

Meeting of the Waterbury Select Board
February 22nd, 2021
28 North Main Street

Present: M. Frier, M. Bard, K. Martin, Chris Viens and N. Fish, Select Board; S. Lotspeich, Community Planner; Bill Shepeluk, Municipal Manager, Patti Martin, Secretary. The meeting was held via videoconference.

Planning Commission: Ken Belliveau, Eric Gross, Katya D'Angelo, Mary Koen, and Martha Staskus.

Public: William Vigdor, Jason Wulff, Dani Kehlmann, ORCA Media, Alyssa Johnson, Lisa Scagliotti, Mark Drutman, Emmett Gartner, Ryan Miller, Dana Allen, and John's IPhone.

The meeting was called to order at 7:00pm.

APPROVE AGENDA

C. Viens made a motion to approve the agenda. The motion was seconded by K. Martin and passed unanimously.

CONSENT AGENDA ITEMS

C. Viens made a motion to approve the consent agenda items including the minutes of the February 1st meeting, and liquor licenses for Village Market, Best Western Plus, Blush Hill Country Club, Shaw's, Country Club of Vermont, Old Stagecoach Inn, Butler Street Pizza, Fastop and Champlain Farms. The motion was seconded by N. Fish and passed unanimously.

PUBLIC

There was no public comment.

SELECT BOARD ITEMS

Consider Waterbury Reader as Alternate Newspaper of Record.

S. Lotspeich commented that the Times Argus is the newspaper of record. The Waterbury Reader is now distributed to the greater Waterbury community. M. Bard moved to approve the Waterbury Reader as the alternate newspaper of record. N. Fish seconded the motion and it passed with 4 approving and K. Martin abstaining due to her work with the Waterbury Reader.

Discussion of an Informational Meeting on Tuesday, February 23rd at 7:00 pm

There is a meeting set for February 23, 2021, starting at 7:00 p.m. that is an informational meeting prior to the Town Meeting on March 2nd, 2021. The agenda has been distributed. W. Shepeluk offered to take questions if there are any. Will there be any on-screen information to share versus all verbal presentation? There is the ability to screen share and W. Shepeluk said he'd refer to the annual report and summary of operating funds.

PUBLIC HEARING ON THE DRAFT INTERIM BYLAWS FOR THE DOWNTOWN ZONING DISTRICT

The public hearing was opened by M. Frier at 7:15 p.m. The public hearing was to consider and receive public comment on the Draft Interim Bylaws for the Downtown Zoning District dated February 1, 2021.

S. Lotspeich reviewed the draft interim Bylaws using a screen-share highlighting the key provisions. S. Lotspeich then screen-shared the revised zoning map for the area showing the extent of the proposed Downtown zoning district. Following Steve's overview there was discussion related to the mixed-use area on North Main Street, just north of the proposed Downtown zoning district and why it was not included in the proposed zoning district. S. Lotspeich explained that he recommends a somewhat lower residential density for this area and not allowing light industrial uses that might be in conflict with the residential mix of uses.

The limitation of 2,000 square feet for some of the permitted uses such as restaurant was discussed since this is considered a relatively small scale. S. Lotspeich explained that these uses would require conditional use review in addition to site plan review if the use is more than 2,000 square feet. The issue of scale has been discussed by the Planning Commission. S. Lotspeich discussed the possibility of adjusting this threshold from 2,000 to 5,000 square feet in the draft bylaws. Two of the proposed uses, Food and Beverage Manufacturing, and Light Industry would not be allowed in the Downtown zoning district if the size of use on a single parcel is over 5,000 square feet. This is intended to help prevent conflict with the nearby residential uses.

The following public comment was provided:

1. Jason Wulff
 - a. We need to move past the zoning regulations that date back to the 1990's post haste.
 - b. Section 1602, Applicability: Jason referenced the last two sentences in the first paragraph that would prohibit flexibility regarding uses that he thinks are too narrowly defined.
 - c. Concerning the Use Table, the threshold between a permitted and conditional use needs to be significantly more than 2,000 sq. ft. The restaurant and business professional office uses are currently permitted at any size by the Zoning Regulations and should continue to be permitted with no size limit in the proposed Downtown zoning district.
 - d. The on-site parking requirements in the current Zoning Regulations are prohibitive in some cases and there should be a complete exemption from the requirement for off-street or on-site parking for the Downtown zoning district.
 - e. Jason stated that the draft Interim Bylaws are a step in the right direction.
2. William Vigdor asked if there is a need for occupancy standards for dwellings that would control how many people can live in a residence. The response regarding occupancy standards is that zoning regulations typically regulated the density of the number of dwelling units on a site but do not limit occupancy. He's not seeing anything in the draft Interim Bylaws encouraging higher density and promoting affordable housing.
3. Dana Allen asked about accessory dwelling units (ADU's) and what mechanism we have or should have to encourage the long-term rental of ADU's vs short-term rental? The response was that the Town of Waterbury does not regulate how dwelling units are rented. Steve said that the Vermont Legislature is considering legislation regarding short-term rental of dwellings. It may be prudent for town to see what direction the State takes on this issue before considering zoning bylaws that would address short-term rental of dwelling units.
4. Dani Kehlmann asked about non-conforming uses and how they might be affected by the draft Interim Bylaws. Steve responded that this is an issue with adopting new permanent or interim bylaws.
5. Mary Koen spoke as a resident in the proposed Downtown zoning district. She is concerned about the size and types of businesses that would affect her home life and that of other residents in the area. She added that the demolition of historic buildings is an on-going issue that needs to be addressed. It was observed that the requirements of the current Downtown Design Review bylaws regarding the review of historical structures will stay in place if these draft Interim Bylaws are enacted.
6. Ken Belliveau, the Chair of the Planning Commission, spoke to the timeframe given to get these interim bylaws completed. He said that the Planning Commission only had two meetings to review drafts of the interim bylaws and that was not enough time to address all the issues in the draft and he feels that the draft is unfinished. The issues left unfinished or incomplete include the dimensional table, the scale of development, the level of increased residential density, and how economic vitality is dealt with. He said that the consensus building process takes time and more people who live in the downtown area need to have their concerns heard.
7. Martha Staskus spoke as a Planning Commission member stating that the process has been very difficult and rushed. Property owners in other areas have presented their concerns with

the current zoning regulations to the Planning Commission and have been waiting to have those concerns addressed in the development of the Unified Development Bylaw. She wants to make sure that the dimensional table in the draft Interim Bylaws is done correctly and that should drive the mapped boundary of the proposed Downtown zoning district.

The members of the Select Board and Planning Commission discussed the next steps regarding the draft Interim Bylaws. The Select Board did not take any action on the draft Interim Bylaws. It was agreed that May 1, 2021 would be a reasonable deadline for the Planning Commission to complete draft bylaws that will address development in the area of the proposed Downtown zoning district.

The public meeting regarding the draft Interim Bylaws was closed at 10:02 pm.

MANAGER'S BUSINESS

K. Martin moved to find that premature general public knowledge of the Town's litigation strategy in the HMCC tax appeal, currently pending in the Vermont Superior Court, Civil Division, would clearly place the Select Board, which has control over such litigation for the Town, at a substantial disadvantage and further moved to find that premature general public knowledge of the Town's negation strategy with the State of Vermont, in a contractual discussion for police services, would clearly place the Select Board, which has control over such negotiations for the Town, at a substantial disadvantage. The motion was seconded by C. Viens and passed unanimously.

In light of these findings, K. Martin moved to enter executive session, to include the Municipal Manager, to consider pending litigation and contractual matters to which the Town is a party. The motion was seconded by C. Viens and passed unanimously. The Select Board went in to executive session at 10:03 pm.

The Select Board exited executive session and re-entered open session at 10:29 p.m.

The board took up for discussion the police contract with the Vermont State Police. On a motion duly made and seconded (K. Martin, M. Bard) the Select Board unanimously approved the State of Vermont Department of Public Safety Policing Services Contract with the Town of Waterbury, Vermont, authorizing the municipal manager to sign the document on behalf of the town. The contract is for the period 7/1/2021-6/30/2024.

The board then discussed the tax-exempt status of the Hunger Mountain Children's Center. On a motion duly made and seconded (N. Fish, M. Bard) the Select Board unanimously approved the Settlement Agreement between the Town of Waterbury and the Hunger Mountain Children's Center, authorizing the Municipal Manager to sign the document on behalf of the town. The contract is for a period of 5 years.

The board revisited the concerns raised by the Planning Commission regarding necessary amendments to the Zoning Regulations and the process of adopting interim by-laws. The board agreed to discuss the issue and next steps with S. Lotspeich, Community Planner, at the board's regular meeting scheduled for Monday March 1st. If S. Lotspeich is not available that evening, especially due to a conflict with a Planning Commission meeting, the board will not meet on March 1st and will re-schedule a time with the Community Planner.

At 10:50 p.m. Nat Fish made a motion to adjourn, which was seconded by C. Viens. The motion was approved 5-0.

Respectfully submitted,

Patti Martin, Secretary

Approved on: March 1, 2021