

WATERBURY PLANNING COMMISSION

Approved Minutes

Monday, September 9, 2019

Planning Commission: Ken Belliveau (Chair), Mary Koen (Vice-Chair), Eric Gross, Martha Staskus, Katya D'Angelo

Staff: Steve Lotspeich, Community Planner; Patti Spence, Secretary; Bill Shepeluk, Municipal Manager

Public: Alyssa Johnson, Economic Development Director; Tom Kinley, Co-Vice-Chair of the Development Review Board (DRB)

The Chair opened the meeting at 7:00 p.m. in the Steele Community Room in the Municipal Center located at 28 S. Main Street.

AGENDA REVIEW AND MODIFICATIONS

There were none.

REVIEW OF MINUTES

Eric Gross moved and Katya D'Angelo seconded the motion to approve the minutes of August 26, 2019 as amended.

Vote: Approved 5 – 0

ANNOUNCEMENTS AND COMMENTS FROM THE GENERAL PUBLIC

There were no announcements or comments from the general public.

DISCUSS DRAFT INTERIM BYLAWS FOR A NEW HISTORIC DISTRICTS & LANDMARKS OVERLAY DISTRICT

Steve presented a document titled “Interim Historic Districts & Landmarks Overlay District Bylaws – Draft #1, 9/9/19”. Under the enabling state statute, 24 V.S.A., Section 4414, these bylaws can only apply to exterior design and not interior renovations or the change of use for a building in an historic district or one that is individually listed on the State and/or National Register of Historic Places.

At the previous Planning Commission meeting on 7/22/19, a discussion took place regarding changes to and demolition of historic structures. Steve pointed out that he did make a change from “or” to “and” in the draft bylaws to make the review more stringent for the demolition of historic structures. The use of the word “and” makes all three of the criteria apply to demolition versus the word “or” that means only one criteria has to be met. Mary brought up that we had discussed “beefing up” the language regarding demolitions.

Regarding Section 1603, Applicability, the question was raised: are there structures in the Historic District that would not be subject to review such as non-contributing structures? Steve said that his recommendation is that the draft bylaws should apply to all structures in the historic districts. The Planning Commission wants to make sure this is worded clearly and appropriately.

Mary asked if Steve has made any changes to the wording on exemptions. Steve said th has not addressed this yet in this draft. Regarding this Section 1605, Exemptions, the issue of whether more energy efficient replacement windows should be exempted altogether was discussed. Steve's recommendation is that replacing windows with new ones of the same general size, design and layout should be exempt. If the overall size and design of the windows changes then they should not be exempt, like any other window replacement project reviewed under the draft bylaws.

Regarding Section 1609(a)(1)(A), the language was change to read: "...replaced with 'modern or' like materials to the extent feasible and appropriate", instead of just "like" materials.

Ken suggested adding some language to Section 1607, Application Requirements, that allows property owners and their contractors to understand how to present a viable plan and application to the DRB.

There was a discussion regarding structures that are "eligible" versus "listed" as historic structures. Eligible structures are typically outside of the existing historic districts and aren't on the list of individually listed historic sites and buildings. Steve distributed a document "Individually List Historic Sites" that includes properties that are outside of the mapped five historic districts. These sites were surveyed and listed on the State Register of Historic Places in the 1970's and a few of them are on the National Register of Historic Places. Martha suggested using the reference "identified" instead of "listed" in the draft bylaws. Steve explained there are two inventories, the one done in the 1970's and the one done recently when the Waterbury Village Historic District was resurveyed in 2018.

NEXT STEPS FOR THE INTERIM BYLAWS:

1. PC to read/study the draft bylaws and ask Steve to make further changes at the next meeting on September 23rd.
2. Steve to get help with the applicability section from Devin Colman, the State Architectural Historian.
3. Steve will go through the maps and make the changes discussed tonight.
4. PC to meet with the Select Board informally to present the draft bylaws and maps and get their input.
5. Select Board to hold one public hearing and consider adopting the draft bylaws.

DISCUSS RE-NOMINATION OF THE ZONING ADMINISTRATOR

The re-nomination of the Zoning Administrator (ZA) for a second three-year term, per State statute, was discussed. Bill Shepeluk, the Municipal Manager, explained that the Planning Commission makes the recommendation/nomination to the Select Board. The Select Board votes on that nominee and makes the appointment. If the appointment is not approved, then the PC starts over with advertising the position, interviewing candidates, and a making new nomination.

The three-year term for the ZA, Dina Bookmyer-Baker expired as of March 1, 2019.

Bill received legal advice that the ZA still has all the legal authority to issue permits and fulfill other duties even though the term has expired. However, the advice was also to have the nomination process to go back to the PC for re-nomination and then move on to the Select

Board, if the re-nomination is made, so the Select Board can consider re-appointment so a new three-year term can be established.

The ZA provides staffing to the DRB and guidance for hearings held by the DRB. The position is currently budgeted as a full time, 40 hour per week position, which has moved up from 25-30 hours per week in 2016.


The continuation of the discussion will be on the agenda for the next PC meeting on 9/23. The Planning Commission would like to invite Dina Bookmyer-Baker to attend the meeting. The Planning Commission can move to go into an executive session to consider this as a personnel matter under Open Meeting Law, provided that any motion and vote on a decision is made in a public session. The Planning Commission can invite whomever they desire into the executive session to discuss this matter.

OTHER BUSINESS

1. There is a planning workshop on energy and affordable housing on Sept. 27th at the Vermont Technical College in Randolph. Steve will forward the information about the workshop to the Planning Commission members. Ken and Steve are already registered to attend.

ADJOURNMENT

The meeting was adjourned at 9:17 p.m.


Respectfully submitted,