

Minutes of the Select Board
Monday, May 20, 2024
28 North Main Street and via zoom

Attendance: Kane Sweeney, Roger Clapp, Alyssa Johnson, Ian Shea, Mike Bard, Tom Leitz, Karen Petrovic

Public Attendance: Elena Bilodeau, Diana Bilodeau, Mary Koen, Maria Gervais, Sandy Sabin, Billy Vigdor, Martha Staskus, Kati Gallagher, Alex Tuscany, Kathi Grace, Dana Allen, Lisa Walton, Chris Viens, Teresa Wood, David Rogers, Lisa Scagliotti – Waterbury Roundabout, Kathy, Evan and James Hoffman, Joe Camaratta, Mark Alberghini, Georgiana Birmingham, Ben Gerand accompanied by a female

ZOOM: ORCA Media, Richard Bilodeau, Cheryl Gloor, Wayne Quillin, Anne Imhoff, Elizabeth Danyew, Neal Leitner, Dani Kehlmann, Valerie Rogers, Amy Marshall-Carney, Meg Baldor, Karen Nevin – Revitalizing Waterbury, Robbie Adler, Darrick Pitstick

R. Clapp called the meeting to order at 7:03pm

Approve Agenda: I. Shea moved to approve the agenda; M Bard seconded the motion. A. Johnson asked to add an Entertainment Permit for Robert Owen at 8:30. K. Sweeney asked to remove the word Rent from Housing trust. **A. Johnson moved to approve the amendments; M. Bard seconded the motion, a vote was held and passed unanimously. A vote to approve the amended agenda also passed unanimously.**

Consent Agenda Items: K. Sweeney moved to approve the consent agenda. The motion was seconded by M. Bard, a vote was held and passed unanimously.

Public: K. Grace asked to acknowledge M. Koen publicly for her time volunteering on the Planning Commission. B. Vigdor thanked Friends of the Winooski, Project Harmony, and Katarina Lisaius for their efforts with the Parks Steering Committee. 120 trees were planted in town today.

Bylaw Update Public Hearing: A. Tuscany from 86 South Main Street stated his home was a single-family residence. Two years ago, they built an ADU on the second floor of the garage making the home a three-unit home. A. Tuscany consulted with the zoning administrator and learned that he would be in compliance with the new Zoning Regulations because of the ADU over the garage but without the garage ADU, he would not be able to convert the home back to a single family, by applying these rules.

K. Grace stated she still has reservations about these changes based on her rental history. She wishes to convert one of her units back to a single-family home for her son and his three children. She spoke of commitment to the Town when tenants outgrow apartments and must move away or not want to purchase a home in Waterbury because of the zoning restrictions.

T. Wood thanked the Select Board for their volunteer efforts. She has been contacted by several residents who stated they do not think they are being heard. She is here to speak on their behalf. She understands the need to increase density but she is not sure this is the best course of action to achieve the goal. The Act 250 law that just passed (not yet signed by the Governor), would mean people would not need certain permits to build multi-unit dwellings in certain areas.

C. Viens spoke to someone today about cost of living, affordability, and property taxes. He is personally facing a \$5,000 increase in property taxes this year in Vermont. He has spent his entire life working to secure a place in Vermont for himself and his family.

K. Grace stated there are single family homes that are out of state Airbnb's so perhaps this is a better resource for housing opposed to zoning regulations. K. Grace would like to see out of state buyers, especially ones that purchase properties for Airbnb, taxed on the purchase price as they operate as a business.

D. Rogers asked from the perspective of the DRB if someone buys a duplex and chooses not to rent the second half but they cut a hole in the wall and make it a single home, how is that enforceable? D. Rogers asked if that has been taken into consideration.

D. Allen read the memorandum as provided in the Select Board packet attached.

K. Grace stated she attended just about every public meeting and she did not hear individuals say they wanted this change to occur.

B. Vigdor stated the principles the Planning Commission have been applying have been to use the areas of the town that are already densely populated to remain that way and more. The reason to reduce the setback and increase the height is to encourage growth in the district that is already densely populated.

M. Statkus stated what the Planning Commission heard was a compromise that anyone with single-family housing now can keep that. No one is taking it away; the concept is that the Planning Commission is not promoting more single-family housing. The goal is to not convert multi-unit homes to single family homes.

D. Allen confirmed that High Street was once considered for this same change, but when special patterns are taken into consideration, High Street and South Main Street are very different neighborhoods. Zoning fundamentally is telling owners in certain areas what they can and can not do. Not all neighborhoods are the same much like High Street and South Main Street, which are very different.

M. Koen stated she worked for years on the Planning Commission and it is true that increasing density in the Downtown area was the goal. She can not recall a time anyone asking the Planning Commission to remove single-family homes from the regulations.

D. Bilodeau stated she is surrounded by multi-unit apartments and that North Main Street is doing well with multi-unit dwellings already.

C. Gloor stated she is concerned about the height of the buildings that will be allowed in the village. 60' is too high in her opinion. She recommended 40' be considered. K. Sweeney confirmed publicly that 60' is the height the Fire Department states is safe. M. Statkus confirmed the interim Zoning Bylaws now state 60'

T. Wood thanked the Planning Commission for attending tonight and answering public questions. She stated people are feeling penalized opposed to having people feel incentivized to build multi-unit dwellings. She thinks the downtown is vastly losing single family homes.

K. Grace asked about enforcement. T. Leitz stated the Town is working toward enforcement which begins by enforcing current permits and ensuring they are compliant. There is likely very little the Town can do to enforce someone who cuts a hole in the wall of a multi-unit and converts it into a single-family home.

M. Bard moved to close the public hearing on the Bylaw Update. K. Sweeney seconded the motion, a vote was held and passed unanimously.

Discussion of Bylaw Public Hearings: M. Bard made a motion to amend the zoning bylaws in the mixed-use district to allow for current owners to convert a home to a single-family use. No second was made. The motion failed.

A. Johnson thanked the Planning Commission for being here tonight. She attended many Planning Commission meetings and was a member for a time. There have been a lot of people working hard to get this movement to go forward. All are trying to do their best with the best of Waterbury in mind. A.

Johnson stated the Select Board's mission is to make all the neighborhoods in Waterbury contribute to the best interests in Waterbury.

M. Bard honored the Planning Commission and the Development Review Board but he has heard in all the meetings that people want choices. He does have issue with homes that may want to convert back to a single-family after altering it to a multi-unit home.

I. Shea stated this is the most contentious issue he has ever encountered. He would like to see everyone come out on top of this topic; it gives him pause when he hears how folks feel about the proposed changes. He struggles with controlling what people can and cannot do with a property they own. He wants to acknowledge this has been very hard for all.

R. Clapp stated that in a previous meeting it was mentioned that a Select Board member converted their home to a single-family. He wanted to publicly acknowledge it was him. R. Clapp stated he would like to see single-family housing a conditional use.

I. Shea made a motion to make single family home a conditional use in the Mixed-Use District. M. Bard seconded the motion; a vote was held and passed 4-1 with K. Sweeney opposed. M. Bard made a motion to send the Zoning bylaws back to the Planning Commission based on the change to make single family home a conditional use in the Mixed-Use District. I. Shea seconded the motion. A vote was held and passed unanimously.

Rental Registry Ordinance: R. Clapp brought everyone up to date on the changes that have already been made to this ordinance. The Knox box requirement, limiting security deposit and designated response times have all been removed from previous drafts.

B. Gernand asked what the fee structure would be? T. Leitz stated the fee structure cannot exceed the administrative costs which should be minimal because the software Waterbury will utilize was purchased for zoning purposes. T. Leitz stated he does not foresee a cost to the registry if people comply with the request to complete the application; it is enforcement that carries costs.

M. Bard stated the Select Board in general feels concern among the landlords, this is a fact-finding exercise. No one can guarantee there will not be regulations imposed based on the information that is gathered. This is the best way to gather the data. The Vermont Short Term Rental Organizations are not opposed to registry; they are opposed to regulations.

J. Camaratta stated the Town needs to understand the type of housing we have, what is needed, and how to drive the Town's plan forward. Regulations will happen with or without rental registrations so it is better to have the information.

K. Sweeney stated just going on Airbnb will not get the Town the data they need because the data changes frequently on the platform. The best and most effective way to get information is direct from the property owner.

D. Allen stated the zoning bylaws are relatively quiet on STR because there is no data. It is not systematic or repeatable when you attempt to go online and gain the data.

S. Sabin stated she was in the process of building an ADU and the Fire Marshall knocked on the door of her home and told her she can not rent an ADU. M. Statkus stated she does not believe you cannot rent it but you must comply with a public building much like a duplex.

M. Koen stated as the owner of an ADU she would be happy to register.

K. Sweeney stated when this ordinance was proposed it had a lot more meat in it and the Select Board has cut it away line by line until we just have the registry.

T. Leitz stated "a day" is a 24-hour period in his mind.

K. Sweeney moved to amend the first paragraph of section 5; the second sentence from “a person” to “an owner”. M. Bard seconded the motion. A vote was held and passed unanimously.

D. Rogers asked about Section 5 #2; he wanted to know if the expectation is that he alerts the Town each time he leaves town and has someone else looking after his property or tenant in his absence. T. Leitz stated that can be addressed on the form, however the intent of this item is for emergency services to gain entry in the owner’s absence.

K. Sweeney moved to adopt the Ordinance to regulate the operation of rental properties with the amendment of section 5 second sentence from “a person” to “an owner”. I. Shea seconded the motion. A. Johnson requested a friendly amendment stating there are no fees to register and any fees to register will need to be approved by the Select Board. A vote was held and passed unanimously.

Special Events Permit Arts Fest: K. Nevin was not in attendance to answer questions. There was discussion about youth traffic controllers and individuals who may have not received proper training for traffic control. K. Sweeney moved to approve the Special Event Permit Application with the amended dates in section 10 and they meet the requirements of the Public Works Director. I Shea seconded the motion, a vote was held and passed unanimously.

Entertainment Permit – GoodFire: K. Petrovic stated that this application was pulled two weeks ago because they are not permitted to have more than 7 events in the year. They have altered the request to comply. M. Bard spoke highly of the event they ran in April. The April event had traffic controllers but this application states no traffic control. K. Sweeney asked if board members would be satisfied if the application was contingent on traffic control. R. Clapp would like to see what sort of traffic is generated to decide if the event should mandate traffic control. T. Leitz’s recommendation is to charge \$25 per event. **M. Bard moved to approve the Entertainment Permit for VT GoodFire Cannabis on Waterbury Stowe Road solely for the date of May 31st for acoustic music only. K. Sweeney seconded the motion; a vote was held and passed unanimously.**

Traffic Update – speed bumps and walking safety: Amended to include handicap parking in the downtown area. Challenges to create handicap spaces lie in the curb cut. You could put one in near the Senior Center on Stowe Street but it would not be ADA compliant. T. Leitz stated the Town owns the parking lot at the Congregational Church and may be able to create a handicap parking spot there. Elm Street is scheduled to be striped this year which should positively impact parking along that street. There is a real need to have snow somewhere and the Bidwell Lane location is best but T. Leitz will work with the Public Works Department to move it quickly or use an alternative location. K. Sweeney stated he lives in the triangle in Waterbury Center and confirms there are folks exceeding the speed limit regularly. He would like to see some police coverage in the area. K. Gallagher who lives across the street from the Fire Station in Waterbury Center, has witnessed people passing on Maple Street. There is an overall hatred of speedbumps from the Public Works Department. At present there are flashing speed signs at the gateways of the village which could be utilized on Maple Street to help slow traffic. I. Shea previously requested information about flashing lights at pedestrian crosswalks in the village. A unit is roughly \$15,000. Ideally, he would like to see one at the Dac Rowe crosswalk.

Proposal for Housing Trust: K. Sweeney presented the Board with a memo regarding the establishment of a Housing Trust in the Town of Waterbury. D. Allen gave support of this idea as it fits in well with the mission of gaining more affordable housing options in Waterbury. K. Gallagher asked if it should be the charge of the Housing Task Force to determine who and what projects are best served by this Trust. A.

Johnson stated perhaps ARPA funds could be used as seed funding for this initiative. M. Bard has real concerns about Waterbury creating something that Downstreet, a regional housing agency, already has in place. I. Shea stated housing is an important topic in the community now and he supports this however, he did wonder about the application process. EFUD has capital now to loan to a business that wished to develop a property if they wish to apply. **A. Johnson moved that Town of Waterbury Select Board continue to research options for a Housing Trust Fund including contacting representatives from Downstreet Housing & Community Development about current homeownership offerings and interest to take on a loan fund as well we ask the Waterbury Housing Task Force at their next meeting to brainstorm potential uses of a Housing Trust Fund. M. Bard seconded the motion, a vote was held and passed unanimously.**

Animal Control Ordinance: T. Leitz presented the Board with an amended Animal Control Ordinance stating in the last year we have had several Vicious Dog Hearings. Complaints typically are dogs running, but there have not been many noise complaints. The major changes are highlighted in yellow. Several weeks ago, there was a concerned citizen who asked the cemetery commissioners to place the signs back in the cemetery. The Commissioners stated he has a valid point; however, they saw it as a Select Board issue. The last change is that the Clerk would be afforded the ability to issue fines for unlicensed dogs. M. Bard stated he does not believe dogs should be permitted in cemeteries. **K. Sweeney moved to lift the ban on dogs in cemeteries. The motion was seconded by I. Shea. A vote was held and passed 4-1.** T. Leitz will define a leash in the ordinance as a physical leash on the dog.

Creation of flood mitigation Planning and Grant Writing position: T. Leitz presented the board with a memo detailing what he is looking for in a candidate. He detailed in his memo the funding of this position. A suggestion was made that a candidate for this position be involved with the Natural Disaster Preparedness Committee. R. Clapp supports the creation of this position. **M. Bard made a motion to approve advertising the position of Flood Mitigation Planning and Grant Writing Manager. K. Sweeney seconded the motion and made a friendly amendment to create and support compensation for this position.** Discussion followed about the timing of the hire and the impact on the budget for this year. A. Johnson stated she felt it will take a real commitment to the Town of Waterbury and community buy in, not to have this position be fully remote. **A vote was held and passed unanimously.**

Next Meeting Agenda:

Noise Ordinance Preliminary Discussion

Animal Control (secondary Discussion)

Housing Trust (secondary Discussion)

June 17th agenda Bylaw Update

Welcoming and Engaging Community Cohort Update

Parking Ordinance Preliminary Discussion

The Board will not utilize Executive Session - Update regarding Stanley Wasson Hall – The Town made an offer which was rejected by the State. T. Leitz has engaged with a private appraiser and will make another offer.

Adjourn: A. Johnson made a motion to adjourn. Sweeney seconded the motion. A vote was held and passed unanimously.