

**WATERBURY PLANNING COMMISSION**  
**SPECIAL MEETING**  
**Approved Minutes**  
**Monday, January 14, 2019**

Planning Commission: Ken Belliveau, Chair; Martha Staskus; Eric Gross

Staff: Steve Lotspeich, Community Planner; Patti Spence, Secretary

Public:

Alyssa Johnson, Economic Development Director

Nick Waringa, Conservation Commission member

Judy Foregger, resident

Rob Foregger, resident

The Chair opened the meeting at 7:10 p.m. at the 2<sup>ND</sup> floor conference room in the Steele Block located at 46 S Main Street.

**AGENDA REVIEW AND MODIFICATIONS**

Alyssa Johnson asked that we add an agenda item at a future meeting to discuss signage relating to the upcoming reconstruction of Main St.

**ANNOUNCEMENTS AND COMMENTS FROM THE GENERAL PUBLIC**

There were none.

**APPROVAL OF MINUTES**

Eric Gross moved and Martha Staskus seconded the motion to approve the minutes of December 10, 2018, as amended.

Vote: Motion passed 3 – 0.

**DISCUSS INITIAL DRAFT OF THE UNIFIED DEVELOPMENT REGULATIONS**

A discussion was held of the initial draft of the Unified Development Regulations, focusing on Chapter 3, Zoning Districts. The following topics and draft sections were discussed:

1. Ken asked if the initial draft has language similar to our current Section 502(c) that gives the Planning the authority to determine where the boundary is between two zoning districts if there is uncertainty. This came up in a recent Development Review Board (DRB) review of a project on the Ayers property on Elm Street. Ken believes this approach is problematic since the Planning Commission is not a quasi-judicial body and does not have a process set up in state statute to make these kinds of decisions that could be appealed. If we are going to consider continuing to have the Planning Commission involved in these decisions we would need the Town to get legal opinion. The proposed Section 3.1.4, Interpretation of Zoning District Boundaries states that the Zoning

Administrator (ZA) makes these determinations. Then the ZA's decision is appealable to the DRB.

2. Section 3.1.5 E(1), update to read "The total area occupied by all accessory uses on the subject property...". The issue of how much area can be occupied by an accessory use was discussed. It was agreed that 40% may be too high a figure to be subordinate to the principal use and be considered accessory.
3. Section 3.1.6 A(1), under Dimensional Standards, Applicability, references Section 1.3.3 Non-conformities. Non-conformities typically pre-date zoning. The proposal allows minor expansions of nonconforming uses with approval of the Zoning Administrator and major expansions with approval from the DRB. The Planning Commission sees this section as having too many loopholes as it is currently drafted. More discussion is needed of this topic. It was requested to get a legal opinion on this language in Section 1.3.3.
4. Some of our current Zoning Districts have variable lot sizes based on the type of use and sometimes this restricts the allowed uses based on the minimum lot size. We need to get a legal opinion regarding how pre-existing small lots can be developed and what uses are allowed. This is an issue that comes up often, especially in the current Route 100 and other mixed use districts. The section on non-conforming lots needs to address this issue.
5. It was agreed that the height limits referred to in Section 3.1.6 G(2) should not refer to signs. The maximum height of signs needs to be addressed in the sign regulations. It was agreed that the height limits should apply to flag poles and street light poles.

The next meeting will start with a discussion of Section 3.2, Base Zoning Districts.

#### **OTHER BUSINESS**

1. The Zoning Administrator's report for the months of October, November, and December, 2018 was distributed and reviewed.
2. The Central Vermont Regional Planning Commission (CVRPC) is holding a free workshop on January 30<sup>th</sup> titled Community Engagement. Steve will forward the link to the Planning Commission members so they can register for the workshop.
3. Floodplain Management Working Group: The group is planning two workshops on floodplain management and the related development issues. CVRPC is organizing the workshops and we are working in conjunction with the City of Montpelier and the Town of Berlin who are both members of FEMA's Community Rating System. The workshops, including the first one which will be for realtors, will assist all three communities in maintaining our memberships in CRS. The second workshop will be for contractors that do construction in the floodplain and for residents.

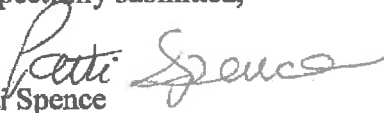
**NEXT MEETING**

**January 28, 2019:** Continue discussing the initial draft of the Unified Development Regulations with a focus on Chapter 3, Zoning Districts. **Note:** This meeting will be held in SAL Room in the library at the Municipal Center located at 28 N. Main St.

**ADJOURNMENT**

The meeting was adjourned at 9:00 pm.

Respectfully submitted,

  
Patti Spence  
Secretary

### Zoning Administrator's Report October 2018

Permit #	Applicant/Owner	Location/Project	Dated Submitted	Action
075-18	DHL Properties	4706 Waterbury Stowe Road (change of use office to residential)	7/18/2018	In progress.
094-18	Usine LLC	11 Cabin Lane (change of use and internal signs)	8/31/2018	Refer to 10/3 DRB (SP-CU).
095-18	Fuller Dan & Walk Elysa	Stagecoach Lane (adjust boundary; new primary & accessory dwellings)	8/31/2018	DRB approved (BLA-RHS).
096-18	Ripley Springs LLC	Wood Farm Road (2-lot subdivision, create Lot 3)	9/4/2018	DRB approved (SD-RHS).
097-18	DHL Properties	4706 Waterbury Stowe Road (sign)	9/4/2018	Issued.
102-18	Edward Farrer Utility District	51 South Main Street (demolition)	9/14/2018	Refer to 10/17 DRB (DDR)
103-18	Ripley Springs LLC	Wood Farm Road (2-lot subdivision, create Lot 5)	9/17/2018	Refer to 10/17 DRB (SD-RHS)
104-18	Duffy Joseph & Judith	Wood Farm Road (2-lot SD, create Lot E, & single-family dwelling)	9/17/2018	Refer to 10/17 DRB (SD-RHS)
105-18	Ndione Ann	Valley View Road (single family dwelling)	9/19/2018	Issued.
106-18	Brunell Ted	14 Lincoln Street (SFHA certificate of completion)	9/19/2018	In progress.
108-18	Quinland Properties LLC	52 North Main Street (sign)	9/24/2018	Issued.
109-18	Wallace Rosina	1903 Blush Hill Rd (single family dwelling & accessory apt)	9/26/2018	Issued.
110-18	Lapointe David	598 Perry Hill Rd (barn)	9/26/2018	Issued.
111-18	Soule Stephen	709 Maple Street (deck & steps)	10/1/2018	Issued.
112-18	Town of Waterbury	28 North Main St (standby power generator SFHA)	10/3/2018	Issued.
113-18	Sweeney Tracy	371 Shaw Mansion Road (accessory dwelling)	10/8/2018	Issued.
114-18	Town of Waterbury	Union & South Main (sign for railway art)	10/9/2018	Issued.
115-18	Van Sant Jeffrey & Edelstein Art	3159 Gregg Hill Road (addition in setback)	10/10/2018	Refer to 12/5 DRB (WR)
116-18	Northfeld Savings Bank	29 South Main St (sign, re-brand)	10/11/2018	In progress.
117-18	Parks Tim	1 Lincoln Street (bedroom, kitchen)	10/19/2018	In progress.
118-18	Waterbury Commons LLC	Lot 26 Waterbury Commons (single family dwelling)	10/22/2018	In progress.
119-18	Town of Waterbury	3530 Waterbury-Stowe Road (sign, interpretive exhibit)	10/24/2018	In progress.
120-18	Fisk Douglas W	103 Maggies Way (shed)	10/25/2018	In progress.
121-18	Blush Hill Country Club	141 Lonesome Trail (boundary line adjustment)	10/31/2018	In progress.

**OTHER**

Issue zoning compliance letters: 2

## Zoning Administrator's Report November-December 2018

Permit #	Applicant/Owner	Location/Project	Dated Submitted	Action
075-18	DHL Properties	4706 Waterbury Stowe Road (change of use office to residential)	7/18/2018	Issued.
094-18	Usine LLC	11 Cabin Lane (change of use and internal signs)	8/31/2018	DRB approved (SP-CU)
102-18	Edward Farrer Utility District	51 South Main Street (demolition)	9/14/2018	DRB approved (DDR)
103-18	Ripley Springs LLC	Wood Farm Road (2-lot subdivision, create Lot 5)	9/17/2018	DRB approved (SD-RHS)
104-18	Duffy Joseph & Judith	Wood Farm Road (2-lot SD, create Lot E, & single-family dwelling)	9/17/2018	DRB approved (SD-RHS)
106-18	Brunell Ted	14 Lincoln Street (SFHA certificate of completion)	9/19/2018	In progress.
115-18	Van Sant Jeffrey & Edelstein Art	3159 Gregg Hill Road (addition in setback)	10/10/2018	DRB approved (WR)
116-18	Northfeld Savings Bank	29 South Main St (sign, re-brand)	10/11/2018	Issued.
117-18	Parks Tim	1 Lincoln Street (bedroom, kitchen)	10/19/2018	On hold: EFUD water/sewer allocation.
118-18	Waterbury Commons LLC	Lot 26 Waterbury Commons (single family dwelling)	10/22/2018	Issued.
119-18	Town of Waterbury	3530 Waterbury-Stowe Road (sign, interpretive exhibit)	10/24/2018	Issued.
120-18	Fisk Douglas W	103 Maggies Way (shed)	10/25/2018	Issued.
121-18	Blush Hill Country Club	141 Lonesome Trail (boundary line adjustment)	10/31/2018	Issued.
122-18	Taylor Charles (Living Trust)	819 Maple Street (3 lot subdivision)	11/5/2018	Issued.
123-18	Ayers Family Legacy LLC	18 Elm Street (establish new use)	11/5/2018	Cont. to 3/6/19 DRB (SP/CU/SFHA)
124-18	Civil Property Investments LLC	10 Turner Court (decks with stairs)	11/8/2018	DRB approved (WR)
125-18	Schindler Development Corporation	Bear Creek Lane (4 residential lots)	11/16/2018	Cont. to 1/16/19 DRB (SD/RHS)
126-18	Pierce George	471 Bear Creek Lane (boundary line adjustment)	11/20/2018	Issued.
127-18	Central Vermont Medical Center Inc	130 South Main Street (demolition)	11/21/2018	Issued.
128-18	Quinland Property II LLC	53 North Main Street (change of use, office)	11/26/2018	DRB approved (SP)
129-18	Quinland Properties II LLC	53 North Main Street (sign)	11/26/2018	Issued.
130-18	Montgomery Greg & Haviland Kaziah	Maggies Way (single family dwelling)	11/26/2018	Refer to 1/16/19 DRB (WR)
131-18	Tautfest Noah	Maggies Way (two family dwelling)	11/28/2018	Cont. to 1/16/19 DRB (WR)
132-18	Blush Hill Trust	Blush Hill Road (boundary line adjustment)	12/3/2018	Issued.
133-18	Furst Management Ventures LLC	14 S. Main Street (commerical parking and ground sign)	12/10/2018	Refer to 1/9/19 DRB (WR)
134-18	Furst Management Ventures LLC	14 S. Main Street (Signs)	12/10/2018	In progress. (Related to DRB #133-18)
135-18	Aaron Flint Builders	11 North Main Street (commerical/boundary line adjustment)	12/10/2018	Refer to 1/16/19 DRB (BLA/SP/CU)
136-18	WSC LLC	80 South Main Street (sign)	12/14/2018	Issued.
137-18	Curtis Christopher & Swenson Tari	657 Ruby Raymond Road (2 lot subdivision)	12/28/2018	In progress.

### OTHER

Issue zoning compliance letters: 4