	7/8/19	1045 RING RD	LAURIE BRADY / CRESCENT RIDGE DEVELOPMENT LLC	R	P	8/7/19	P	After-the-fact dwelling and deck. (WR-RHS)
077-19	7/15/19	1470 SHAW MANSION RD	FELIPE & MEGAN RIVERA	G	—	—	G	Shed (after the fact)
078-19	7/17/19	10 RANDALL ST	LUCY ELY PAGAN	P	—	—	P	Enclose porch and add shed
079-19	7/22/19	156 SUNSET DR	MITCHELL FRIED / LAWRENCE ASAM	R	P	8/21/19	P	Expand garage. (WR)
080-19	7/25/19	562 RIPLEY RD	MICHAEL ROCHE / JUNE HIBBS	P	—	—	P	Staircase to deck, replace window with door
081-19	7/25/19	298 TWIN PEAKS RD	MICHAEL CATHERINE MAETKE	R	P	8/21/19	P	Construct 2 car garage with loft. (WR)
082-19	7/31/19	3444 LITTLE RIVER RD	STATE OF VERMONT	P	—	—	P	Shed for wood storage, ice machines, boat supplies.

Status: P-Pending; R-Referred; G-Granted; D-Denied; W-Withdrawn.

DRB Reviews: A-Appeal; CU-Conditional Use; DDR-Downtown Design Review; SFHA-Special Flood Hazard Area; RHS-Ridgeline Hillside Steep Slope; SD-Subdivision; SP-Site Plan; WR-Setback Waiver Request.