

**Waterbury Town Select Board and Village Trustees Joint Meeting
January 10, 2013
Main St. Fire Station**

Present:

Select Board: R. Ellis, Vice-Chair; C. Viens; C. Nordle

Trustees: Lawrence Sayah; Natalie Howell-Sherman

Staff: Stephen Lotspeich

Planning Commission: Kane Smart, Becca Washburn

Conservation Commission: Allan Thompson

Public: John Callan, David Lachtrupp, Averill Laundon, Paul Reed, Mark Powell, Anne Imhoff, Kathryn Grace, Everett Coffey, Judy Foregger, Matt Kunner

The meeting of the Boards was called to order at 7:06 p.m.

PUBLIC HEARING ON DRAFT #3 OF THE ZONING AMENDMENTS

Rebecca Ellis and Natalie Howell-Sherman opened the public hearing on the Town and Village of Waterbury Zoning Amendments, Draft #3, dated December 17, 2012, at 7:07 p.m.

Steve Lotspeich gave an overview of the changes between Drafts #1, #2 and #3 of the Zoning Amendments.

The definition of Significant Natural Resources was discussed, specifically the term “irreplaceable natural communities”. With input from Allan Thompson of the Waterbury Conservation Commission, it was decided to change “irreplaceable natural communities” to “S1 and S2 natural communities” in the definition.

The topic of Act 250 jurisdiction and remaining a one-acre municipality for commercial and industrial purposes was discussed. The issue of whether these regulations will raise the Act 250 jurisdiction threshold for subdivisions from the 6th lot created in five years within a five mile radius, to the 10th lot created was also discussed. The Natural Resources Board has a list of municipalities that have adopted Zoning and Subdivision Regulations and have the higher threshold for jurisdiction. The Select Board’s view is that these amendments and the associated Subdivision chapter do constitute Subdivision Regulations because they are adopted under 24 V.S.A. § 4418. A jurisdictional opinion on this matter can be requested from the District 5 Coordinator for Act 250.

The issue of re-examining the flood hazard area regulations was discussed in light of the flooding that occurred with Tropical Storm Irene. Since our current Flood Hazard Area Regulations are Interim and will expire in December of this year, they can re-examined when we consider making them “permanent”.

It was clarified that under the proposed amendments, subdivisions in the Ridgeline, Hillside, Steep Slope Overlay District, the Route 100 District, and Planned Unit Developments will be regulated under the pre-existing regulations for subdivisions in those areas. Sub-section 1202(d) was modified to apply to subdivisions being reviewed under Sub-section 1202(a).

The issue of the poor and improper maintenance of private roads and whether that issue should be addressed in the proposed Subdivision chapter was discussed. In certain cases, the state is now requiring the formation of homeowner’s associations and maintenance agreements prior to the issuance of stormwater permits for projects that create more than one acre of additional impervious surface area. These types of requirements can also be made by the Development Review Board under the proposed

subdivision review criteria, especially sub-section 1202(a)(3), as a condition of permit approval. It was mentioned that the creation of a homeowner's association at the time a subdivision is created can be a large legal expense for the developer. It was also pointed out that the requirement for these type of agreements and covenants can be added with future amendments to the Subdivision chapter.

It was clarified that there would be a town-wide vote on the proposed zoning amendments only if there is a petition for a vote.

It was agreed by the two boards to wait to approve the zoning amendments until after the proposed ordinances regarding Act 250 jurisdiction become effective.

The public hearing was closed by the Select Board and Trustees at 8:40 p.m.

TOWN AND VILLAGE ORDINANCES REGARDING ACT 250 REVIEW DESIGNATION

The boards reviewed the suggested changes to the draft ordinances received from the municipal attorney. Further changes were made to the drafts and were agreed on.

Chris Nordle moved to approve the Town of Waterbury Ordinance Regarding Act 250 Review Designation dated January 10, 2013. Chris Viens seconded the motion and it was approved unanimously.

Lefty Sayah moved to approve the Village of Waterbury Ordinance Regarding Act 250 Review Designation dated January 10, 2013. Natalie Howell-Sherman seconded the motion and it was approved unanimously.

There being no further business, the meeting was adjourned by both boards at 9:05 p.m.

Respectfully submitted,

Stephen Lotspeich, Community Planner

Approved on: January 21, 2013