

Joint Meeting of the Waterbury Select Board and Village Trustees
October 21, 2013
Main Street Fire Station

Present: J. Grenier, C. Viens, C. Nordle, N. Howell, L. Sayah, R. Ellis, S. Flanders, W. Shepeluk, S. Lotspeich, and E. Loomis.

Public: C. Miller, J. Kamien, A. Imhoff, M. Koen, B. Washburn, E. Chittenden, K. Grace, K. Belliveau, J. Wulff, J. Brown, M. Bell, H. Bell, K. Upmal, S. Newman, K. O'Shea, G. Goyette, D. Sweet, R. Grace.

PUBLIC HEARING ON DRAFT #2 OF THE MUNICIPAL PLAN

At 6:35pm, J. Grenier opened the public hearing for the purpose of receiving public comment on Draft #2 of the proposed 2013 Municipal Plan for the Town and Village of Waterbury, dated September 12, 2013.

B. Washburn provided a background on the Draft Plan, saying that the plan hadn't been looked at substantially in about 10 years. 2010 Census data was used to revise this Draft, which includes extensive updates to most of the chapters. During the process, the Planning Commission honed in on the Central Vermont Regional Planning Commission's (CVRPC) updated requirements for updated municipal plans. The Commission also looked at chapters that, post-Irene, needed substantial review (such as the chapters on energy, local economy, and housing). The Commission called in groups and stakeholders to lend expertise and to get their feedback and bring the document into balance with the community's interest and vision for the future. The Planning Commission public hearing, which drew a small turnout, was held under a hasty timeline. The public's comments were incorporated into Draft #2, and are reflected the errata sheet that detailed the changes from Draft #1 to Draft #2.

J. Grenier opened up the meeting for public discussion. K. Grace thanked the Planning Commission for taking her comments into consideration. S. Lotspeich clarified that this Draft has the complete survey results in it, including the numerical data and narrative responses that people submitted. The results are also broken out by those who were part of the random sample and others that chose to respond to the survey. The Planning Commission report details the process that was used for the survey.

C. Miller also thanked the Planning Commission for their hard work. She stated that it is common for town plans to have competing goals and she feels that this Plan represents a radical departure in economic development and other related land use aspects. Specifically, she was uncomfortable with the language related to "streamlining zoning bylaws" and she feels it is assumed that the bylaws are currently too restrictive. C. Miller feels it is ok to look at them if need be, but the tone assumes that we do feel they are too restrictive when the reality may be that it is not difficult to develop in Waterbury. She feels that we should be more discriminating. Another concern is related to the Waterbury Area Development Corporation's (WADC) 5 year plan that is being developed. She is not sure how that intersects with the planning process as outlined by state statute and feels that by having them identify sites throughout Waterbury that are suited for light industrial development, the municipal planning and permit process may not be taken into consideration adequately. She is concerned that the stakeholders are making the rules and that the broader good is not incorporated into this process, as it should be.

K. Grace stated that she asked the same question at the last public hearing, where she felt it was inviting development and that Waterbury doesn't have strict enough laws. She believes that enforcement is a matter of policy and would like to see stronger zoning laws and enforcement.

B. Washburn responded by saying that the streamlining of zoning bylaws is meant to be as un-cumbersome as possible and that the bylaws are not as streamlined as they could be. For instance, the parking situation downtown is terrible, but yet new businesses must meet the parking regulations or have public parking allocated for their project which doesn't make sense. This needs to be fixed, though streamlining may lead to more stringent regulations. She acknowledged that this process may require taking a look at the type of businesses we want. Regarding the development plan, B. Washburn emphasized that the Commission wants WADC's knowledge, expertise, and assistance and that their feedback and suggestions will be managed by zoning laws and what is currently in place. There is a way to put specific strategies in place to achieve goals and realize them in a strategic and mindful way. Darren Winham's help on this chapter will result in better development than we've had in the past, she stated.

J. Kamien stated that it was the Planning Commission's goal to work with WADC to insure that their aspirational goals are incorporated into the Municipal Plan. And in this process, she added, caveats are placed on statements that encourage development.

K. Grace suggests replacing "streamline" with "continue to provide clarity." B. Washburn will work on the language so it is clear to everyone.

The second hearing on this Draft will be Monday, November 4 at 6:30 at the municipal offices, Main Street Fire Station. S. Lotspeich added that minor editorial changes don't require warning another hearing. However, if the Select Board and Trustees make substantive changes to the draft, it is required to warn a third public hearing and give 15 day's notice. He also stated that the Select Board's approval for the Plan expires October 29, 2013 and Trustees approval expires November 3, 2013.

In response to a question regarding the survey from C. Miller, S. Lotspeich stated that the survey was sent to approximately 20% of town-wide voter checklist, which was about 650 people. About 70 to 75 people responded, and roughly the same number responded on their own.

Written comments from Karen Miller, who was out of town, were circulated to the Select Board, Trustees, and Planning Commission. Because they were received just before the public hearing and were not available prior to the hearing it was agreed to address those comments at the next public hearing. In the meantime, the Planning Commission will discuss K. Miller's comments at their meeting on Monday, October 28.

This hearing was closed by J. Grenier at 7:02pm, after no further discussion.

REQUEST TO REDUCE THE SPEED LIMIT ON GUPTIL RD.

The Select Board and Trustees then reviewed tonight's agenda and held a quick discussion of the speed limit on Guptil Road. J. Grenier stated that, in response to a request from Noah Fishman to lower the speed limit on the road, he and Alec Tuscany looked into the situation. Together, they drove the road at different speeds. Most of the road (from RT 100 intersection to Grenier's Farm Stand) is set at 40 MPH. J. Grenier found that this speed is not unreasonable, with the exception of at the Tanglewoods corner. The two concluded that 35 or 40 MPH seems safe, but that people are

bound to drive as fast as they feel safe, or as fast as they want. He recommends that the Select Board consider enforcement and possibly consider dropping the speed limit to 35 MPH as a reasonable plan.

B. Shepeluk suggested that the Town could install a warning sign cautioning a lower speed before the curve near Tanglewood's Restaurant. Guptil Rd. is generally a consistent type of road and certain areas can be handled with these types of warning signs rather than lowering the speed limit for the whole road. B. Shepeluk informed the group that he and S. Flanders met with Lt. White at the State Police Barracks and Lt. White is aware that Noah Fishman is circulating a petition and wants the speed limit lowered. There is no money in the Town budget for speed enforcement but B. Shepeluk made a request to Lt. White that his troopers enforce the speed limit on Maple Street, Guptil Road, and Kneeland Flats when they're in Waterbury. The Select Board can't simply make a motion to reduce the speed limit without conducting an analysis. Another idea is to talk to the CVRPC to see if they could do speed studies (S. Lotspeich is currently pursuing this). The CVRPC could invest in speed-reading devices and could then rent them to towns. This device would be capable of recording the number of cars that pass by and also record their speed, which would gauge what traffic is actually doing, as opposed to what people perceive it to be doing. The Village owns one such device and could rent it to the Town.

C. Viens feels that people won't slow down unless there's enforcement on the road and some tickets are handed out. Personally, he feels that 35 MPH would be reasonable. He suggests that in the future, highway department personnel consider how they are hauling gravel for the roads and that their heavy trucks avoid traveling on as much of Guptil Road as possible and consider alternative routes. Large and heavy trucks beat up on small roads, and it's better to beat up on the state roads than the town roads when possible.

B Shepeluk summarized that staff will work with the CVRPC and possibly the Village to record traffic and speed on Guptil Road and put a recording device at the stretch of Guptil Road from the intersection of RT 100 to Kneeland Flats and then again at the section of Guptil Road from Kneeland Flats to the highway garage.

MANAGER'S ITEM

The board then considered a loan document for roll-over of a fire truck promissory note. B. Shepeluk stated that in 2012, the town had borrowed \$210,000 to purchase a fire truck. They have made three payments on it thus far, and will need to pay \$42,000 in 2014 and 2015. The interest rate is the same as it was last year; 2.1% on \$84,000. This means they'll be paying \$1,700 in interest. B. Shepeluk recommended approving the loan document and accompanying loan documents.

C. Nordle made a motion to approve the \$84,000 promissory note and accompanying loan documents from People's United Bank. This motion was seconded by C. Viens and passed unanimously.

DISCUSSION OF FLOODPLAIN MANAGEMENT PROGRAM

R. Ellis then began a discussion about Community Development Block Grant – Disaster Recovery (CDBG-DR) and Hazard Mitigation Grant Program (HMGP) funds and Waterbury's plan for a Floodplain Management Program. She began by summarizing the last Select Board meeting, at which possible CDBG-DR and HMGP grant applications were discussed. Initially it was thought that we'd be ready to submit a CDBG-DR application at the end of October, but then realized that the

town needs to hold a public hearing on the CDBG-DR applications first. We would like to submit one planning grant and one implementation grant for CDBG-DR funds. R. Ellis reviewed a Floodplain Management Projects Overview document that was distributed to the boards.

The first project on the page is to get money to make structural repairs to the Janes Building. R. Ellis stated that Barb Farr recommends we ask for \$400,000 to \$500,000 to do the renovations. This would provide money to repair damages and fully flood-proof the house to be better used by the municipality and library. The second CDBG-DR is a planning grant for about \$75,000 for the Floodplain Management Program projects and grant requests. This will create a better umbrella structure for these flood-related programs and help communicate them better to the public, including helping us communicate to the public regarding money for residential elevations. Additionally, the Floodplain Management Program will help us to consolidate the management of the various projects and get prepared to enroll in the National Flood Insurance Program's (NFIP) Community Rating System (CRS) to reduce homeowner's flood insurance premiums by about 5 to 10%.

On November 18, a public hearing will be held for both of these CDBG-DR applications. These hearings will be warned simultaneously. The grant application is due by December 1, and we can expect to hear back on the grant by the end of January. Capacity building is a critical component of the Floodplain Management Program grant application, especially since Barb Farr and E. Loomis' positions will be coming to a close relatively soon. Unfortunately, this grant process can't be sped up, but there is the potential that Barb's position could be extended past February.

At 7:25pm, R. Ellis made a motion to warn a public hearing for Monday, November 18 at 7:00pm for a CDBG-DR implementation grant application for structural improvements to the Janes Building (Town Library) and a CDBG-DR planning grant application for the Floodplain Management Program including public outreach. This motion was seconded by C. Nordle and passed unanimously.

R. Ellis also spoke about HMGP projects, saying that she found out one month ago that the Federal Emergency Management Agency (FEMA) relaxed the criteria for HMGP funds to be used for residential elevations, partially as a result of post-Sandy regulations. We have been referencing a letter that says any residential structure in the flood zone that could be elevated for less than \$175,000 can apply without having to prove a previously-required Benefit Cost Analysis (BCA). In the past, we couldn't prove the BCA, but now it's assumed that it is a beneficial thing to do, and it is much easier for homeowners to do now. We have been talking over lingering questions with the staff at the Vermont Division of Emergency Management and Homeland Security (DEMHS, previously known as Vermont Emergency Management)- questions like can homeowners have a basement, how will it work out with insurance, etc. We will be holding an informational session on Tuesday, November 5 at 6:30pm at St. Leo's Hall to provide information and answers to the public. This meeting will be held on this date because deadline for submitting the HMGP Pilot Program for Elevating Residences application is November 18, 2013, and we need to receive public input and interest by then.

DEMHS is encouraging us to do the first round of elevations as a pilot program with up to 5 applications from homeowners. If more than 5 homeowners are interested, we will need a set of criteria to select people. These criteria consist of priority given to homes at the lowest Base Flood Elevation (BFE). Homeowners must pay for an elevation certificate, be willing to pay a 25% match (which could be as much as \$44,000), and their home must cost less than \$175,000 to elevate. The

home must also be habitable prior to applying for the HMGP grant. We will be looking for CDBG-DR funds to help with the 25% match, but this is not a given and may only apply to those in the low-to-moderate-income bracket.

C. Viens wonders who determines the cost of the elevations. R. Ellis responded, saying that the planning grant money will help to pay for architectural studies, since it will take about 18 months to hear back from the HMGP folks. Actual work that can be part of the \$175,000 includes construction, elevation, landscaping, rental costs during construction, and relocating utilities. She also stated that we are trying to get 1 or 2 architectural firms to help these homeowners to get discounted rate for the consultant services. The planning grant will help us determine things like how much an architect costs.

There were 220 structures flooded during Irene, and it is estimated that there are approximately 168 structures in Waterbury located in the 100-year floodplain. Dan Currier of the CVRPC will create an overlay of the new flood map on top of the town map.

At 7:36pm, R. Ellis made a motion for the Select Board to provide guidance for the November 5 meeting with priority to the homeowner with the lowest BFE, an elevation certificate, ability to pay 25% match (if we can't find other funds), that the project will cost less than \$175,000 to elevate, and the structure is deemed habitable prior to application for the grant. This motion was seconded by C. Nordle and passed unanimously. It was then noted that this program is not limited to single family homes and includes residential rental properties.

PUBLIC HEARING ON EXTENDING THE INTERIM ZONING REGULATIONS FOR ONE YEAR

At 7:38pm, the public hearing to consider and receive public comment on extending the currently effective Interim Flood Hazard Regulations previously approved on May 21, 2012, for one additional year. The conversation was led by S. Lotspeich, who said that these regulations are Chapter 6 of the Zoning Regulations. The Interim Flood Hazard Regulations are due to expire December 22, 2013 and were approved by the Select Board and Trustees on May 21, 2012. After Irene, we found that the Flood Hazard Regulations were hard to administer and required DRB review for all reviews, though they did meet the minimum federal requirements. The Interim Flood Hazard Regulations addressed this issue and helped expedite the permitting process post-Irene. The Interim Zoning Regulations are effective for 2 years and then the legislative bodies can extend them for 1 additional year. S. Lotspeich said that the intent is to do a rewrite of the Flood Hazard Area Regulations by working with the state, the CVRPC, and the Vermont League of Cities and Towns (VLCT) and look at the Fluvial Erosion Hazard Regulations in conjunction with that. He stressed that there is a need extend the Interim Regulations prior to the Municipal Plan expiring. If the Municipal Plan is expired then zoning regulations can't be enacted so they'll need to extend the existing Interim Flood Hazard Regulations. If the Interim Regulations are extended for 1 year they can't be amended as part of the extension. This hearing was warned to extend them for 1 additional year.

S. Lotspeich reports that Clare Rock has met with the Planning Commission and they are getting ready to work on the Flood Hazard Program rewriting the Flood Hazard Regulations within the next 9 months.

R. Ellis states that she is sympathetic to K. Grace's comments regarding changing the flood regulations so development has zero impact on the BFE. In March 2011, the Select Board decided to

allow for an impact of .25 feet. However, she now knows that .25 feet can have a big impact and is now in favor of going to 0 feet. S. Lotspeich believes this must be addressed as a whole with the re-write.

K. Grace asked if there can be another 15-day warning to amend the Interim Regulations. C. Nordle stated that they can't warn that meeting because the hearing would occur after the Municipal Plan expires. Tonight's discussion is about adding another year onto existing regulations; they can't change the BFE language tonight because they haven't warned that type of change. C. Nordle feels that 6 months is a better timeframe to get a draft ready of the re-written Flood Hazard Area Regulations ready for review. He doesn't want the process to feel rushed like the Municipal Plan re-write and requests that the Planning Commission consider 6 months for drafting to provide flex time and 3 months to go through the public hearing process. S. Lotspeich feels this request is reasonable and wants to make it a priority.

K. Grace would like the letter that she presented to the boards to be a matter of public record and requests that the boards please make the zoning laws understandable and ensure that they are enforceable.

There being no further discussion, this public hearing was closed at 7:56pm.

At 7:55pm, C. Nordle made a motion to extend the Interim Flood Hazard Regulations for one additional year. This motion was seconded by R. Ellis and passed unanimously.

At 7:56, N. Howell made a similar motion on behalf of the Trustees to extend the Interim Flood Hazard Regulations for one additional year. This motion was seconded by L. Sayah and passed unanimously.

MANAGER'S ITEMS

At 7:57, C. Nordle made a motion to approve a liquor license request for Axel's Frame Shop and Gallery for November 4, 2013 from 5:30 to 7:30pm and for Green Mountain Inn's event at the Green Mountain Club on November 9, 2013 from 5:00pm to 8:00pm. This motion was seconded by R. Ellis and passed unanimously.

B. Shepeluk led a discussion of Waterbury's winter maintenance, saying that the Department of Corrections has been used to provide maintenance around the Town and the Village for years now. This crew is called to shovel hydrants if there's snowfall of at least 3 inches, and many people see the crews in springtime raking lawns, cleaning up sand around sidewalks, working around the recreation fields, etc. They charge us \$160 per day regardless of the size of the crew, which is a bargain for us.

At 8:00pm, R. Ellis made a motion for the Select Board to authorize the Municipal Manager to sign the contract with the Department of Corrections for winter maintenance, to run from November 1, 2013 to October 31, 2014. This motion was seconded by C. Viens and approved unanimously.

PUBLIC HEARING REGARDING REMOVAL OF TREES FOR MAIN ST. RECONSTRUCTION PROJECT

At 8:04pm, the public hearing to consider and receive public comment on the removal of existing trees in conjunction with the reconstruction of North and South Main Street was opened. K. Upmal, project engineer for VTrans, began with a summary of the meeting with the Select Board approximately four weeks ago when they had discussed the final stages of the revised preliminary

plan. Since then, they have performed extensive coordination between the major aspects of the project and have been holding biweekly meetings with the utility companies to reduce impacts and define aboveground utility cabinets and specific utility locations. In coordination with the utilities, they've been working on the landscape plan. The old landscape plan didn't take utilities into consideration. S. Newman, historical preservation officer for VTrans, working with the environmental section, has been identifying the impacts of the project, specifically those like utility relocation routes, which have big impacts on abutting properties. Stantec folks met for 2 days in the field with all involved parties, including arborists and landscape consultants. They've looked at every single property and have modified certain aspects of the project as a result in order to satisfy collective requirements.

K. Upmal said that after talking with S. Newman, they've found conflicts at the northern end of Main Street with respects to what could be considered the only section of the street with a grass strip between the sidewalk and the road (from Champlain Farms to the railroad trestle), but has been removed throughout the rest of the downtown. The grass strip is historic and will be reflected in the Section 4F and Section 106 historic preservation permits that S. Newman is working on. K. Upmal wants to only submit a successful Section 4F and 106 permit application, and doesn't want to delay the beginning of construction (utility relocation), which is currently slated for 2016 with an unsuccessful application.

They are here tonight because, for S. Newman to finalize the permit applications, they need correspondence from town representatives that agree to the magnitude of tree removals and agree to the modification of sidewalks at the northern end of the project, where street light foundations would be placed at the backside of the sidewalk and have cantilevered lamps extending overhead. It is noted that the retention of the grass strip will result in the loss of 9 parking spaces as currently designed, though it will save some trees.

S. Newman has indicated, regarding historical preservation, that we can't satisfy historical permit if we don't preserve the grass strip along the North Main Street corridor. He suggests moving the sidewalk back to where it is, redesign the cross sections, and keep grass strip so it would look similar to how it is today.

Also discussed was the section of Main Street near St. Andrew's church. The consultants stressed that this section will look radically different after the project is completed; they'll be removing 60 year old trees and replacing them with much smaller, younger trees. This will result in the lack of a canopy until the new trees grow near the church.

B. Shepeluk wondered where signs to regulate parking could go if the stamped utility strip is removed and the lamp poles are placed behind the sidewalk. Stantec representatives replied that they could go behind the sidewalk, or possibly in the sidewalk though that would make plowing snow more difficult.

Regarding the parking scheme along the stretch of South Main Street between the horseshoe and the south entrance to the State Office Complex, if parking was eliminated on one side, it would need to be reevaluated if the historic canopy be preserved. It is believed, however, that some of the trees may be lost because of where the relocated sidewalk would need to be placed even if there was parking on only one side of the street. It was noted that 70 to 75 trees were originally slated to be removed, and with the current plan, only 32 to 34 trees will be removed.

K. Upmal clarified that the letter should be addressed to him and copied to S. Newman. He also advised adding in language regarding the trees, removal of stamped concrete, maintaining the buffer strip, and installing cantilevered light poles.

There being no further discussion, the hearing was closed at 8:55pm

At 8:49pm, R. Ellis made a motion to authorize the Municipal Manager to sign a letter to approve the removal of marked street trees in connection with the Main Street Reconstruction Project, to include the retention of the grass strip on N. Main Street, elimination of the stamped concrete utility strip from the north end of the project to Elm St., and placement of street lamps behind the sidewalk on the southwest side of N. Main St. This motion was seconded by C. Nordle and passed unanimously.

At 8:56pm, N. Howell made a motion to adjourn the meeting of the Trustees. This motion was seconded by L. Sayah and passed unanimously.

At 8:57pm, R. Ellis made a motion to adjourn the meeting of the Select Board. This motion was seconded by C. Nordle and passed unanimously.

Respectfully submitted,

Eva Loomis

Approved on: November 4th, 2013