

WATERBURY PLANNING COMMISSION

Approved Minutes

Monday, January 25, 2021

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

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

Public: Jason Wulff, Ryan Miller, Lillian MacNamara

The Chair opened the meeting at 7:02 p.m. The Planning Commission (PC) members, staff, and members of the public participated via Zoom.

AGENDA REVIEW AND MODIFICATIONS

The agenda was reviewed. Mary requested that review of the minutes of January 11, 2021 be postponed until the next meeting to allow more time to review the draft Interim Bylaws. Ken suggested that the minutes be reviewed at the end of this meeting if there is time.

ANNOUNCEMENTS AND COMMENTS FROM THE GENERAL PUBLIC

There were no announcements or comments from the public.

DISCUSSION OF THE INITIAL DRAFT OF INTERIM ZONING BYLAW AMENDMENTS

Steve introduced the comments and edits that were made to the most recent draft by David Rugh, our municipal attorney with the law firm of Stitzel Page and Fletcher PC. Additional comments and changes have been made by Mary Koen, working with Steve, and Martha Staskus, and those comments and changes are also tracked.

Based on Mr. Rugh's advice, Section 1601, Purpose and Section 1602, Applicability were updated. Steve noted that these two sections have a history of being contested legally and he advised the PC to be cautious of any changes to these sections that are not vetted through the attorney.

Regarding Section 1602, Applicability, the latest draft clarifies what the bylaws would apply to "These bylaws only with respect to allowed uses, dimensional standards and specific use standards" It then references State law to confirm how the bylaws can be applied.

The way the new district will be referenced was discussed to reflect the language: "revised Downtown zoning district".

Steve expressed a concern with not using the attorney's recommended changes, but it was agreed that Steve will send Sections 1601 and 1602, with Martha's changes, and ask him to review those and comment.

Section 1604.2 Permitted Uses

Mary suggested adding a sentence to the Permitted Use and Conditional Use sections that states “For any use other than residential, uses up to 2,000 sq ft are permitted uses, and those uses between 2,000 sq. ft. and 5,000 sq. ft. are conditional uses.” Steve said that the conditional use review process can be costly for the development community and he feels that many non-residential uses should be permitted uses as shown on the current draft Use Table. He added that conditional use review should be limited to those uses that have broader community impacts such as light industrial type uses.

Discussion followed on permitted and conditional uses and the following comments were offered:

1. “Scale and size needs to be reflected in the table, which it is not.”
2. “...Permitted uses, such as movie theatre and performance theatre could potentially be reviewed since most of these type of facilities are more than 2,000 sq. ft. in size”
3. “There seems to be a lack of internal consistency.” Much of what is listed as a possible permitted use could never be done within 2,000 sq. ft.
4. “If there is a significant concern with the variables in the draft bylaws, they have to be reviewed within two years when the interim bylaws would expire anyway”.
5. “The size and the scale for each district was on the “to do” but hasn’t been done.”
6. Assisted or supported living – make it a permitted use.
7. Move “social club” to the Arts, Entertainment and Recreation category from Civic and Community

Section 1604.4 Dimensional Standards

1. (3) lot coverage: current bylaws are 100% - there was a recommendation for 90% (referencing the building footprint).
2. (11) All other principle uses: Strike the entire subsection #11.

Section 1606 Specific Use Standards

1. Delete “open space” from the interim bylaw.
2. 1606.3, Home Occupation – Strike the hours of operation.
3. Mary suggested to include “meet the performance standards of 4.3.5 (which was previously deleted). The Board members agreed to leave in performance standards for all the uses shown in the draft.
4. 1606.4.2 under Home Business – there was discussion regarding how vehicles would be dealt with. Steve said that they would be reviewed by the DRB under the required site plan review.
5. It was agreed to put back in 1606.9, Short Term Rental.
6. 1606.10, Hotel and Motel – it was suggested by Ken to delete the use from permitted use but keep as conditional with further discussion on size and amenities.
7. 1606.12, Restaurant/Bar – “not have (added the word recorded) amplified music unless otherwise approve by the DRB”. It was agreed to add a sentence that live music/entertainment requires review and approval under the town Entertainment Ordinance
8. 1606.13, Mobile Food Service - add reference to town Vendor Ordinance for this use when it occurs on public property.

Other recommended changes, not specifically noted here, that were previously agreed to by the PC need to be accepted as noted by Mary and Martha in the draft.

The following next steps were identified:

1. Steve will update the draft as reviewed tonight and send it out to the PC later this week as a final draft.
2. PC members will review and comment back to Steve before February 1st, if so desired.
3. PC will issue a statement to go to the Select Board regarding the draft bylaws. This will be drafted by Ken, sent out and then reviewed at the February 8th meeting.
4. Steve will share the final draft bylaws with the Select Board prior to February 1st.

NEXT MEETING

The next meeting will be held on Monday, February 8th. The draft Interim Bylaws will be discussed further.

ADJOURNMENT

The meeting was adjourned at 09:41 p.m.

Respectfully submitted,

Patti Martin

Patti Martin, Secretary