

WATERBURY PLANNING COMMISSION

Approved Minutes

Monday, November 27, 2017

Planning Commission: Ken Belliveau, Chair; Mark Ray, Mary Koen, Eric Gross

Staff: Dina Bookmyer-Baker, Zoning Administrator; Steve Lotspeich, Community Planner

Public: Alyssa Johnson, Economic Development Director; Monica Callan, Peter Holm

The Chair opened the meeting at 7:02 p.m. at the Municipal Center at 28 N. Main Street

AGENDA REVIEW AND MODIFICATIONS

No modifications were made to the agenda.

ANNOUNCEMENTS AND COMMENTS FROM THE GENERAL PUBLIC

Monica Callan asked what the proper procedure is regarding expressing concerns regarding the zoning re-write, especially for issues that weren't included in the public opinion survey. Ken said that she could submit written comments and/or participate in the discussions at the Planning Commission meetings.

REVIEW AND APPROVAL OF MINUTES

The Planning Commission minutes for November 13, 2017 were reviewed.

Motion: Mark Ray moved and Mary Koen seconded the motion to approve the Planning Commission minutes of November 13, 2017, as amended and corrected.

Vote: The motion passed 4-0.

WATERBURY ZONING REGULATIONS – RE-WRITE

The following sections of the proposed draft zoning regulations were discussed:

1. Subsection 2202 D, Conditions of Approval, was discussed. State energy code compliance in Subsection 2202 D(2) requires that a copy of the energy certificate for buildings must be submitted to the Zoning Administrator. Some municipalities require that the certificates be recorded rather than just filed.
2. Subsection 2202 D(3) requires the submittal of either a public water and wastewater allocation letter from the municipality or a copy of the state Water and Wastewater Supply approval for on-site systems. Dina has been holding up the issuance of certain zoning permits until this documentation is submitted. One option with the zoning re-write is to require this documentation as part of a complete application to demonstrate compliance prior to the issuance of the zoning permit. There are other required local, state and federal permits that may follow the issuance of a zoning permit. Requiring Certificates of Compliance (or Occupancy) is the only effective way to make sure all these related permits are obtained. Certificates of Completion are currently required after development is completed that has been permitted under our flood hazard area review. The submittal of final plats for subdivisions and boundary line adjustments is another example of documentation that is required after a zoning permit is issued.
3. Subsection 2207, Obtaining a Certificate of Compliance, was discussed. Steve explained that under the current draft these would apply to applications that go through site plan

review with the Development Review Board (DRB). This is the best mechanism for assuring that conditions of the DRB approvals are complied with. The issue of staff capacity was discussed. Steve discussed this provision with Bill Shepeluk prior to the Planning Commission meeting and Bill advised the Planning Commission to discuss this with the Select Board if it is a bylaw amendment that the PC is recommending. Then the budget implications for administering this provision could be discussed as well.

4. Section 2604, Municipal Civil Complaint Ticket, was discussed. Dina said that this provision is in the Stowe bylaws and is utilized to address sign violations. It is an effective way to address zoning violations such as non-complying signs which can come and go and are difficult to enforce through the regular enforcement process. This provision must be specific to certain type of violations. The Planning Commission recommended that it be used to address sign and junk yard violations. Alyssa Johnson noted that signage is an ongoing issue for businesses.
5. Subsection 1106 A(13), that is under Exemptions, exempts decks and patios that do not exceed 200 sq. ft. in footprint. Steve talked to the Town Assessor, Dan Sweet, and Dan does not recommend this proposed exemption for decks. They change the footprint of buildings and can add significant assessed value. We currently exempt patios and other at grade landscape features and continuing that exemption is fine with Dan.
6. Subsection 1106A(23) exempts home occupations that are minor, located entirely within a dwelling, and do not have signs. Dina thinks that this exemption for uses such as small home offices is appropriate and they should not have signs if they are exempt. If someone wants to have a sign then they can obtain a zoning permit for the home occupation.
7. Section 1203, Nonconformities, was discussed. Specifically, Subsections 1203 B(7) and (8) dealing with the merger of pre-existing small lots was discussed. (Note - This subsection needs to be re-numbered to be 1203 C rather than 1203 B that is Nonconforming Structures.) Under current state statute, it is optional to require the merger of pre-existing small lots that come under common ownership. Our current regulations require merger and Brandy is recommending that we no longer require merger. Steve explained that requiring merger is a way to phase out or reduce the number of non-conforming small lots that are undeveloped and do not have operating water and septic systems. It was agreed that this topic will need additional discussion. Dina said that we should be careful categorizing pre-existing small lots as nonconformities. If the Town adopts the proposed language in Subsection 1203 B(7), Continued Existence, we will need to add language to clarify the conditions when the existing small lots can continue to exist unchanged indefinitely.
8. Section 2001, Zoning Administrator, was discussed. It was agreed to reword the subsections regarding the hiring process to list the Select Board first as the body that appoints the Zoning Administrator (ZA), and the Acting or Assistant ZA, then follow with the language that states that the Planning Commission nominates the Zoning Administrator. Steve mentioned that he also discussed the option that Ken presented at the last PC meeting that has the Zoning Administrator hired, supervised, and possibly fired by the Municipal Manager under a Town charter provision similar to the bylaws in Williston. The Town of Waterbury does not have a charter so this option is not available to Waterbury.

Regarding the numbering system for the draft zoning regulations, Steve showed the PC a page from the Williston development regulations as an alternate system that uses numbers and periods to denote the Sections and Subsections. The Planning Commission expressed their support for

this system rather than using four digits followed by letters and numbers in parenthesis that Brandy is recommending.

OTHER BUSINESS

Steve reported that he will be attending the trial for the appeal of the Grayson three-lot subdivision this coming Wednesday as an observer on behalf of the Town. It is anticipated that the Town will not be testifying at the trial and the focus will be on the testimony on behalf of the property owner, the Graysons, and the neighboring property owner, Glenn Anderson, who appealed the DRB approval.

ZONING ADMINISTRATOR'S REPORT

The attached Zoning Administrator's Report for October was distributed. The proposed two-lot subdivision of the Vose property on Maple St. was discussed. The application is being referred to the DRB because one of the proposed lots will not meet the minimum lot size of one acre with the Town right-of-way for Maple St. deducted from the acreage. The definition for Lot Area in our Zoning Regulations states that any part of a lot lying within the boundaries of a public street or proposed public street cannot be included.

ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,



Stephen Lotspeich
Acting Secretary

Zoning Administrator's Report October 2017

Permit #	Applicant/Owner	Location/Project	Dated Submitted	Action
042-17	Aaron Flint Builders	11 North Main Street (remove barn & renovate)	5/8/2017	<i>On hold—Incomplete</i>
091-17	Duffy Joseph & Judith	Wood Farm Road (3-lot subdivision)	9/18/2017	Refer to 10/18 DRB (SD)
092-17	Bodan Michael & Katherine	160 Worcester Mtn View (replace deck, add garage; within setback)	9/18/2017	Refer to 10/18 DRB (WR)
093-17	Ivy Ventures Inc.	2933 Waterbury-Stowe Road (change of use, commercial buildings)	9/19/2017	Refer to 10/18 DRB (SP-CU)
098-17	Kzenski Danra	41 Grandview Heights (home office)	9/29/2017	Issued
099-17	Malone Demeritt Place Properties	81 Demeritt Place (sign)	9/29/2017	Issued
100-17	Gruschow Nicholas	19 Dundalk Road (shed)	10/12/2017	Issued
101-17	Waterbury Commons LLC	Lot 22 Waterbury Commons (dwelling)	10/13/2017	Issued
102-17	Malone Demeritt Place Properties	81 & 109 Demeritt Place (change of use)	10/16/2017	Refer to 11/15 DRB (SP-CU)
103-17	Powers Vose Trust	967 Maple Street (2-lot subdivision)	10/20/2017	On hold (11/2) until further notice.
104-17	Dow Sr., Randy	2398 Perry Hill Rd (residential accessory structure, pole barn)	10/31/2017	In progress

OTHER

Maintain list of recommended changes for 2016-2017 ZR re-write
 Issue zoning compliance letters: 3