

Meeting of the Waterbury Select Board
April 26, 2021
28 North Main Street

Present:

Select Board: Mark Frier, Michael Bard, Katie Martin, Chris Viens (Vice Chair), Dani Kehlmann;

Staff: Bill Shepeluk, Municipal Manager; Steve Lotspeich, Community Planner; Patti Martin, Secretary.

Planning Commission: Ken Belliveau, Eric Gross, Steve Karcher

Development Review Board: Harry Shepard

Public: William Vigdor, Jason Wulff, ORCA Media, Alyssa Johnson, Lisa Scagliotti, Filomena Siner, George McCain, Mary Woodruff, Emmett Gartner, Mike Merchant, Tom Gloor, Whitney Aldrich, Lori Collins, Ryan Miller, Amy Anderson

The meeting was held via videoconference.

The meeting was called to order at 6:50 p.m. Mark Frier recused himself so that he could participate in the public hearing and deliberations on the draft Interim Bylaws as an affected property and business owner. Chris Viens chaired the meeting as the Vice Chair.

APPROVE AGENDA

Dani Kehlmann moved to approve the agenda. The motion was seconded by Katie Martin and was passed 4 - 0.

Michael Bard joined the meeting at 6:55 p.m.

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

The public hearing was opened by Chris Viens, Vice Chair at 7:00 p.m. The public hearing was to consider and receive public comment on the Draft Interim Bylaws for the Downtown Zoning District dated April 5, 2021.

Steve Lotspeich reviewed the draft Interim Bylaws using a screen-share, highlighting the key provisions. Steve stated that Interim Bylaws are enabled by state statute and are in place for two years. They can be extended for one year with a subsequent vote of the Select Board. These Interim Bylaws would be applicable to the Downtown zoning district as defined on the map. Steve screen-shared the current draft that was also available on the Town's website. The changes since the last public hearing that have been recommended by the Planning Commission were reviewed. Steve also reviewed the written comments on the draft Interim Bylaws that were submitted to the Select Board by Revitalizing Waterbury and the Waterbury Area Development Committee. Steve focused on the comments on the Section 1602, Applicability, dealing with limiting the authority of the Select Board to allow uses and review development that is specifically prohibited in the Interim Bylaws.

The following public comments were provided:

1. Eric Gross discussed cannabis sales businesses in this Downtown area and expressed concern that there should be limitations on where these sales are allowed. It was noted that cannabis sales will not be allowed until October, 2022 and this type of business will not be specifically identified or prohibited in these Interim Bylaws.

2. Chris Viens asked about the rationale behind the minimum of 5,000 square feet for the maximum building footprint.
3. Ken Belliveau commented that the concern from the Planning Commission on the limitation in size of buildings is that this zoning district has a mix of uses with businesses, industry, single-family homes and a historic district. Consolidation of zoning districts in the proposed Downtown zoning district creates the wide variety of the mix of uses.
4. Bill Shepeluk expressed his concerns with this area of the proposed Downtown zoning district on Foundry St. where it is currently the Industrial zoning district. He asked about including language in the Interim Bylaws that would enable existing uses in a particular area of this new district and whether those uses could be allowed to expand in an existing large building regardless of size. He suggested that language be crafted to grandfather previously zoned uses for existing buildings and allow future expansion.
5. Mark Frier said that he is in favor of considering raising the maximum building footprint to 10,000 sq. ft. This would help facilitate larger multi-family housing projects, including affordable housing for people who live and work in Waterbury. He also commented that the Food and Beverage Manufacturing, and Light Industrial uses should be allowed up to a maximum of 10,000 sq. ft. This would facilitate a brewery being able to be established and expand in his building at 40 Foundry St. that has a footprint of over 10,000 sq. ft. He would like to see the Interim Bylaws help to build the density in Waterbury Village.
6. George McCain expressed concern with the proposed 5,000 square foot maximum building footprint and the limitations that would impose on new buildings with various uses.
7. Alyssa Johnson also expressed concern with the 5,000 square foot maximum and spoke for the need for the development of affordable housing in the downtown area at a larger scale.
8. Ken Belliveau discussed how zoning bylaws grandfather the existing uses for buildings, even if they are outside of the parameters of the bylaws, as long as they are not discontinued for more than one year. Language could be developed to allow these uses to expand in the future.
9. Tom Gloor raised a concern about the adequacy of public infrastructure to support the density of uses that would be allowed under the Interim Bylaws. He asked if our existing infrastructure can support the proposed changes. Bill Shepeluk commented that the existing municipal infrastructure will support the expansion of uses that would be allowed under the Interim Bylaws. He said that the increases in use can be managed and accommodated as new development is reviewed and approved through the zoning process. Waterbury's public wastewater system is currently operating at only about 20% of the hydraulic capacity of the system. Bill said that food and beverage manufacturing businesses such as Ben & Jerry's and the Alchemist brewery on Crossroad are required to pre-treat all their wastewater to limit the amount of organic loading on the public wastewater system.

The public hearing regarding the draft Interim Bylaws was closed at 8:25 p.m.

CONSIDER CHANGES TO AND ADOPTION OF THE DRAFT INTERIM BYLAWS FOR THE DOWNTOWN ZONING DISTRICT

The members of the Select Board and Planning Commission discussed the next steps regarding the draft Interim Bylaws. The following options were discussed:

1. Take the three Foundry Street properties out the proposed Downtown zoning district and put them back in the current Industrial District. This would allow flexibility for the expansion of and changes to the industrial uses in that area.
2. Keep the Foundry St. area in the proposed Downtown Zoning District and go to a 10,000 square foot maximum building footprint. If the Waterbury Square Shopping Center that is over 30,000 sq. ft. needs to expand in the future it could apply for a variance to allow the additional footprint.

3. Change the upper limit for in the size for the Food and Beverage Manufacturing, and Light Industrial uses to match the suggested 10,000 sq. ft. maximum building footprint to allow one of those uses to fill the entire space.

Motion: Mike Bard moved and Katie Martin seconded the motion to adopt the Interim Bylaws for the Downtown Zoning District, dated of April 5, 2021, with the following revisions:

1. Section 1604.2, Permitted Uses is revised as follows:
 - a. #26, Specialty school, indoor and up to 10,000 sf
2. Section 1604.3, Conditional Uses is revised as follows:
 - a. #5, Open Market or Auction House more than 4,000 sq. ft.
 - b. #10, Food or Beverage Manufacturing, Enclosed up to 10,000 sq. ft.
 - c. #11, Light Industry, Enclosed up to 10,000 sq. ft.
3. 1604.4, Dimensional Standards: revise Maximum Principal Building Footprint to 10,000 sq. ft.
4. Section 1606.1, Use Table: Make all corresponding revisions to the table incorporating the revisions listed above.
5. Section 1606.1, Use Table, definition of Restaurant / Bar: revise the first sentence to read as follows: "An establishment that prepares and serves meals, snacks and beverages primarily for immediate consumption with seating on premises." Remove the second sentence.
6. Section 1606.2, Dimensional Table: revise Maximum Principal Building Footprint to be 10,000 sq. ft.

Vote: The motion was approved 4 – 0 with Mark Frier abstaining.

ADJOURNMENT

At 9:25 p.m. Mike Bard moved and Katie Martin seconded the motion to adjourn. The motion was approved 5-0.

Respectfully submitted,

Patti Martin, Secretary

Approved on: May 3, 2021