

# **WATERBURY PLANNING COMMISSION**

## **Approved Minutes**

**Monday, February 10, 2020**

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

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

Public: Sage Laundon, Dana Hudson, Brian Evans-Mongeon, Amy Anderson, Mike Merchant, Kathi Grace, Ann Como, Mat Commo, Jill Chase, Jeffrey Larkin, Eric Chittenden, David Scherk, Joann Scherk, Carol O'Neill, Lisa Meyer, Alex Tolstoi, Diane Mongeur, Marcel Mongeon, Bradley Nicholson, Anne M. Imhoff, Carl Benes, Alyssa Johnson, Mark Alberghini, Pete Moran, Sille Larsen, James Hermanowski, Bill Andrus, Rosy Metcalf, Will Lintilhac, Crea Lintilhac Tammy Thompson, Mark Frier, Ben Gernand, Will Bucossi, Dana Allen, Ben Ayers, Jen Lane, Gena Callan, Antony Gnana Piralasam, David Rogers, Valerie Rogers, Kim Crosby, Rich Wilbur, Mary Woodruff, Dina Bookmyer-Baker, Steve Martin, Joel Baker, Steve Odefey, Tim Allen, Steve Plosser, Rodney Anderson, Steve Closure, Ben Randall, Chuck Magnus

The Chair opened the meeting at 7:03 p.m. in the Steele Community Room in the Municipal Center located at 28 S. Main Street.

### **AGENDA REVIEW AND MODIFICATIONS**

There were no modifications to the agenda.

### **ANNOUNCEMENTS AND COMMENTS FROM THE GENERAL PUBLIC**

There were none.

### **REVIEW OF MINUTES**

MOTION:

Eric Gross moved and Mary Koen seconded the motion to approve the minutes of January 27, 2020 as drafted.

Vote: The motion was approved 4 – 0.

### **PUBLIC HEARING ON DRAFT #1 OF THE HISTORIC OVERLAY DISTRICT BYLAW AMENDMENTS**

Steve Lotspeich gave an overview of the current historic districts and individually listed historic structures in Waterbury, as described in the Planning Commission report that are pages 1 and 2 of the proposed bylaw amendments. Ken pointed out that the Waterbury Select Board requested that the PC review the existing historic districts and consider drafting bylaws to address the demolition of historic structures and possible design considerations. Approximately 350 property owners in all the six historic districts and the individually listed historic sites received a letter notifying them of this public hearing and inviting comments on the proposed bylaw amendments.

The Public Hearing was opened by the Chair at 7:15 p.m.

1. Brian Evans Mongeon – owner of Colby Mansion. Concern is for work that has been done over the past years that may have been more costly under new bylaws. Going forward with potential

- additional expenses for the same or similar work is the concern. There is also a concern that these bylaws may then bring forth some Federal review.
- a. Ken Belliveau pointed to three examples of historic buildings where concern was raised by the Select Board on the bylaws. These were in the Historic District prompting the request to make amendments.
  - b. Mary suggested there is an opportunity to make the six historic districts have the same bylaws.
2. Dana Allen – asked what the next steps would be.
    - a. PC needs to have at least one public hearing
    - b. If a draft moves forward from the PC it goes to the Select Board and the Select Board has to hold a public hearing.
  3. James Hermanowski – asked what a contributing vs. a non-contributing structure is.
    - a. Steve – all structures within a district are subject to review. A contributing structure is one that has maintained its original design, is over 50 years old and it meets a definition of a historic structure. Non-contributing structures are typically less than 50 years old at the time they are nominated as historic structures.
  4. Kathi Grace – Kathi has properties in the Village historic district. She stated that she supports these draft Historic District bylaw amendments. She gave some examples Structures, such as three of her properties, were not eligible for flood FEMA grants because they were not part of the historic district. She got her properties reviewed and they were deemed to be eligible to be listed as historic structures. Therefore, they are now eligible for these benefits.
  5. Will Bucossi – would modifying a window to meet egress require review?
    - a. yes, but probably an administrative review depending on how many units are in the building.
  6. Eric Chittenden – concern that some creativity could be “throttled” if the costs to work on these historic structures rises.
  7. Steve Odefey – doesn't like to be told what he can or can't do to what he owns. But he would like to be able to understand and apply the standards. He doesn't feel the language is clearly stated (section 1608 as an example).
  8. Ben Gernand – are these street side only regulations? What if the building has many styles to it, due to changes over time that have not been scrutinized?
    - a. Steve – the review would not include just the front façade, it is the entire building.
  9. Ben Ayers – for young families the economic constraints are a concern. As a property owner he wants to be able to financially plan and be able to renovate his family's historic structures affordably.
  10. Alex Tolstoi – Alex identified himself as an historic preservation consultant. He spoke to ways to get grants and credits that would be opened up by having these regulations. He said that having local historic district bylaws does not trigger any federal oversight, unless you are applying specifically for a federal Historic Preservation grant or tax credits.
  11. Valerie Rogers – are there Federal or State credits available and would these be compromised or helped by these bylaws?
    - a. Having an historic property that is income producing opens up opportunities for tax credits.
    - b. The municipality is not anticipating providing additional funding for renovating historic buildings in conformance with these bylaws if they are adopted.
  12. Mike Merchant – could we focus only on demolition and not the other issues being raised.
  13. Sage Laundon – concern is additional costs created when the property may not have the value to absorb those costs.
  14. Dana Hudson – has made renovations and feels the new review process would prohibit some of those changes. The potential burden, timeframe and costs are the main concerns, especially if the design has to change during construction and decisions have to be made quickly. There would not be enough time for a permit review.
    - a. changes mentioned would probably be administrative review, vs. DRB review.
  15. Scott Mackey – equates this to covenants in a neighborhood. Feels it may create problems in neighborhoods. Seems that these bylaws may be “overkill” if demolition is the key concern.
  16. Steve Lotspeich – pointed out that contributing historic structures will not be subject to the flood regulation to elevate the entire building when a substantial improvement is made. He explained that

a substantial improvement is when more than 50% of the market value of a building is invested over a three-year period. In this case of substantial improvement, only non-contributing structures will be required to be elevated.

17. Mark Frier – stated he is a member of the Select Board and the initial request for the Planning Commission to develop these bylaw amendments came from one Select Board member. He said that renovations to historic properties are expensive already without new regulations. Owners of these properties need to make decisions within their budgets. Would like to see the focus on new properties and regulations on the look of new buildings.
18. Whitney Aldrich – enforcing building code so we don't get to need to demolition. How can she share edits to the document? There should be some creative freedom for owners of historic buildings, including the placement of art on or near the buildings.
  - a. comments/edits can be submitted in writing to slotspeich@waterburyvt.com
  - b. Waterbury does not have local building code (most rural municipalities in Vermont do not).
19. Rich Wilbur – concern with being told what to do with his property.
20. Gina Callan – what about homes on the list that have had significant changes up until this point – how can they still be considered historic with these changes.
21. Fred Abraham - “solar panels”
  - a. would be exempt from the proposed bylaws as long as they are net metered (tied in to the grid).
22. Carl Benes – has a larger concern with commercial structures and suggests separating them out in the proposed bylaws.
23. Pete Moran – feels nothing in here would help “save” the property he purchased on Gregg Hill Rd. He would be working many more hours and spending more money to have to comply with these new bylaws and would not have been able to purchase the property.
24. Steve Plosser – Pomerleau owns the Waterbury Square Shopping Center and the three historic buildings on Main St. that are in front of the shopping center. The historic buildings are a mix of commercial and residential uses. He has concerns with changes that are already made. Would anything need to be modified that is already done?
25. Steve Martin – concern with homeowners who don't have the funds to meet these new requirements if the need to make renovations arises. Less regulation is better and this proposed draft doesn't seem absolutely necessary.
26. Chuck Magnus – How many new buildings are going in to this vs. our current design review district
  - a. There are more than 350 properties in the six historic districts including approximately 30 individually listed buildings. The existing Downtown Design Review Overlay District probably has less than 100 buildings in it.
27. Sille Larson – facing some concerns with new property already
28. Diane Mongeur – asked how many PC members own on historic property (3 of 5)
29. Joel Baker – more regulation is more expense. There are some benefits with being in the historic district. Questions the premise this draft built on. Suggests we need some energy that isn't stifled by conformity. A band aid is sometimes better than nothing but this may be pushing some people away from these districts. Including the individually listed properties seems like “spot zoning”.
30. Lisa Meyer - has an original slate roof on the building she owns. Is it ok to change the roofing on that house?
  - a. re-roofing a building would be exempt from the bylaws.
31. Alyssa Johnson – redevelopment for additional housing is important. She submitted a comment letter to the Planning Commission from the Waterbury Area Development Committee.
32. Dave Rogers – identified himself as a member of the Development Review Board (DRB). He thought the new regulations would streamline the process. But a historic preservation commission may stymie that. Also, we may not find any individuals to join such an advisory commission since we are having difficulty filling open positions on the DRB.
  - a. Steve - under administrative approval we have been advised that an advisory commission is required and that role cannot be filled by the DRB.
33. Brian Evans-Mongeon – concerned that subjective terms like “compatible” are used in the review criteria.

- The requirement to bury on-site utilities and the associated cost is a major concern (page 5).
34. James Hermanowski – is this a required set of regulations? Is it being encouraged or enforced?
    - a. these are optional regulations
    - b. there is a range in permit costs
  35. Tim Allen – section 1608 - asked for clarification on demolition of a building if there are not building codes to enforce.
  36. Eric Chittenden – affordability is critical; process is long and documents are lengthy and it is difficult to navigate. “Use caution.” Citizens should vote on this.
  37. Steve Odefey – too much discretion in the review authority – not predictable or user friendly. The historic character will be stymied. It seems like this document is too big – encompasses too much. Is it the intent to prohibit any discretionary demolition – example, building a new garage by taking down the existing garage?
    - a. this would require the review of demolition including an historic garage. The concern is if a property owner has discretion for the demolition of an historic garage then there would be discretion for the demolition of any historic building.
  38. Fred Abraham – young people struggling with having adequate income are leaving the Vermont – how are we helping that?
  39. Dana Hudson – the list of “individually listed historic sites” doesn't seem complete. The list feels arbitrary.
  40. Mike Merchant – asked about his house on Main St. as to the issue of having to elevate the structure if it is substantially improved.
    - a. the building is listed as an historic structure therefore it is currently exempt from the requirement to be elevated if it is substantially improved.
  41. Crea Lintilhac - Asked about the process if the Select Board were to adopt these bylaw amendments. It could go to a public vote if 5% of the registered voters signed a petition to go to a vote.
  42. Rodney Anderson – wanted to know what the notification process will be if there is another public hearing.
    - a. another letter or postcard would go out to all of the affected property owners.
  43. Mark Frier – as a Select Board member and a resident he sees there are some good points in this document that we should still consider.
  44. Steve Plosser – pointed out that a similar process going on in Montpelier. There needs to be a better understanding among residents.
  45. Gina Callan – if this moves forward to the Select Board would this group be aware of that?
  46. Steve Odefey – thank you to the PC for their service
  47. Mary Koen – clarified that the PC received requests from individuals and a member of the DRB, not just a Select Board member, to expand Design Review standards to cover historic properties and districts town wide. She stated that the intent of the PC is not to add costs or burdensome paperwork and delay to the process, but to guide long term maintenance of the town's historic architecture.

Next steps:

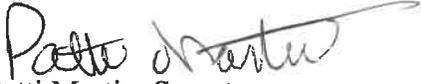
1. The PC needs to review all the input from tonight's meeting. People attending the meeting were encouraged to submit any additional comments in writing to Steve Lotspeich.
2. There is no timeline for moving this forward if it is moved forward.
3. There could be another public hearing. Affected property owners would be notified individually.
4. Watch the agenda for PC meetings for when this is on the agenda. The PC meets on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of the month.
5. Additional comments can be sent to Steve Lotspeich

The hearing was closed at 9:27 p.m.

**ADJOURNMENT**

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

Respectfully submitted,

A handwritten signature in cursive script that reads "Patti Martin". The signature is written in black ink and has a long, sweeping horizontal line extending to the right from the end of the name.

Patti Martin, Secretary

Patti Martin, Secretary