

WATERBURY PLANNING COMMISSION
SPECIAL MEETING
Approved Minutes
Monday, October 7, 2019

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

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

Public: Alyssa Johnson, Economic Development Director;

The Chair opened the meeting at 7:01 p.m. in the SAL Room in the library at the Municipal Center located at 28 S. Main Street.

AGENDA REVIEW AND MODIFICATIONS

There were no modifications made to the agenda.

ANNOUNCEMENTS AND COMMENTS FROM THE GENERAL PUBLIC

Alyssa Johnson announced that the owner of the former TD Bank building on S. Main St. recently received \$132,000 in Downtown Tax Credits from the State of Vermont to help fund improvements in conjunction with the renovation of the building.

REVIEW OF MINUTES

Katya D'Angelo moved and Mary Koen seconded the motion to approve the minutes of September 23, 2019 as amended.

Vote: The motion was approved 4 – 0

DISCUSS DRAFT INTERIM HISTORIC OVERLAY DISTRICT BYLAWS

Steve Lotspeich presented the revised draft that incorporates comments from Devin Colman, the State Architectural Historian, and language from the Stowe Historic District Overlay bylaws. Devin recommended deleting the words “Districts and Landmarks” from the title of the draft bylaws so it will read “Interim Historic Overlay District Bylaws”. Then in the body of the draft the overlay district should be referred to as the “Historic Overlay District”.

Devin’s comments and recommended edits also focus on making a distinction between contributing and non-contributing structures and calling historic structures and sites “properties”. It was agreed that the draft bylaws should continue referring to “historic structures and sites” because that term is defined in our current Zoning Regulations and the term “historic properties” is not defined. 24 V.S.A. Section 4414, “Zoning: permissible types of regulations”, also uses the term “structures” and does not use the term “properties”.

Referring to “contributing” and “non-contributing” structures and sites was also discussed. Steve explained that structures that “contribute” to an historic district are those that are considered historic in the survey of each district and building. In the case of the expanded Waterbury Village Historic District, the map shows the “contributing” structures and sites in

white and the “non-contributing” structures and sites in black.

The reference to the boundaries for each of the five historic districts that are included in the proposed Historic Overlay District was discussed. The map of each historic district, the associated survey of each structure, and the year of the maps and surveys is included in draft Section 1602, Establishment of District Boundaries. Steve explained his understanding that if an historic district is re-surveyed and re-mapped in the future then the bylaws should be formally amended to reference the updated survey and map with the associated year, especially if the historic district boundary changes with the re-survey. He also explained that it may not be advisable to have a general statement in the bylaws that the overlay district boundary is changed automatically when a new survey and map is approved by the state and national governments for a given historic district. However, this option of including language in the bylaws to allow a new survey and map to be substituted for the expired one without amending the bylaws could be explored further, especially in the case where the boundary of a given historic district does not change when it is re-surveyed.

Local designation of individually listed structures and sites that are located outside the historic districts was discussed. Devin Colman advised that this local designation process follows 24 V.S.A. Section 4414, “Zoning: permissible types of regulations”, Subsection 4414(1)(F), and also follows 24 V.S.A. Section 4441, “Preparation of bylaws and regulatory tools; amendment or repeal”. Subsection 4441(c) requires that the Planning Commission prepare a report that in the case of Historic District Overlay District bylaws, details the survey and mapping of the individually listed structures and sites. Steve explained that the individual historic structures and sites referenced and regulated in the Stowe bylaws were only surveyed and listed locally and are not on the State or National Registers of Historic Places. The issue of whether or not to include the individually listed historic structures and sites in Waterbury that are outside of the five existing historic districts needs to be decided and resolved.

Section 1608, Demolition of Historic Buildings, was discussed. Steve added language from the Stowe bylaws to strengthen this section. An application for the demolition of an historic structure must address a four-part test including a demonstration of financial hardship. The criteria for financial hardship are different for income-producing properties versus a non-income producing property such as a residential dwelling. It was agreed to add the last two sentences from (B) for non-income producing properties starting with “The applicant shall present evidence to demonstrate economic hardship”, to the end of (A) for income producing properties. This will make the two requirements/sections for the two types of buildings more comparable.

The issue of whether or not one or more of the four criteria required for demolition should be met was discussed. It was agreed to change the “or” to “and” at the end of Section 1608(a)(3) to require that all four criteria are to be met. However, a new Section 1608(b) will be added that will state: “The DRB may find that one or more of the criteria in Sub-sections 1608(a)(1) through (4) does not apply”. This will give the DRB some discretion in those cases where one or more of the four criteria are not applicable.

Section 1610, Administrative Approval, was discussed. This Section is from the Stowe bylaws and allows an expedited review for certain applications for additions and modification to historic structures, and new one- and two-family dwellings. The DRB is in an advisory role in the review of these applications and must issue a positive recommendation in order for the Zoning

Administrator to issue the permit. Dina Bookmyer-Baker raised a concern with having the DRB in an advisory role versus a separate advisory commission such as Stowe has in place with the Stowe Historic Preservation Commission in the advisory role. Steve observed that our DRB currently reviews some requests for an exemption from site plan review for minor non-residential projects and gives their recommendation or authorization for the Zoning Administrator to issue the zoning permit without referring it to the DRB for site plan review. Steve believes this is a similar advisory role that the DRB would have under the draft interim Historic Overlay District Bylaws. The DRB currently serves in both the advisory and formal Design Review roles when they review applications referred to them under our Downtown Design Review bylaws.

Steve agreed to incorporate the changes from this meeting and send out a revised draft well in advance of the next Planning Commission meeting.

DISCUSS RE-NOMINATION OF THE ZONING ADMINISTRATOR

The re-nomination of the Zoning Administrator, Dina Bookmyer-Baker, was discussed. It was agreed to have a final discussion and decision on the re-nomination at the next regular Planning Commission meeting when Martha Staskus can be present. It is hoped that Bill Shepeluk, the Municipal Manager, will be able to attend this meeting as well.

OTHER BUSINESS

1. There is a Vermont League of Cities and Towns Fall Planning and Zoning Forum scheduled for Wednesday, October 23rd at the Comfort Suites in South Burlington. A detailed announcement and agenda has not come out yet. Steve will forward it when the e-mailed announcement is received.
2. Steve reported that the Waterbury Tree Committee has completed an inventory of the roadside ash within the town road rights-of-way in Waterbury, with assistance from staff from the Central Vermont Regional Planning Commission. The inventory will be utilized in drafting an Emerald Ash Borer Preparedness/Management Plan that will be done by a forestry consultant this fall. The project is being accomplished with a grant from the state Dept. of Forests, Parks, and Recreation.
3. Steve announced that he is the Tree Warden for the Town of Waterbury and attended a statewide Tree Wardens workshop this past Saturday at the UVM Extension office in Berlin.
4. The Community Center Feasibility Study is underway with the consulting firm, gbA Architecture and Planning from Montpelier. The partners for the project are the Town Recreation Program, the Waterbury Senior Center, and the Children's Room that is located at the Thatcher Brook Primary School. A number of sites for a possible Community Center are being investigated by the consultant and the Steering Committee for the project. A public meeting for the project will be scheduled soon. Steve will keep the Planning Commission posted on this project.

Steve distributed the Zoning Administrator's Reports for August and September, since Dina had left the meeting earlier.

NEXT MEETING

It was agreed to hold the next Planning Commission meeting on Monday, October 28th at 7:00pm in the Steele Community Room. The agenda for the next meeting will include a final discussion of the re-nomination of the Zoning Administrator, and the draft Interim Historic Overlay District Bylaws

ADJOURNMENT

The meeting was adjourned at 9:05p.m.

Respectfully submitted,



Steve Lotspeich, Acting Secretary

ZA Report August 2019

Permit #	Appn-date	Project location	Owner / Applicant	ZA	DRB	DRB date	zp	Project description
012-19	2/14/19	217 HENRY HOUGH ROAD (parcel 470-0217)	CHARLES MAGNUS	P	—	—	P	3-lot subdivision. — <i>Proposal does not comply, on hold, Applicant revising.</i>
029-19	4/8/19	1 ELM ST	BANK HILL LLC / WOOD & WOOD SIGNS	G	—	—	G	Sign for the Wine Vault (projecting sign requires Selectboard approval).
036-19	5/3/19	109 TWIN PEAKS RD	REBECCA GILSON	G	—	—	G	Home Occupation
038-19	5/6/19	3079 WATERBURY-STOWE RD	GREG & JANE EVANS	R	G	6/5/19	G	Garage with 2nd-floor accessory apartment and deck, in setback. (SP-CU) <i>Waiting on ww capacity.</i>
040-19	5/8/19	3579 WATERBURY-STOWE RD	GRACE INVESTMENT PROPERTIES	R	G	7/10/2019 8/7/19	G	Building with eight condominium townhouse dwellings. (SP-CU)
044-19	5/14/19	480 BLACK BEAR HOLLOW	BETH GILPIN	G	—	—	G	Home office (consulting business).
045-19	5/16/19	327 GREGG HILL RD	MICHAEL MACLEOD	G	—	—	G	Small barn (3 horses).
048-19	5/20/19	0 WOOD FARM RD & STAGECOACH LN	RIPLEY SPRINGS / DAVID LACHTRUPP	P	—	—	P	4 lot SD/PUD 3 building lots, minor-RHS (PUD-RHS) — <i>Incomplete/On Hold.</i>
052-19	5/24/19	3 SOUTH MAIN ST	BANK HILL LLC / DAVID NELSON	G	—	—	G	Sign for McGillicuddy's Pub (projecting sign in public ROW requires Selectboard approval).
054-19	5/30/19	289 MAGGIES WAY	ALAN DIBBELL	G	—	—	G	Patio/deck for gazebo.
055-19	5/31/19	90 TYLER RIDGE	DAVID DI DOMENICO & SARAH DUNN	G	—	—	G	Deck, after-the-fact.
056-19	5/31/19	14 SOUTH MAIN ST	FURST MANAGEMENT VENTURES LLC	R	G	7/10/19	G	Realign existing parking lot to create more spaces. (SP)
058-19	6/4/19	120 RIPLEY RD	JOHN & ANNA SCHINDLER	G	—	—	G	Shed (residential storage).
059-19	6/4/19	771 BLUSH HILL RD	DON & SHANNON LINDE / STOWEBURY CONSTRUCTION SERVICES	R	G	7/10/19	G	Remodel to expand first floor living space, add HA ramp, in the setback. (WR)
060-19	6/4/19	17 HIGH STREET	BEN WRIGHT	G	—	—	G	Deck, 10x12, for hot tub.
063-19	6/5/19	289 MAGGIES WAY	ALAN DIBBELL	R	G	7/10/19	G	Remove front steps, build front porch with railing, steps, roof in the setback. (WR)
065-19	6/10/19	11 MOODY COURT	AARON SCHULMAN	R	G	7/10/19	G	Expansion of second story on existing dwelling in setback. (WR)
066-19	6/13/19	3311 PERRY HILL RD	ANDREW ALCORTA	G	—	—	G	Permit barn, former agricultural exemption
067-19	6/14/19	277 MAPLE ST	PETER & LESLEY CLARK	G	—	—	G	After the fact accessory dwelling
070-19	6/24/19	157 WOOD FARM RD	MARC & HEATHER PALMER	R	G	7/24/19	G	Single family dwelling with garage and barn. (RHS-minor)
071-19	6/24/19	297 HOWARD AVE	MARK KULIS	R	G	7/24/19	G	Garage with second story & privacy fence. (SP-WR)
075-19	7/8/19	420 SWEET RD	FELIX J CALLAN REVOCABLE TRUST	R	G	8/7/19	G	2 Lot Subdivision (RHS)
076-19	7/8/19	1045 RING RD	LAURIE BRADY / CRESCENT RIDGE DEVELOPMENT LLC	R	P	8/7/19 9/18/19 10/16/19	P	After-the-fact dwelling and deck. (WR-RHS) — <i>Cont. to 10/16/19</i>
078-19	7/17/19	10 RANDALL ST	LUCY ELY PAGAN	G	—	—	G	Enclose porch and add small shed in SFHA.
079-19	7/22/19	156 SUNSET DR	MITCHELL FRIED / LAWRENCE ASAM	R	G	8/21/19	G	Expand garage. (WR)
080-19	7/25/19	562 RIPLEY RD	MICHAEL ROCHE / JUNE HIBBS	G	—	—	G	Staircase to deck, replace window with door
081-19	7/25/19	298 TWIN PEAKS RD	MICHAEL CATHERINE MAETKE	R	G	8/21/19	G	Construct 2 car garage with loft. (WR)
082-19	7/31/19	3444 LITTLE RIVER RD	STATE OF VERMONT	G	—	—	G	Shed for wood storage, ice machines, boat supplies.
083-19	8/6/19	240 LAUREL LANE	ALEX TOLSTOI	G	—	—	G	Residential covered porch addition.
084-19	8/12/19	246 BACK PASTURE LANE	KAREN MILLER & JOHN LAHR	G	—	—	G	Residential woodshed with storage.
085-19	8/14/19	4488 WATERBURY-STOWE RD	CHARLES & ROSEMARY TURNER	G	—	—	G	Remove dining, kitchen, and shed; replace with dining, kitchen, and garage.
086-19	8/15/19	108 DEER HAVEN	CONRAD & LUCILLE EMMONS	G	—	—	G	Detached 2 car garage and shed.
087-19	8/15/19	803 BLUSH HILL RD	ROGER & LISA CHAMPNEY	G	—	—	G	2 lot subdivision.
088-19	8/16/19	Lot 5 SHARKYVILLE RD	JOEL BAKER	G	—	—	G	Single family dwelling and garage. — <i>Incomplete; submitted SP 9/11/19.</i>
089-19	8/20/19	865 GUPTIL RD	ROBERT & CARLINE MURRAY / CALEB AINSWORTH	G	—	—	G	Construct 2nd SFD on same lot with existing SFD (without SD).
090-19	8/27/19	460 RING RD	MARK FRIER	G	—	—	G	3 bay equipment shed.
091-19	8/28/19	1756 US RTE 2	SONJA & ADAM SEVERANCE	R	P	10/2/19	P	Replacement mound wastewater system in Winooski floodplain. (SFHA)
092-19	8/28/19	18 MEADOW CREST LANE	JENNIFER LAJOIE AND STEPHEN HENZEL	G	—	—	G	Residential shed—after the fact.

Status (ZA/DRB/zp): P-Pending; R-Referred; G-Granted; D-Denied; W-Withdrawn.

DRB Reviews (Project description): A-Appeal; CU-Conditional Use; DDR-Downtown Design Review; SFHA-Special Flood Hazard Area; RHS-Ridgelines/Hillsides/Steep Slopes; SD-Subdivision; SP-Site Plan; WR-Setback Waiver Request.

ZA Report September 2019

Permit #	Appn-date	Project location	Owner / Applicant	ZA	DRB	DRB date	zp	Project description
012-19	2/14/19	217 HENRY HOUGH ROAD (parcel 470-0217)	CHARLES MAGNUS	P	—	—	P	3-lot subdivision. — <i>Proposal does not comply, on hold, Applicant revising.</i>
048-19	5/20/19	0 WOOD FARM RD & STAGECOACH LN	RIPLEY SPRINGS / DAVID LACHTRUPP	P	—	—	P	4 lot SD/PUD 3 building lots, minor-RHS (PUD-RHS) — <i>Incomplete/On Hold.</i>
076-19	7/8/19	1045 RING RD	LAURIE BRADY / CRESCENT RIDGE DEVELOPMENT LLC	R	P	8/7/19 9/18/19 10/16/19	P	After-the-fact dwelling and deck. (WR-RHS) — <i>Cont. to 10/16/19</i>
091-19	8/28/19	1756 US RTE 2	SONJA & ADAM SEVERANCE	R	G	10/2/19	G	Replacement mound wastewater system in Winooski floodplain. (SFHA)
093-19	9/10/19	2687 WATERBURY-STOWE RD	DAVID & JOANN SCHERK	P		/ /	P	Commercial storage building. (<i>Incomplete, must to refer to DRB</i>)
094-19	9/13/19 9/30/19	803 BLUSH HILL RD	ROGER & LISA CHAMPNEY / TRAVIS & MADAILEINE KINGSBURY	G	—	—	G	Two-bedroom primary dwelling with one- bedroom accessory apartment. — <i>Incomplete SP, floor-plan ADU, height; ownership pending; on hold. —9/30/19 Applicant submitted revised application: SFD only.</i>
095-19	9/16/19	LOT 6 COLLINA DRIVE	ZACHARY WEINER	G	—	—	G	2 lot subdivision, create lots 6 and 7.
096-19	9/17/19	150 SOUTH MAIN ST	YAO ALATE, KEKELI LLC / JUD HUDSON	R	P	10/16/19	P	New commercial accessory structure for vehicle repair & service. (SP-CU-WR-SFHA)
097-19	9/30/19	LOT 18 RING RD	TIMOTHY SIMPSON / ROB SHEA	P	—	—		New SFD with attached 3-car garage. — <i>Application incomplete. (Phoned, emailed builder & owner)</i>

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Project description (DRB Review): A-Appeal; CU-Conditional Use; DDR-Downtown Design Review; RHS-Ridgelines/Hillsides/Steep Slopes; SD-Subdivision;
SFHA-Special Flood Hazard Area; SP-Site Plan; WR-Setback Waiver Request.