

WATERBURY PLANNING COMMISSION
SPECIAL MEETING
APPROVED MINUTES
Monday, October 29, 2012

Members present: Kane Smart, Chair; Rebecca Washburn; Jason Wulff

Staff present: Stephen Lotspeich, Clare Rock

Public Present: Paul Reed, Rick Boyle, Mike Hedges, Allan Thompson, Jane Brown, Robert Grace, Kathryn Grace, Steve Hagenbuch, Everett Coffey, Averill & Joan Laundon

Kane Smart, Chair, convened the meeting at 7:00 p.m. at the Thatcher Brook Primary School library.

PUBLIC HEARING ON DRAFT #1 OF ZONING AMENDMENTS DATED 10-8-2012

Kane Smart opened the public hearing on the Planning Commission Draft #1 of the Zoning Amendments, dated October 8, 2012. K. Smart gave an overview of the proposed Zoning Amendments focusing on proposed Chapter XII, titled Subdivision. Under this proposed chapter, the creation of less than four lots, except those sites in the Route 100 Zoning District, Ridgeline, Hillside, Steep Slope Overlay District, and Planned Unit Developments, are exempt from Development Review Board (DRB) review and would be reviewed administratively by the Zoning Administrator. The new and modified definitions were also reviewed.

The following questions and comments were offered by the public:

- The definition of “critical wildlife habitat” was discussed at length. Should the definition be better defined to be more specific? The concern is possible vagueness of deer overwintering areas and critical bear habitat. In the same definition should we add the language: “as identified by the State Agency of Natural Resources” at the end of the list of natural resource items? The response was that this would not be a good idea because some resources such as Class I and II wetlands and prime agricultural soils are mapped by federal agencies. A different definition of “critical wildlife habitat” was found on-line that is from the U.S. Fish and Wildlife Service and was read. The definition in the Zoning Regulations could reference the Natural Resource Maps in the Municipal Plan. S1 and S2 Irreplaceable Natural Communities are mapped by the State of Vermont and could also be referenced in the same definition.
- The issue of whether the proposed Subdivision chapter constitutes Subdivision Regulations as defined in 24 V.S.A., Chapter 117 of State Statutes was discussed. K. Smart said that the draft Subdivision chapter only includes some of the requirements in state statutes therefore his opinion is that the draft chapter does not constitute Subdivision Regulations and the applicability of the Waterbury Zoning Regulation to the Act 250 review of land development in Waterbury and the one-acre threshold for commercial projects, would not change if these amendments are enacted.
- The proposed Section 309, Waivers, was discussed. It was explained that Waiver review is an alternative to Variance review that currently exists in the Waterbury Zoning Regulations. The Variance criteria are very strict and most appeals of Variance approvals

to the Environmental Court result in the local approvals being overturned by the Court. The Waiver provisions would authorize the Development Review Board (DRB) to apply reasonable and more relevant criteria. The criteria are those that currently exist in Conditional Use review. Waivers, as allowed in the proposed amendments, would only be for setbacks. In addition to the Conditional Use criteria, the Waiver could not have an undue adverse impact on the use and enjoyment of the adjoining properties. The Waiver provision does not change any other required review requirements for a proposed development.

- A request was made to add “wildlife travel corridors” to the Subdivision review criteria for the Route 100 Zoning District to address the wildlife corridor that crosses Route 100 on Shutesville Hill. It was pointed out that subdivisions in the Route 100 Zoning District are exempt from review under the proposed Subdivision chapter. It was also suggested that wildlife travel corridors could be added to the definition for critical wildlife habitat. In this case wildlife travel corridors would be an applicable review criteria in all other Zoning Districts.

POSSIBLE ZONING AMENDMENTS FOR THE STATE OFFICE COMPLEX

Clare Rock presented the following options for possible zoning amendments for the State Office Complex property that would help facilitate projects such as the Ladd Hall affordable housing project being pursued by the Central Vermont Community Land Trust, the Hunger Mountain Child Care project at 121 and 123 S. Main St., and the Municipal Civic Complex at the site of Stanley and Wasson Halls:

- Extend the Downtown Commercial Zoning District.
- Create a Campus Overlay District.
- Create a new Campus Zoning District.

The issues of setbacks to the existing and proposed property lines and minimum lot size for possible subdivisions for the various projects was discussed. The allowed uses were also discussed. Extending the Downtown Commercial (DC) Zoning District may be the least desirable approach because it would allow a variety of new uses in the State Complex area including retail. This option could undermine the economic strength and integrity of the current DC District by spreading out the retail uses into a larger area of our downtown.

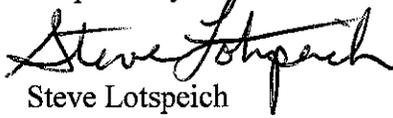
Creating either a Campus Overlay or new Campus Zoning District could provide more flexibility in the setbacks and density for multi-family housing projects while keeping the current uses that are allowed in the Village Mixed Use (VMR) Zoning District. The current uses in the VMR District will accommodate all the projects that are currently proposed with the possible exception of the District Energy plant at the State Office Complex, if that becomes a private facility. The higher density of multi-family housing units that is proposed for the Ladd Hall project could be accommodated through either a density bonus formula for affordable housing or a higher allowed density for units per acre and units per building.

Clare Rock and Steve Lotspeich will draft a more detailed proposal for zoning amendments for the State Complex area for the next Planning Commission meeting.

ADJOURNMENT:

The meeting was adjourned at 9:30 p.m.

Respectfully submitted:


Steve Lotspeich
Community Planner

*These minutes were approved on November 12, 2012 *