

WATERBURY PLANNING COMMISSION
SPECIAL MEETING

Approved Minutes
Wednesday, October 14, 2020

Planning Commission: Ken Belliveau, Chair; Mary Koen; Eric Gross; Martha Staskus
Staff: Steve Lotspeich, Community Planner
Public: Alyssa Johnson, Economic Development Director; Dave Lachtrupp

The Chair opened the meeting at 6:05 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

Alyssa Johnson announced that the Energy Plan Committee met recently, including Martha Staskus on behalf of the PC. The Committee would like to engage with the Planning Commission regarding how energy related issues and other action items in the 2018 Waterbury Energy Plan can be incorporated into the drafting of the Unified Development Bylaw.

Alyssa also alerted the PC to the fact that the current Zoning Regulations have some significant errors that need to be corrected, including a 10-day notice requirement for adjacent property owners under Conditional Use that should be 15-days according to state statute. Ken said that zoning regulations need to be amended periodically to correct errors such as this one. He agreed that this topic should be on a future Planning Commission agenda for discussion and action in developing administrative amendments to the current zoning regulations, since the Unified Development Bylaw is taking a long time to develop and finalize.

REVIEW OF MINUTES

MOTION

Eric Gross moved and Mary Koen seconded the motion to approve the minutes of September 28, 2020, as amended.

Vote: The motion was approved 4 - 0.

DISCUSS THE PROPOSED UNIFIED DEVELOPMENT BYLAW

The PC discussed the new language for Section 3.1.5.B, Dimensional Standards, edited by Ken Belliveau. The PC decided to incorporate Ken's new language as drafted with a few minor edits.

The placement of cross-references in the Bylaw was discussed. When terms such as a "complete application" are used, the Section that outlines those requirements should be cross-referenced in the Bylaw.

Mary Koen discussed the document, Enabling Better Places – A Guide for Better Neighborhoods, that was recently completed and distributed by the state Dept. of Housing and Community Development (DHCD). Mary would like to invite Jacob Hemmerick, a staff member with DHCD

and one of the authors of the publication, to attend a PC meeting to discuss the recommendations of the publication and how our draft Bylaw can incorporate those recommendations. Mary suggested that all the PC members read the document to help inform the discussions of the draft Unified Development Bylaw. Steve will contact Jacob to see if he can attend a PC meeting and if so, what his available dates would be.

Sub-section 3.1.6.C(3) was discussed again in terms of the requirement that accessory structures must be located at least 8 feet from a primary structure. Steve Lotspeich said that he met with Gary Dillon, the Chief for the Waterbury Fire Department and Gary agreed that the separation requirement should be at least 8 feet and is fire safety issue relating to being able to get access to a building if the adjacent one is on fire.

Steve also distributed information on the 2012 International Building Code that has been adopted by the State of Vermont, provided by Rob Dabrowski, a Fire Safety Engineer who works for the State Dept. of Public Safety, and is a former member of the Waterbury Development Review Board. This code applies to all primary buildings except single-family dwellings in all municipalities in the State of Vermont. Most residential and commercial buildings in Waterbury are Type V B and the code requires a minimum separation of 10 feet. It was pointed out that Sub-section 3.1.6.C(3) applies to all accessory structures regardless of the use of the associated primary structure. It was also pointed out that single-family dwellings are sometimes converted into duplexes, multi-family, and have accessory dwellings added.

The possibility that the Waterbury Development Review Board could issue “waivers” from the state code requirements for building separation was discussed. Steve pointed out that he doesn’t think it is an appropriate role for the DRB to be issuing “waivers” or “exceptions” to the requirements in the state building code.

Steve will research examples of building separation requirements from the zoning regulations for other municipalities that are similar in size and character to Waterbury. The suggestion was made that these municipalities could include Lyndonville, Stowe, Hinesburg, and Randolph.

The memorandum from Dave Lachtrupp’s attorney, Chris Nordle dated 3-11-19 that was previously submitted, was discussed. Regarding Sub-section 3.1.6.D(4), it was noted that public and private road rights-of-way are generally not included in lot area. Our current Zoning Regulations do not allow any permanent rights-of-way or easements to be included in the size of lots that are less than one-acre in size. Dave will check with Chris to see how his recommendations for this sub-section might be modified in light of these comments.

Regarding Section 3.1.6.D(5), It was agreed to modify and add to Chris Nordle’s suggested language to read: “...and each of the lots may be developed for the purposes allowed, *or otherwise approved, in the zoning district in which the parcel is located.*”

Chris’ comments on Section 3.1.6.D(6) were discussed. This addresses lot size for a parcel located in two zoning districts. It was agreed that Chris’ recommendations were very confusing and not workable. Steve said that a former Waterbury Planning Commission spent a lot of time working on language to address this issue that is in Section 400(c)(2) in the current Zoning Regulations.

Section 3.1.6.D, Lot Size was discussed again. This bylaw relates to Section 1.3.3.C(3) Lot Size which mirrors state statute. Steve will send the related state statute to the PC. There is still a

question regarding how we can have a minimum lot size in a given zoning district that is less than the state minimum of 1/8 acre and 40' in width. Steve will research the answer to this question and follow up with the PC.

The discussion at the next PC meeting will start with the carry-over items from this meeting that need additional information and discussion, then will continue with Section 3.1.6.D(2), Lot Frontage.

OTHER BUSINESS

Steve distributed the Zoning Administrator's Reports for January through April of this year. He will follow up with distribution of the Zoning Administrator's Reports for May through October for review at the first meeting in November.

Steve said that the Callan, 9-lot Planned Unit Development at the corner of Ripley and Sweet Roads has been approved by the Waterbury Development Review Board and is now in the state Act 250 land use permit review process.

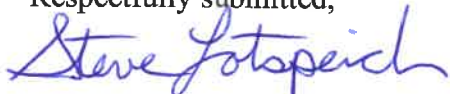
NEXT MEETING

The next meeting will be held on Monday, October 26th at 6:00 p.m. in person and via ZOOM.

ADJOURNMENT

The meeting was adjourned at 8:08 p.m.

Respectfully submitted,



Steve Lotspeich, Acting Secretary