



WATERBURY MUNICIPAL OFFICE
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February 8, 2024

Jennifer Fitch, Commissioner
Department of Buildings and General Services
133 State Street
Montpelier, Vt. 05633-5801

Re: 02/05/24 Email sent to Tom Leitz, Municipal Manager-Town of Waterbury

Dear Commissioner Fitch,

Thank you for informing the Town of Waterbury (Town) of your position regarding the need to apply for zoning approval of the proposed emergency shelter at the current Waterbury Armory as stated the above referenced email. While the Town agrees that the property is currently being operated as a "Government Use," it appears that the addition of the proposed emergency shelter will require zoning approval based on the definition of that use in the Town's ("Town") Zoning Regulations, dated May 16, 2016.

The Zoning Regulations define "Government Uses" in Section 1400 on page 76 as, "All uses, other than those specified herein, operated directly by the federal government, the state, or a municipality." It is the Town's understanding that, while the Waterbury Armory is property owned by the State, the proposed "Emergency Shelter" use will be directly operated by a third party or vendor. Therefore, the emergency shelter will not be "directly operated" by the State, and as a result, the proposed use does not fit the definition of "Government Uses" in the Zoning Regulations. An "Emergency Shelter" use does require change of use permit which includes the need to file a conditional use and site plan review application for review and approval by the Waterbury Development Review Board (DRB). The Town acknowledges that any review by the DRB will be subject to the limitations set forth in 24 V.S.A. § 4413 since "emergency shelters" are listed in that section.

We trust that the necessary applications will be filed before the State retains an operator of the proposed emergency shelter and commences that new use in the Waterbury Armory building. For your convenience I've included the appropriate applications with this letter. We can schedule you for a Development Review Board hearing once we receive complete application materials and the fee of \$50.00 is paid.

Regards,

A handwritten signature in blue ink, appearing to read "Mike Bishop", with a long horizontal line extending to the right.

Mike Bishop, Zoning Administrator
Town of Waterbury, Vt.
802/244-1012

Pursuant to Zoning Regulations *Section 307 Appeals*

- (a) *Any interested person as defined under 24 V.S.A. §4465 may appeal a decision or act of the Zoning Administrator within 15 days of the date of the decision or act by filing a notice of appeal with the Secretary of the Development Review Board, or the Municipal Clerk if no Secretary has been elected, and by filing a copy of the notice with the Zoning Administrator.*