



WATERBURY MUNICIPAL OFFICE  
802.244.7033 OR 802.244.5858  
28 NORTH MAIN ST., SUITE 1  
WATERBURY, VT 05676  
WATERBURYVT.COM

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.*

On Feb 5, 2024, at 10:37 PM, Fitch, Jennifer <[Jennifer.Fitch@vermont.gov](mailto:Jennifer.Fitch@vermont.gov)> wrote:

Good Evening Tom,

Thank you for reaching out for clarification on the permitting issue. We value our open dialogue with the town of Waterbury and being aware of your concerns helps us be better neighbors.

As you know, the Department of Buildings and General Services (BGS) conducted an extensive search this past summer for a temporary facility to house justice-involved youth. During that time, BGS learned about the possibility of having the Waterbury Armory transferred from the Military Department to BGS.

There are many features that make the Armory an ideal facility for State use. The interior of the building can be easily modified, and it is in a prime location with easy access to the interstate. The many potential uses we see for this building over time include State Surplus, State Print and Postal, a radio shop for the Department of Public Safety, swing space for upcoming building renovations, short-term, temporary residential housing, and storage.

As you are aware, the State's response to the housing crisis includes seeking facilities to accommodate unhoused people who will be displaced when the hotel/motel program ends in March. There is a particularly urgent need for space to house this vulnerable population in Central Vermont. As a result, the near-term plan for the Armory is to fit-up the building as a temporary, short-term emergency shelter for the Department of Children and Families beginning April 1. BGS will oversee bringing the building's mechanical, electrical, and plumbing up to code and address other code minimum requirements.

With respect to the questions in your January 30, 2024 email, please note the following:

1. Requirement of a Change of Use Permit

BGS conducted an initial assessment and our determination is that this building is currently located in the "Village Residential" (VR) District of the town of Waterbury under the Use Regulation Table of "Town and Village of Waterbury Zoning Regulations" (please see page 24). This table lists "Governmental uses" as a conditional use for this district. Government uses is defined as all uses, other than those specified herein, operated directly by federal or state government or a municipality (please see page 76). As the State will continue to own and operate this building for state purposes, there is no change of use, and there is no change of use permit required.

In addition, 24 V.S.A § 4413(a)(1) limits the Town's review of the proposed project to the specified aspects set forth. At this time, BGS does not anticipate any renovations that would require local review.

2. Sewer and water

The Department of Children and Families would like to have up to 40 beds available for short-term temporary housing managed by onsite service providers. Due to many unknowns including actual daily use, it is difficult to calculate anticipated usage. We agree it may be prudent to measure actual usage. Please let us know if there is a formula used by the town to calculate anticipated flow rates.

We understand this is an unexpected development for the town and that things are moving quickly. DCF Commissioner Winters, copied here, and I would be happy to meet with you to discuss the project in greater detail and hear any concerns. It is a core value of BGS to be a good neighbor to our communities, which we hope we have demonstrated recently by bringing almost 300 additional employees to the Waterbury State Office Complex, supporting economic development and helping keep the downtown vibrant. We look forward to continuing to strengthen our partnership through careful listening and an ongoing dialogue.

Best Regards,  
Jennifer



**Jennifer M. V. Fitch, P.E.**  
Commissioner  
Department of Buildings and General Services  
Working Together to Serve Vermont

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# TOWN OF WATERBURY ZONING PERMIT APPLICATION

Please provide all of the information requested in this application.

Read the Zoning Regulations and familiarize yourself with the requirements. Failure to provide all the required information will delay the process of this application. Based upon the nature of the project you may need to submit additional information. For instructions on how to fill out this form please refer to the *Zoning Permit Application Instructions & Fee Schedule* available on the municipal website or at the municipal offices. Submit one copy of the completed application and a check payable to the *Town of Waterbury* according to the zoning fee schedule. For questions about the permit process, please contact the Zoning Administrator at 802-244-1012.

Date: _____	Application #: _____
Fees Paid: _____	+ \$15 recording fee = _____
Parcel ID #: _____	
Tax Map #: _____	

## CONTACT INFORMATION

### APPLICANT

Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Home Phone : \_\_\_\_\_  
 Work/Cell Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

### PROPERTY OWNER (if different from Applicant)

Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Home Phone : \_\_\_\_\_  
 Work/Cell Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

## PROJECT DESCRIPTION

Physical location of project (E911 address): \_\_\_\_\_  
 \_\_\_\_\_

Lot size: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Existing Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_

Brief description of project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Cost of project: \$ \_\_\_\_\_ Estimated start date: \_\_\_\_\_

Water system: \_\_\_\_\_ Waste water system: \_\_\_\_\_

### EXISTING

Square footage: \_\_\_\_\_ Height: \_\_\_\_\_  
 Number of bedrooms/baths: \_\_\_\_\_  
 # of parking spaces: \_\_\_\_\_  
 Setbacks: front: \_\_\_\_\_  
 sides: \_\_\_\_\_ / \_\_\_\_\_ rear: \_\_\_\_\_

### PROPOSED

Square footage: \_\_\_\_\_ Height: \_\_\_\_\_  
 Number of bedrooms/bath: \_\_\_\_\_  
 # of parking spaces: \_\_\_\_\_  
 Setbacks: front: \_\_\_\_\_  
 sides: \_\_\_\_\_ / \_\_\_\_\_ rear: \_\_\_\_\_

## ADDITIONAL MUNICIPAL PERMITS REQUIRED:

- Curb Cut / Access permit
- E911 Address Request
- Water & Sewer Allocation
- none of the above

**[Additional State Permits may also be required]**

## CHECK ALL THAT APPLY:

### NEW CONSTRUCTION

- Single-Family Dwelling
- Two-Family Dwelling
- Multi-Family Dwelling
- Commercial / Industrial Building
- Residential Building Addition
- Comm./ Industrial Building Addition
- Accessory Structure (garage, shed)
- Accessory Apartment
- Porch / Deck / Fence / Pool / Ramp
- Development in SFHA (including repairs and renovation)
- Other \_\_\_\_\_

### USE

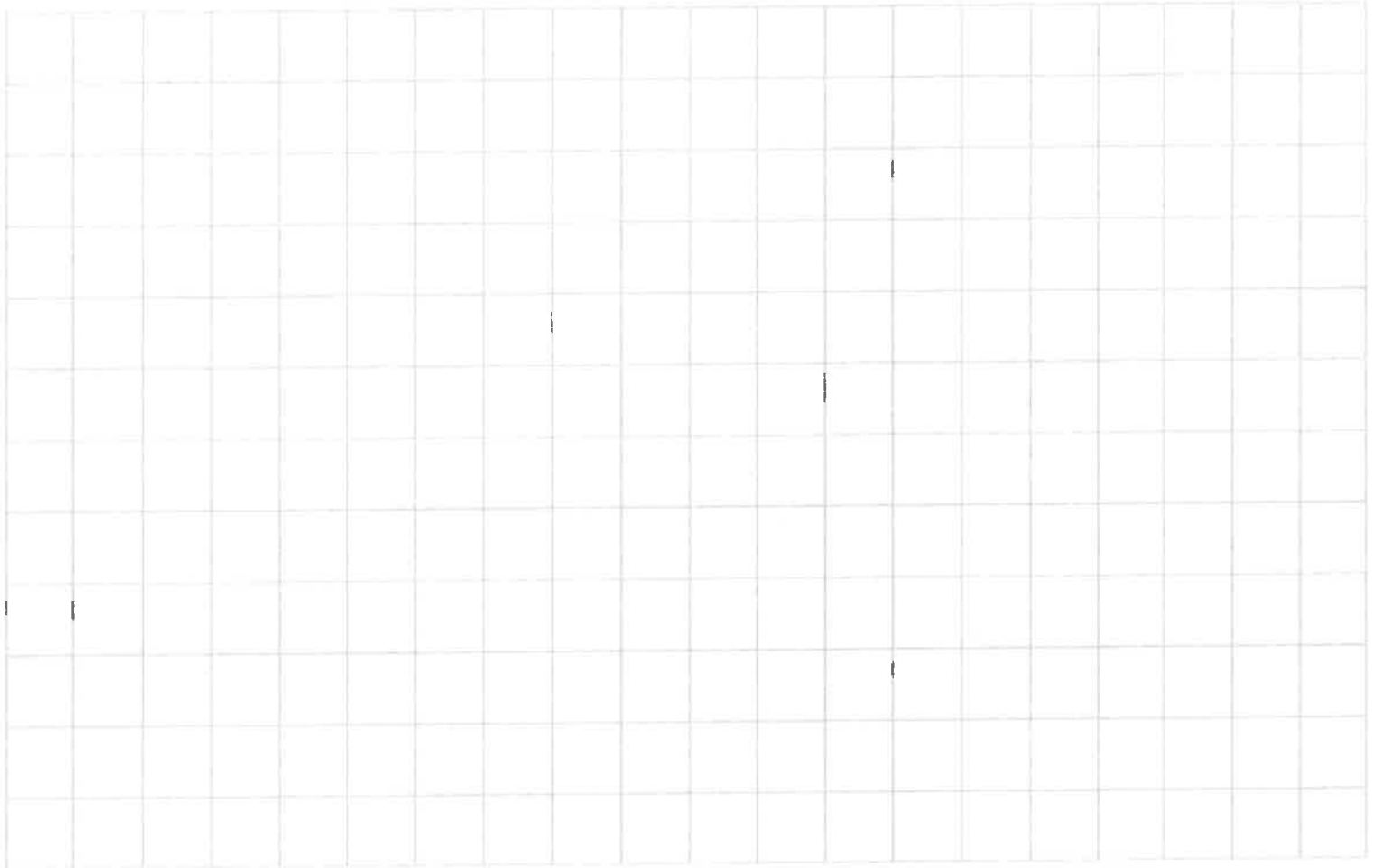
- Establish new use
- Change existing use
- Expand existing use
- Establish home occupation

### OTHER

- Subdivision (# of Lots: \_\_\_\_\_)
- Boundary Line Adjustment (BLA)
- Planned Unit Development (PUD)
- Parking Lot
- Soil/sand/gravel/mineral extraction
- Other \_\_\_\_\_

**SKETCH PLAN**

Please include a sketch of your project, drawn to scale, with all required measurements - see *Zoning Permit Application Instructions*. You may use the space below or attach separate sheets. For plans larger than 11"x17" please provide a digital copy (pdf. file format) in addition to a paper copy.



**SIGNATURES** The undersigned hereby applies for a Zoning Permit for the use described in this application to be issued on the basis of the representations made herein all of which the applicant swears to be complete and true.

\_\_\_\_\_  
Applicant Signature date

\_\_\_\_\_  
Property Owner Signature date

**CONTACT**

Zoning Administrator Phone: (802) 244-1012  
Mailing Address: Waterbury Municipal Offices, 28 North Main Street, Suite 1, Waterbury, VT 05676  
Municipal Website: [www.waterburyvt.com](http://www.waterburyvt.com)

**OFFICE USE ONLY**

Zoning District/Overlay: \_\_\_\_\_

Review type:  Administrative  DRB Public Warning Required:  Yes  No

DRB Referral Issued (effective 15-days later): \_\_\_\_\_

DRB Mtg Date: \_\_\_\_\_ Decision Date: \_\_\_\_\_

Date Permit issued (effective 16-days later): \_\_\_\_\_

Final Plat due (for Subdivision only): \_\_\_\_\_

Remarks & Conditions: \_\_\_\_\_

Authorized signature: \_\_\_\_\_ Date: \_\_\_\_\_

**REVIEW/APPLICATIONS:**

Conditional Use  Waiver

Site Plan

Variance

Subdivision:

Subdv.  BLA  PUD

Overlay:

DDR  SFHA  RHS  CMP

Sign

Other \_\_\_\_\_

n/a

# TOWN OF WATERBURY CONDITIONAL USE INFORMATION

Date: _____	Application #: _____
Fees Paid: _____	(\$15 recording fee already paid)
Parcel ID #: _____	
Tax Map #: _____	

This Conditional Use (and Setback Waiver) information sheet supplements the Zoning Permit application. Please provide all of the information requested on each form. Read the Zoning Regulations and familiarize yourself with the requirements. Failure to provide all the required information will delay the process. Submit one copy of the completed forms and a check payable to the *Town of Waterbury* according to the zoning fee schedule. For questions about the permit process, please contact the Zoning Administrator at 802-244-1018.

## PROJECT DESCRIPTION

Brief description of project: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## CONDITIONAL USE CRITERIA

Please respond to the following; you may answer on a separate sheet and attach additional pages and supporting materials:

1. Describe how the proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities to accommodate it (including roads and highways, municipal water or sewer systems, school system, fire protection services):
2. Describe how the proposed use will not have an undue adverse impact on the character of the area affected as defined by the Municipal Plan and the zoning district in which the proposed project is located:
3. Describe how the proposed use will not violate any municipal bylaws and ordinances in effect:
4. Describe any devices or methods to prevent or control fumes, gas, dust, smoke, odor, noise, or vibration:
5. For removal of earth or mineral products which is not incidental to a construction, landscaping, or agricultural operation, a removal project must meet specific conditions outlined within Section 302 of the Waterbury Zoning Regulations. Are the conditions included within the Application Submittals?

**CONTACT** Zoning Administrator Phone: (802) 244-1018  
Mailing Address: Waterbury Municipal Offices, 28 North Main Street, Waterbury, VT 05676  
Municipal Website: [www.waterburyvt.com](http://www.waterburyvt.com)

Date: _____	Application #: _____
Fees Paid: _____	(\$15 recording fee already paid)
Parcel ID #: _____	
Tax Map #: _____	

# TOWN OF WATERBURY SITE PLAN REVIEW INFORMATION

This Site Plan Review information sheet supplements the Zoning Permit Application. Please provide all of the information requested on both forms. Read the Zoning Regulations and familiarize yourself with the requirements. Failure to provide all the required information will delay the process. Submit one copy of the completed forms and a check payable to the *Town of Waterbury* according to the zoning fee schedule. For questions about the permit process please contact the Zoning Administrator at 802-244-1018.

## PROJECT DESCRIPTION

Brief description of project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## SITE PLAN REVIEW CRITERIA

Please utilize the check list to ensure your proposal addresses each relevant Site Plan Review criteria:

- \_\_\_ Adequacy of traffic access
- \_\_\_ Adequacy of circulation and parking
- \_\_\_ Adequacy of landscaping and screening (including exterior lighting)
- \_\_\_ Requirements for the Route 100 Zoning District
- \_\_\_ Special considerations for projects bordering Route 2, Route 100, or Interstate 89

## SITE PLAN SUBMISSION REQUIREMENTS

Before an application for site plan review is considered complete, the applicant shall file a site plan, clearly drawn to the largest practical scale, showing the following:

- Location and dimensions of lot lines, names of adjacent landowners, all easements, utilities, and existing and proposed structures.
- All access to public streets or roads, parking and service areas, pedestrian walkways, curbs and stormwater drainage.
- Pedestrian and vehicular circulation, including parking lot layout, entrances to structures, signs, and lighting.
- Building elevations and footprints.
- Detailed site grading and landscaping, indicating existing and proposed trees, shrubs, and ground cover.
- Two copies of all plans.
- For plans larger than 11"x17" please submit a digital plan set in addition to the paper copy (pdf. file format).

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 Mailing Address: Waterbury Municipal Offices, 28 North Main Street, Suite 1, Waterbury, VT 05676  
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effects of buoyancy to a point at least two feet above the base flood level.

- Where a non-residential structure is intended to be made watertight below the base flood level a registered professional engineer or architect shall develop and/or review structural design
- Adequate drainage paths shall be required around structures on slopes to guide floodwaters around and away from proposed structures.
- \_\_\_ The flood carrying and sediment transport capacity within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability.
- \_\_\_ Bridge and culverts, which by their nature must be placed in or over the stream, must obtain a stream alteration permit from the Agency of Natural Resources, if required.

#### SUBMISSION REQUIREMENTS:

- Plans in triplicate, drawn to scale, showing the location, dimensions, contours, and elevation of the lot; the size and location on the site of existing or proposed structures, fill or storage of materials; the location and elevations of streets, water supply, and sanitary facilities; and the relation of the above to the location of the channel, floodway, and base flood elevation
- Specifications for building construction and materials, floodproofing, mining, dredging, filling, grading, paving, excavation, or drilling, channel improvement, storage of materials, water supply, and sanitary facilities
- Base flood elevation data for all subdivisions, new construction, and substantial improvements
- The elevation, in relation to mean sea level, of the lowest floor, including basement, of all new construction or substantial improvement of structures
- Where floodproofing is used in lieu of elevation, the elevation, in relation to mean sea level, to which any structure or substantial improvement will be floodproofed
- Where an application requires Board review the application shall include certification by a registered professional engineer or architect demonstrating that the proposed development will not increase base flood elevations more than 0.25 foot
- Certification by a registered professional engineer or architect demonstrating compliance with the elevation requirements
- A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development
- A Vermont Agency of Natural Resources Project Review Sheet for the proposal
- Proposed floodproofing must be supported by a FEMA Floodproofing Certificate

**CERTIFICATE OF COMPLETION:** Upon completing the project the Applicant must apply for and receive a Certificate of Completion to ensure the project conforms to the Special Flood Hazard Area Regulations. See Certificate of Completion Application for additional information.

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