

WATERBURY PLANNING COMMISSION

Approved Minutes

Monday, September 28, 2020

Planning Commission: Ken Belliveau, Chair; Mary Koen; Katya D'Angelo; Eric Gross; Martha Staskus

Staff: Steve Lotspeich, Community Planner

Public: Alyssa Johnson, Economic Development Director; Dave Lachtrupp

The Chair opened the meeting at 6:07 p.m. The Planning Commission (PC) members and Steve Lotspeich participated in person and the members of the public participated via ZOOM.

AGENDA REVIEW AND MODIFICATIONS

The agenda was reviewed and no changes were made.

ANNOUNCEMENTS AND COMMENTS FROM THE GENERAL PUBLIC

There were no announcements or comments from the general public.

REVIEW OF MINUTES

MOTION

Eric Gross moved and Katya D'Angelo seconded the motion to approve the minutes of September 14, 2020, as amended.

Vote: The motion was approved 5 - 0.

DISCUSS THE PROPOSED UNIFIED DEVELOPMENT BYLAW

It was agreed to resume the discussion with Section 3.1.5.E, Accessory Uses, in terms of the percentage of the total area of a building that can be occupied by the accessory use. The PC decided to keep the percentage 40% that is in the draft, rather than 35% as was previously discussed. It was agreed that 40% is a more generous and realistic.

Steve presented the state statute, 24 V.S.A. Section 4412, "Required provisions and prohibited effects". This section of statute addresses accessory dwelling units, residential care homes with not more than eight persons, home occupations, and family child care homes. After reviewing the statute, the PC decided to keep accessory dwellings in the list in Sub-section 3.1.5.E(3) where the standards in this Section 3.1.5.E do not apply.

The PC then moved on to discuss Section 3.1.6, Dimensional Standards. It was agreed to delete Sub-section 3.1.6.B(2) that states that "There must not be more than 1 single-family or two-family dwelling on any lot unless...." This sub-section is not necessary and doesn't make sense because principal buildings can have many other uses beside being single-family or two-family dwellings.

Section 3.1.6.C, Accessory Structures, was discussed. Steve said that the exemption in the draft Bylaw for sheds and similar structures with a footprint of not more than 120 square feet and not more than 12' in height is more generous than our current exemption for sheds and is advisable.

Sub-section 3.1.6.C(3) was discussed in terms of the requirement that accessory structures must be located at least 8 feet from any other structure. Concern was raised by some of the PC members

that this figure is too large. Steve said that the separation requirement is in part for fire safety in case one of the buildings is on fire, the Fire Department can try to save the other building. Eight feet of separation also facilitates maintenance of the walls of both structures, especially if one or both structures are two stories or more and ladders or a lift are needed to perform maintenance. It was observed that these structures can be connected so a minimum of eight feet of separation seems too large and un-necessary. Steve agreed to consult with the Fire Chief for the Waterbury Fire Department to get his input on this issue and find out what the state building code requires for the separation of buildings where that code applies.

Section 3.1.6.D, Lot Size, was discussed. The state statute regarding the merger of pre-existing small lots and the requirement in statute that a lot must be a minimum of 1/8 acre and at least 40' in width in order to be allowed to be developed, was referred to. Steve will send this state statute to the PC members for additional discussion of this draft section of the Bylaw at the next PC meeting.

Dave Lachtrupp commented that his attorney, Chris Nordle has previously submitted written comments regarding Sub-section 3.1.6.D(4). This draft sub-section states that land within rights-of-way over a lot must not be included in calculating lot size. Steve will send the comments from Chris Nordle to the PC again so this sub-section can be discussed at the next PC meeting and a decision can be made on how to address the comments.

The discussion at the next PC meeting will start with the carry-over items from this meeting that need additional information and discussion, then will continue with Section 3.1.6.E, Lot Frontage.

OTHER BUSINESS

Ken requested that the Zoning Administrator's Report be included on the agenda only if it will be available for review at the meeting. Steve said that he will coordinate this with Dina Bookmyer-Baker, the Zoning Administrator, and the Chair and Vice-chair of the PC when the agenda for each PC meeting is drafted.

NEXT MEETING

The next meeting will be held on Wednesday, October 14th at 6:00 p.m. in person and via ZOOM since the regular meeting date of Monday, October 12th is Indigenous People's Day and is a municipal holiday. The PC meetings scheduled for October 26th, November 9th and 23rd are fine and have no conflicts.

ADJOURNMENT

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,



Steve Lotspeich, Acting Secretary