HISTORIC OVERLAY DISTRICT BYLAW AMENDMENTS DRAFT #1 January 6, 2020

The Planning Commission for the Town of Waterbury will convene a Public Hearing on Monday, February 10, 2020, at 7:15 p.m. in the Steele Community Room in the Municipal Center, 28 North Main Street, Waterbury to consider and receive public comment on the following Draft #1 of the proposed Historic Overlay District Bylaw Amendments dated January 6, 2020. The purpose of these amendments is to encourage a consistently high standard of design in renovations and new construction to support and maintain the historical, architectural, and cultural significance of the Historic Overlay District. The purpose is also to review proposed demolition of historic structures and encourage the maintenance of these buildings. These Zoning Amendments apply to all the Historic Districts in the Town of Waterbury including the expanded Waterbury Village Historic District, and all the individually listed historic structures and sites.

HISTORIC OVERLAY DISTRICT BYLAW AMENDMENTS DRAFT #1 January 6, 2020

Planning Commission Report for Municipal Bylaw Amendments

This report is in accordance with 24 V.S.A. §4441(c), which states:

When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments... The report shall provide[:]

[A] brief explanation of the proposed bylaw, amendment, or repeal and...include a statement of purpose as required for notice under section §4444 of this title...

These zoning bylaw amendments were developed and recommended by the Waterbury Planning Commission. They define a new district in the Town – the Historic Overlay District – and set forth bylaws governing development in that district.

In accordance with the 24 V.S.A. §4414(1)(F), the Historic Overlay District is established to protect and enhance the historical, architectural, and cultural significance of the historic structures and other resources within this overlay district. The purpose of these bylaw amendments is also to assure that new development and additions to historic and non-historic structures are compatible with the existing historic structures, encourage a consistently high standard of design in renovations and new construction which supports pleasant, pedestrian-oriented village centers, and strengthens the community's economic vitality and the historic districts' function as centers for commerce, industry, government, and housing.

The Town of Waterbury has six historic districts that are listed on the National and State Register of Historic Places. These are the Waterbury Village Historic District, the Mill Village Historic District, the Colbyville Historic District, the Waterbury Center Historic District, the Waterbury Center - Village Park Historic District, and the Lyon Farm District. The Waterbury Village Historic District was expanded and approved by both the Waterbury Select Board and the State of Vermont Advisory Council on Historic Preservation in 2018.

The Historic Overlay District Bylaw Amendments conform with or further the goals and policies contained in the 2018 Waterbury Municipal Plan, including the promotion and availability of safe and affordable housing. These bylaw amendments are compatible with the proposed future land uses and densities identified in the Municipal Plan and the uses and densities allowed in the Waterbury Zoning Regulations. These bylaw

amendments are not in conflict with any specific proposals for planned community facilities at the current time.

Enactment of these regulations will complement the existing Downtown Design Review Overlay District bylaws that have resulted in the Town of Waterbury having Downtown Designation under the Downtown Development Act (24 V.S.A. Chapter 76A), for the core downtown area.

The purpose of these zoning bylaw amendments is to regulate development in the proposed Historic Overlay District. These bylaws serve the community's shared aspirations to protect these historic resources, as expressed in the Municipal Plan, and to achieve the following objectives:

- 1. Promote the retention and adaptive re-use of historic structures and sites on the State and National Register of Historic Places and located in all of Waterbury's Historic Districts plus those individually listed historic structures and sites located outside of the six Historic Districts.
- 2. Guide development in the Historic Overlay District so that new and modified structures complement and are compatible with surrounding and nearby structures.
- 3. Promote the revitalization and economic vitality of the Waterbury and Waterbury Center growth centers.
- 4. Promote a downtown environment with a streetscape and buildings that are easily accessible for pedestrians.

[A]nd shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.

These Zoning Amendments conform with and further these goals, objectives, and actions, as set forth in the 2018 Waterbury Municipal Plan:

CHAPTER 4. LOCAL ECONOMY

Goal 1

The cultivation of a vibrant economic climate that supplies jobs at livable wages while maintaining harmony with the area's natural and historic resources and fully utilizing the area's human capital.

Objectives

4. To preserve Waterbury's existing natural and historic resources as a means of ensuring future economic growth.

CHAPTER 11. LAND USE

Objectives Growth Centers

3. Ensure that new development and re-development is compatible with existing uses, adheres to smart growth planning principles, respects the integrity of historic structures, and enhances existing development.

Actions Growth Centers

7. *Expand the Waterbury Village Historic District to include additional significant contributing structures.*

These zoning bylaw amendments will promote the availability of safe and affordable housing in Waterbury. The amendments will not change any of the allowed residential uses in the underlying zoning districts.

2. Is compatible with the proposed future land uses and densities of the municipal plan.

These zoning bylaw amendments will not change or negatively impact any of the proposed future land uses and densities in the Municipal Plan. Five of the Historic Districts within the Historic Overlay District are within the Waterbury Village and Waterbury Center growth centers identified in the Municipal Plan and are consistent with the vision for these Growth Centers.

3. Carries out, as applicable, any specific proposals for any planned community facilities.

These zoning bylaw amendments do not contain any specific proposals for any planned community facilities. The amendments will encourage future private and public streetscape improvements in the growth centers.

These bylaws are in accordance with 24 V.S.A. §4441, Preparation of bylaws and regulatory tools; amendment or repeal.

These bylaw amendments were prepared to address design issues that are unique to Waterbury's historic structures, sites, and districts.

HISTORIC OVERLAY DISTRICT BYLAW AMENDMENTS DRAFT #1 January 6, 2019

ARTICLE XVI - HISTORIC OVERLAY DISTRICT BYLAWS

Section 1600 Enactment and Authority

(a) The Town of Waterbury has adopted these bylaws in accordance with and as authorized by the *Vermont Municipal and Regional Planning and Development Act*, 24 V.S.A. Chapter 117, §4441 and §4442.

Section 1601 Purpose

(a) In accordance with the 24 V.S.A. §4414(1)(F), the Historic Overlay District is established to protect and enhance the historical, architectural, and cultural significance of the historic structures and other resources within this overlay district. The purpose is to protect and enhance the historic sites and structures located within this overlay district. These structures and sites are all listed in the State or National Registers of Historic Places or are located within the expanded Waterbury Village Historic District. This purpose is also to assure that new development and additions to historic and non-historic structures are compatible with the historic structures. The purpose is to encourage a consistently high standard of design in renovations and new construction to support and maintain the historical, architectural, and cultural significance of the Historic Overlay District. The purpose is also to encourage the owners of historic structures to maintain the buildings and prevent demolition by neglect.

Section 1602 Establishment of District Boundaries

(a) The Historic Overlay District is depicted on the attached maps and by reference, the descriptions of the Historic Districts in the Historic Sites and Structures Survey, Washington County, Waterbury, dated 1976. The Historic Overlay District also includes the expanded Waterbury Village Historic District dated 2018 as shown on the attached map and by reference, the associated descriptions in the survey of this District. Minor changes to the maps and descriptions of the Historic Overlay District such as demolition of a structure or a change in the status of an existing historic structure or site, shall be incorporated into the Historic Overlay District by reference without a requirement to amend the Historic Overlay District Bylaws. The listing of a new district, re-survey and re-listing of an existing historic district, or survey and listing of a new historic structure or site to be individually listed, shall not constitute a minor change and shall require an amendment to the bylaws in order to be incorporated.

Section 1603 Applicability

(a) No structure located in the Historic Overlay District and subject to review under this article may be rehabilitated, reconstructed, substantially altered, restored, moved, demolished, or changed, and no new structure may be erected, without historic overlay district review approval by the Development Review Board in accordance with the following procedures, requirements, and standards. The Downtown Design Review Overlay District bylaws shall remain in effect throughout the effective period of these Historic Overlay District bylaws. If the provisions of the Historic Overlay District Bylaws and the Downtown Design Review Overlay District Bylaws conflict, the more restrictive provision(s) shall apply.

Section 1604 Dimensional Standards, Density, and Uses

(a) Historic Overlay District review and the associated standards in Section 1609 shall apply to all permitted and conditional uses allowed in the underlying zoning districts. Such uses remain subject to all

applicable regulation of the underlying zoning district including the dimensional and density standards. If the provisions of the Historic Overlay District and the underlying zoning district conflict, the more restrictive provision(s) shall apply.

Section 1605 Exemptions

(a) The following activities shall not be subject to review under this section:

(1) A change in use or type of occupancy that does not involve any alteration to the exterior of a building; or

(2) Routine maintenance of existing structures, including repairs and changes to paint color, siding, and roofing, provided such maintenance does not result in the enlargement of the structure or a significant alteration of the building façade (such as the modification of the size and design of windows, doors, trim, or the removal of architectural features, or a change in the roof line); or

(3) Any other project that the Development Review Board deems to be minor in character with respect to external appearances.

Section 1606 Review Procedure

(a) Applications for development within the Historic Overlay District shall be reviewed concurrently with applications for site plan review in accordance with Section 301, conditional use in accordance with Section 303, or any other review under the Zoning Regulations. In the event the proposed development does not require site plan or conditional use approval, the Development Review Board shall approve or disapprove an application of a project within forty-five (45) days from the close of the public review.

(b) Any applicant for Historic Overlay District Review approval must notify adjacent land owners by certified mail of the nature of the application and the upcoming Development Review Board review at least 15 days prior to such review. The applicant must submit copies of certified-mail receipts indicating that all adjacent landowners have received notice, and a copy of the notice sent.

(c) The applicant for any Historic Overlay District Review shall post a notice of permit application on a form prescribed by the municipality within view from the public right-of-way most nearly adjacent to the subject property until a decision on the Historic Overlay District Review has been rendered by the Development Review Board. This notice shall include the date, time, place, and purpose of the site plan review. The municipality shall provide these notices to the applicant.

(d) The Development Review Board shall act to approve or disapprove any Historic Overlay District Review within 45 days after the date the public review is closed. Failure to so act within such period shall be deemed approval of the Historic Overlay District Review.

Section 1607 Application Requirements

(a) In addition to the information required under Section 301(b), applications for Historic Overlay District Review approval shall include the following:

(1) Proposed architectural elevations (for each exterior wall) showing door and window types and placement, and other exterior details;

(2) A description of all materials to be used on the exterior of any building and, upon Development Review Board request, samples of materials;

(3) Photographs of the existing building(s) on the site and of buildings on adjacent and facing parcels;

(4) A brief narrative describing the project;

(5) For applications involving the demolition of a historic structure in the Historic Overlay District, or a contributing structure within the expanded Waterbury Village Historic District, a report prepared by a qualified expert that includes a structural assessment of the building, including estimated costs for stabilization and renovation, and which documents that the applicant and/or landowner has explored available alternatives to the proposed demolition and found such alternatives to be infeasible; and

(6) Other information as required by the Development Review Board.

(b) For minor changes to the exterior of the structure, the Development Review Board may waive one or more of the application requirements set forth above.

Section 1608 Demolition of Historic Buildings

(a) Development Review Board (DRB) approval is required for the demolition of any historic structure (including residential) in the Historic Overlay District that is listed on the State or National Register of Historic Places or is a contributing structure within the expanded Waterbury Village Historic District. Demolition shall mean the act of deliberately destroying all or a portion of a structure. The DRB shall conduct a public hearing to review the application. The DRB shall approve the demolition if it finds that the demolition will satisfy the requirements of Section 411, and that:

(1) The condition of the structure has deteriorated to such a degree that rehabilitation and use of the building is not feasible due to structural or building code issues. The structural or building code issues shall be significant enough to make rehabilitation not possible. It is the responsibility of the property owner to demonstrate to the DRB's satisfaction that rehabilitation is not feasible,

(2) The retention of the structure would create or pose a risk to the health, safety, or welfare of the structure's occupant(s) or the general public. It shall be demonstrated that the condition of the structure has deteriorated to such a degree that it poses a threat to public safety as determined by the town or state officials and cannot be restored or repaired without causing undue financial hardship to the owner. The burden of proving this hardship is on the owner,

(3) The structure is determined to be a deterrent to a major improvement that will be a clear and substantial benefit to the municipality. This determination of substantial benefit will be made by the DRB, and

(4) The retention of the structure would cause undue financial burden to the owner (the owner bearing the burden of proof). A determination of undue financial hardship may be granted only if the project complies with one of the following requirements:

(A) For income-producing properties, the building or site cannot be used or rented at a reasonable rate of return in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property. The applicant shall present evidence to demonstrate economic hardship. This may include such items as: 1. a report comparing the economic return with the current configuration, return with rehabilitation, and return with demolition of the structure, or 2. a report prepared by an appraiser on the fair market value of the property with and without approval of the demolition.

(B) For non-income –producing properties, the building or site has no beneficial use as a residential dwelling or as a non-commercial use in its present condition or if rehabilitated, and denial of the application would deprive the owner of all reasonable use of the property. The applicant shall present evidence to demonstrate economic hardship. This may include such items as: 1. a report comparing the economic return with the current configuration, return with rehabilitation, and return with demolition of the structure, or 2. a report prepared by an appraiser on the fair market value of the property with and without approval of the demolition.

(b) The DRB may find that one or more of the criteria in Subsections 1608(a)(1) - (4) does not apply.

(c) In approving a proposed demolition, the Development Review Board may require that the applicant provide, prior to demolition, detailed documentation of the structure's historic and architectural features, such documentation to be part of the permanent zoning records. Such documentation should meet the requirements of the Vermont Division for Historic Preservation for documenting historic buildings.

(d) Demolition Delay. If the DRB finds that the proposed demolition does not meet any of the above criteria, it may deny the application or impose up to a six (6) month delay period. The DRB shall direct the applicant to participate in an investigation of alternative to demolition during the six (6) month delay period. The Demolition Delay decision shall be publically posted.

(1) After the six (6) month delay period, one additional public hearing shall be held to review the proposed demolition. If the DRB is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to find or accept alternatives to preserve, rehabilitate, relocate or restore the building or structure, the DRB may approve the demolition of the structure. If the applicant has not demonstrated that a reasonable effort has been made, the DRB shall deny the demolition.

(2) If a demolition or partial demolition of a structure is approved within the Historic Overlay District, any future construction may be required to replicate the style and massing of the building or portion of the building that was demolished.

Section 1609 Historic Overlay District Review Standards

(a) Prior to granting Historic Overlay District approval, the Development Review Board shall find that the proposed development meets the following standards, where applicable:

(1) Historic Structures (applying to all structures listed on the State or National Register of Historic Places or within the expanded Waterbury Village Historic District):

(A) Original materials or materials typical of the architectural style of the structures shall be preserved or replaced with modern or like materials to the extent feasible and appropriate.

(B) Historic building features including but not limited to windows, doors, trim, roof lines and other architectural features shall be preserved or replicated.

(C) Additions to historic structures should be compatible with the original structure. Exact matching of new and existing materials is not required and the use of energy efficient design and materials is encouraged. Furthermore, additions to historic buildings should: 1. respect the scale of the original building and neighboring historic structures, 2. be compatible in roof form, window heights and door opening sizes and proportions, 3. minimize the removal of original architecturally significant features at an addition's connection to the original structure, 4. use trim compatible with the trim on the original structure, and 5. be located behind the primary structure, if possible. New walls should be set back from the front face of the original structure.

(2) New structures and existing structures or buildings that are listed as not contributing to the State or National Register of Historic Districts or within the expanded Waterbury Village Historic District:

(A) A proposed project located next to or facing a historic structure shall incorporate similar or complementary building features to ensure the project's compatibility with its immediate surroundings, so as not to diminish the architectural value of the historic structure.

(B) New building designs shall reinforce historic streetscape patterns, including orientation and setbacks. Building sites, including road and pedestrian networks, shall be designed in a manner that is integrated and compatible with adjoining parcels and areas.

(C) New buildings shall be designed to complement and be compatible with the overall height, size, massing, scale, and proportions of buildings in the vicinity. New buildings shall incorporate building forms, lines, roof shapes, features, and materials compatible with those of buildings in the vicinity, but are not required to conform to a particular architectural style, and the new buildings may be of a smaller scale than the existing structures.

(D) New additions should be designed to complement and be compatible with, rather than detract from or obscure, the original structure.

(E) Buildings, or portions thereof, having eaves heights of twenty (20) feet or less above ground level shall incorporate moderately to steeply pitched roofs, unless the Development Review Board determines that another roof type is appropriate.

(3) The following review criteria shall be met, in addition to those in Section 301(b) under Site Plan Review and Approval:

(A) New buildings shall be oriented to front upon, and relate both functionally and visually to, primary access roads. On-site parking shall be situated to the rear or on the sides of structures, where feasible and appropriate.

(B) Project design shall reinforce a pedestrian streetscape through the provision, where appropriate, of such features as connecting walkways, landscaping and street trees, the incorporation of architectural features such as porches, store fronts and windows, and pedestrian-scaled street furniture and lighting.

(C) On-site utilities shall be buried and utility boxes shall be screened from public view if the utilities along the street serving that structure are also buried.

Section 1610 Administrative Approval

(a) The following activities may be administratively approved by the Zoning Administrator upon the issuance of a positive recommendation by the Development Review Board (DRB), and provided that the activity will not preclude the structure's continued designation as a "historic structure".

(1) Any alterations or additions to a single-family or two-family home that requires review under this Article.

(2) The new construction of a single-family or two-family dwelling within the Historic Overlay District.

(3) Minor alterations to a building, which in the judgement of the DRB, have minimal effect on the

appearance of the building or have limited visibility from public vantage points. These improvements may include the replacement of existing windows with more energy efficient windows and other energy efficiency and weatherization projects that modify the exterior of a building.

(4) Minor modification to applications previously approved by the DRB, which in the judgement of the DRB, have minimal effect on the appearance of the building or have limited visibility from public vantage points.

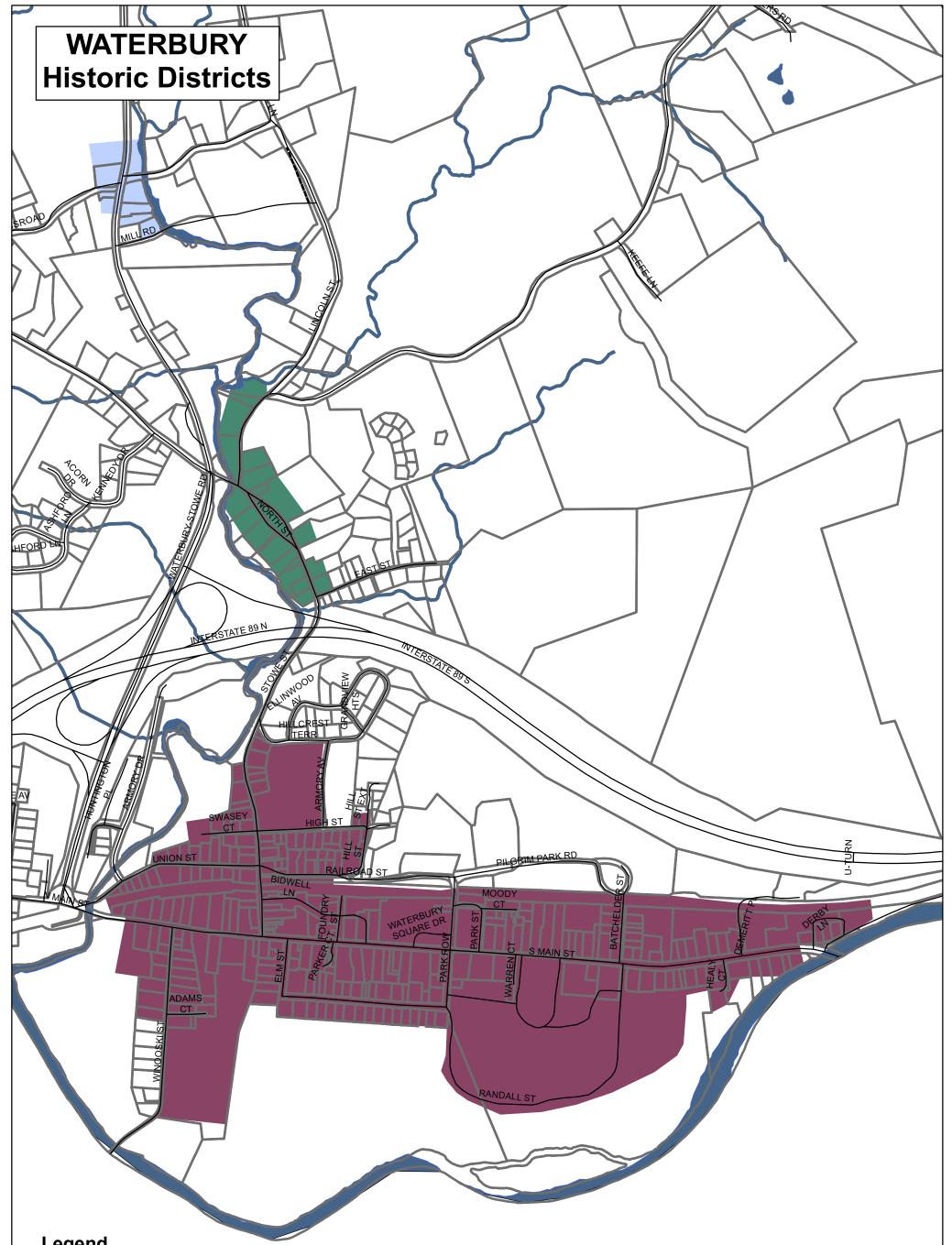
(5) Fences, retaining walls and landscaping walls that are normally exempt from DRB review.

Section 1611 Waiver

(a) The Development Review Board may waive specific design review provisions where it determines there is good cause to do so. When deciding whether to grant a waiver, the Development Review Board may take into consideration the nature and degree of the exception requested, the financial implications of adherence to the provision(s), and other practicable approaches to the project.

Section 1612 Enforcement

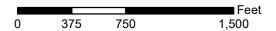
(a) Enforcement of these Bylaws shall be as provided for in 24 V.S.A. Chapter 117, §4451, and Section 310 of the Waterbury Zoning Regulations as amended through May 16, 2016.



Legend





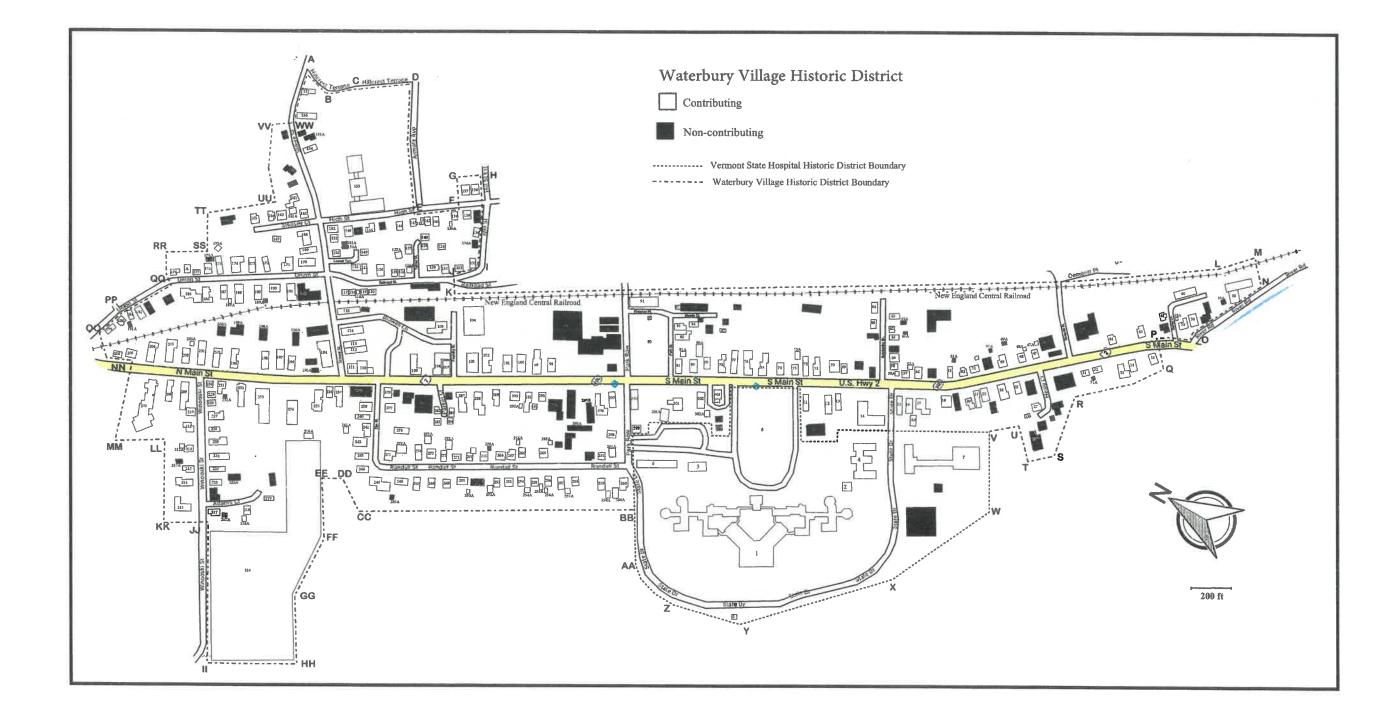


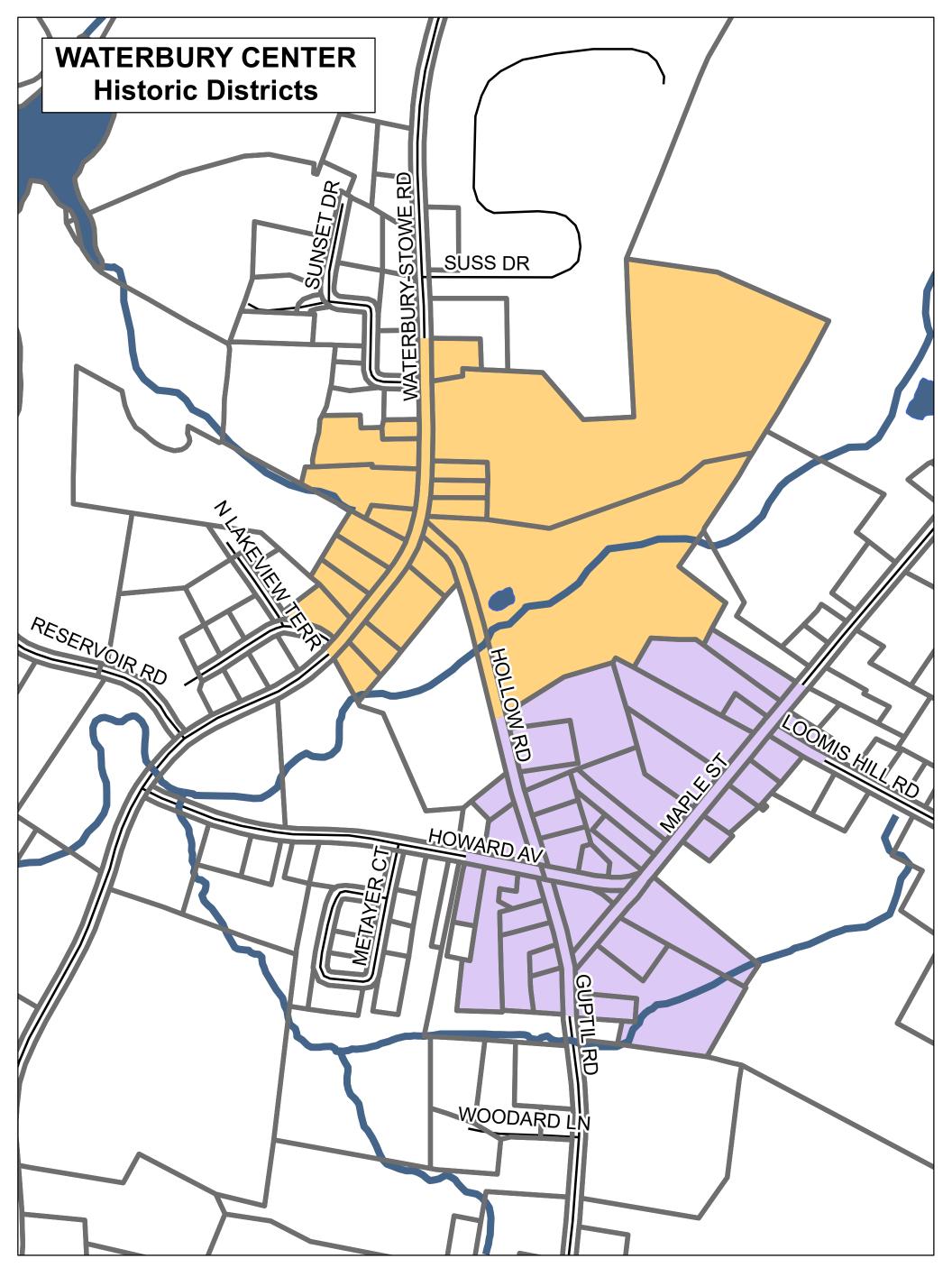


Source: Parcels: 2017 Historic Districts: Waterbury Surface Water: VHD 2008

Map created August 2019 by CVRPC, revised September 2019 Path: N:\Towns\Waterb\Projects2019\ Historic District Maps\Waterbury Village Historic District 11 x 17

Data is only as accurate as the original source materials. This map is for planning purpoes only. This map may contain errors and omissions.





Legend

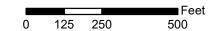
WaterburyCenter Historic District

Waterbury Center Village Park Historic District

Waterbury Parcels 2017

Rivers, Lakes, and Ponds

Streams



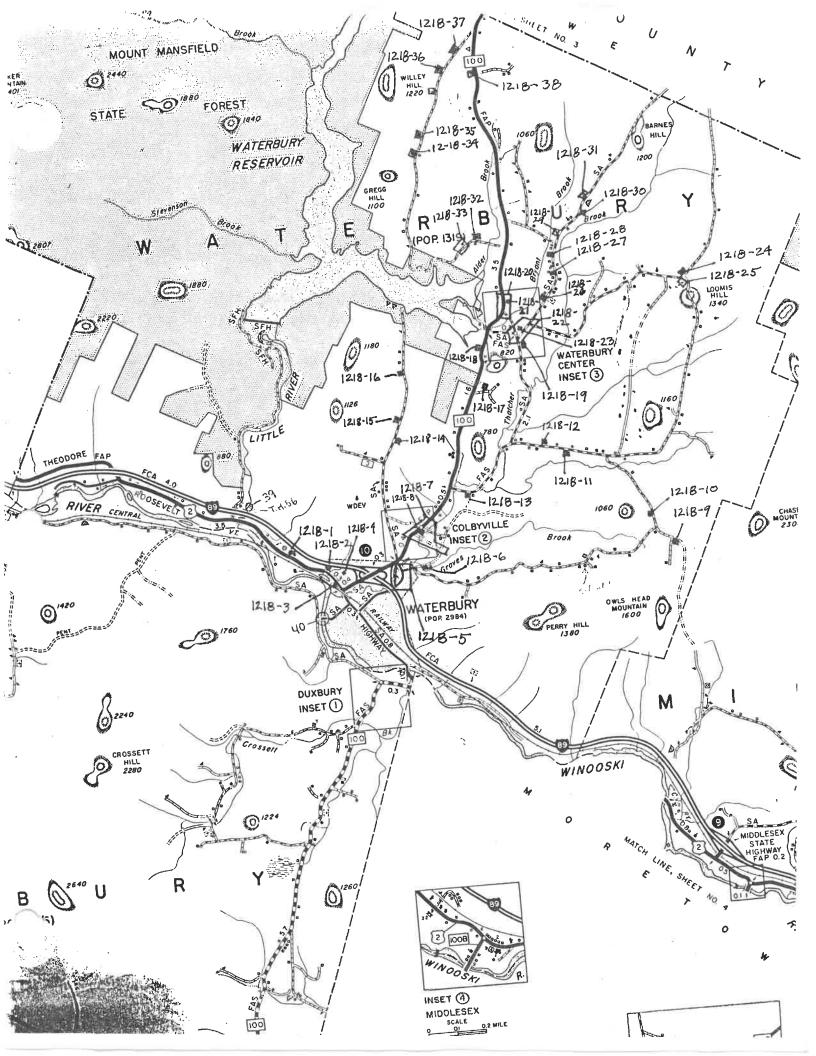
Ν



Source: Parcels: 2017 Historic Districts: Waterbury Surface Water: VHD 2008

Map created August 2019 by CVRPC/revised September 2019 Path: N:\Towns\Waterb\Projects2019\ Historic District Maps\Waterbury Center Historic Districts 11 x 17

Data is only as accurate as the original source materials. This map is for planning purpoes only. This map may contain errors and omissions.



HISTORIC OVERLAY DISTRICT BYLAW AMENDMENTS DRAFT #1 January 6, 2020 Individually Listed Historic Sites

Name of site	Current owner	Location address	<u>Site No.</u>	In Exist. Historic District
Governor Butler House	Richard Lemery	73 N. Main St.	1218-2	No
Samuel Miller House	Donna Delphia	58 N. Main St.	1218-2	No
Towne House	John & Nicole Fisher	5 Intervale Ave.	1218-3	No-
Kelly House	Kelly Living Trust - Maureen Kelly	314 Lincoln St.	1218-4	No
Colby Mansion	E.M. Properties, LLC	1080 Waterbury-Stowe Rd.	1218-0	Yes - Colbyville Hist. Dist.
Morrel Camp	Charles & John Mangus	217 Henry Hough Rd.	1218-8	No
	Gordon Lank	; 0		No
Ayers House		2935 Perry Hill Rd.	1218-10	
Gauthier House	Michael Benard & Lisa Mugford	576 Kneeland Flats	1218-11	No
Harvey House	Nicole D'Agata Revocable Trust	353 Kneeland Flats	1218-12	No
Guptil House	Stehen & Pamela Guptil	194 Guptil Rd.	1218-13	No
Perkins House	Jill Chase	784 Blush Hill Rd.	1218-14	No
Raphael Lowe House	James & Sherri Hermanoski	1463 Blush Hill Rd.	1218-15	No
McNeil House	Farmhouse Properties LLC	70 McNeil Rd.	1218-17	No
Post House	Gregory & Cynthia Evans	3079 Waterbury-Stowe Rd.	1218-18	No
Minott House	William & Andrea Andrus	1842 Guptil Rd.	1218-19	No
Waterbury Center Community Church	Waterbury Community Church	3582 Waterbury-Wtowe Rd.	1218-21	Yes - Wtby. Ctr. Hist. Dist.
Green Mountain Seminary	Green Mountain Seminary Housing	201 Hollow Rd.	1218-23	Yes - Wtby. Ctr. Village
				Park Dist.
Loomis Hill Cemetery	Town of Waterbury	Loomis Hill Rd.	1218-25	No
Levering House	Laura Levering Living Trust	417 Maple St.	1218-26	No
Peterson House	Stephen Soule	709 Maple St.	1218-27	No
Bryan House	Pamela Bryan & Constance Bryan Tuft	901 Maple St.	1218-28	No
Woods House	Steve Hagenbuch	1187 Maple St.	1218-29	No
Sutherland House	Sage Laundon	290 Barnes Hill Rd.	1218-30	No
Ames House	Phillip & Crea Lintilhac	637 Barnes Hill Rd.	1218-31	No
Acorn Lodge	Paul Galanka	294 Gregg Hill Rd.	1218-32	No
Lyon Farm District	Jeffrey & Paula Lyon	432 Gregg Hill Rd.	1218-33	Yes - Lyon Farm District
Bieler House	Faith Bieler Living Trust	15 Branbury Crossing	1218-34	No
Davies House	Cahill Family Trust	3089 Gregg Hill Rd.	1218-35	No
Baker House	Eric & Giulia Eliason	3303 Gregg Hill Rd.	1218-36	No
Soule House	Carol Simoneau & Elizabeth Dain	3515 Gregg Hill Rd.	1218-37	No
John Nutting House	Deborah Talbot Revocable Living Trust	6065 Waterbury-Stowe Rd.	1218-38	No
Winooski St. Bridge 31 over Winooski River	Towns of Waterbury & Duxbury	Winooski St.	1218-40	No