

WATERBURY PLANNING COMMISSION, SELECT BOARD, TRUSTEES
SPECIAL JOINT MEETING
Monday, June 8, 2015

Planning Commission: Rebecca Washburn, Chair; Mary Koen, Judi Kamien, Jeff Kampion

Village Trustees: Skip Flanders, Chair; Lefty Sayah, Natalie Howell-Sherman

Town Select Board: Don Schneider, Vice-Chair; Chris Viens, Mark Frier, Jane Brown

Staff present: Steve Lotspeich, Community Planner; Patti Spence, Secretary

Public Present: Roy Lloyd; Kathryn Grace; Matt Mientka, Waterbury Record; Anne Imhoff, Videographer

Rebecca Washburn called the Planning Commission (PC) meeting to order at 7:05 pm

Skip Flanders called the Trustees meeting to order at 7:05 pm.

Don Schneider called the Select Board meeting to order at 7:05 pm

AGENDA REVIEW

No changes to the agenda were made.

COMMENTS FROM THE GENERAL PUBLIC

Kathi Grace stated that going back to the March 30, 2011 flood hazard area regulations (see option #3 below) does the community a disservice. The fill issue and submittal requirements for Village residents are not addressed in this version and these issues need to be part of the new or revised regulations. There is a voice for the developers at these meetings even though they are not present.

DISCUSS WATERBURY FLOOD HAZARD AREA REGULATIONS

Steve Lotspeich presented the following options moving forward:

- 1) Create draft Flood Hazard Area Regulations using the previous Interim Flood Hazard Area Regulations, either as they were drafted and approved on May 21, 2012, or modify with changes.
 - a. Discuss whether to continue with up to 0.25' increase in BFE allowed or modify to require that no net rise in BFE is allowed, as a result of development.

Pros: Generally manageable to administer & well tested after Tropical Storm Irene.

Cons: Do not address issues such as the flood modeling by Milone & MacBroom, and protecting historic buildings that are substantially damaged/improved from further flood damage.

- 2) Modify previous proposed amendments to the Flood Hazard Area Regulations to address areas of concern such as:

- a. whether to continue to require no net rise in BFE or modify to a certain amount of increase allowed such as 0.25' rise in BFE allowed as a result of development.
- b. the extent of the requirement to elevate the lowest floor of new and substantially damaged/improved non-historic buildings, such as BFE plus 1', BFE plus 2', or 500 yr. level.
- c. how to handle the review of historic buildings with the following options:
 - i. a full exemption from the substantial damage/improvement requirements,
 - ii. a partial exemption, if allowed by FEMA, that would not require elevating building but would have other requirements such as elevating utilities and floodproofing foundations,
 - iii. a variance process from the requirement to elevate the building with conditions including the requirement that the utilities be elevated and the foundation be floodproofed,

Pros: Would address issues of flood modeling by Milone & MacBroom, and protecting historic buildings that are substantially damaged/improved from further flood damage. May help boost the value of properties located in the floodplain and reduce flood insurance premiums for improved buildings. The Town and Village would receive more points toward a higher rating under the Community Rating system.

Cons: Some provision of the amendments are untested in Waterbury and may have negative economic impacts.

- 3) No Action: Keep the current March 30, 2011 Flood Hazard Area Regulations in place.

Pros: Little further action required on the part of the Planning Commission and elected officials.

Cons: These regulations were difficult to administer after Tropical Storm Irene, in part because most applications require action on the part of the Development Review Board and very few can be reviewed administratively by the Zoning Administrator.

DISCUSSION

1. Don Schneider asked how other communities have addressed the issue of elevating homes within a floodplain area. Some examples will be prepared.
2. A letter is being prepared by the Municipal Manager to be sent to lending institutions serving Waterbury, specifically addressing the issue of how they would finance improvements such as the cost of a home elevation.
3. Jeff Kampion discussed the cost of substantial improvements and how, even with financing, there is a financial hardship for homeowner's.
4. Mary Koen discussed the issue raised in 2c, above and the decision of the PC to present a variance process vs. the full exemption or partial exemption for historic structures. The Planning Commission felt that the variance option was in the best interest of the Town and Village.
5. Natalie Howell-Sherman asked if the process for the variance could be further explained so it would be clearer exactly what a property owner would have to go through to get a variance including what the submission requirements would be to document hardship in meeting the review criteria, especially the requirement to elevate buildings that are

- substantially improved.
6. We need to further explore the practical application of the variance requirement.
 7. Judi Kamien challenged the group to set a process with a timeframe to get revised regulations in place. She feels it is unfair to the Village and Town to be under the current March 30, 2011 regulations.
 8. Becca Washburn was planning on the PC discussing the primary areas of concerns at tonight's meeting and to then set the timeline on how to move forward with the Select Board and Trustees. However with the combined meeting going on the PC will address this at their next meeting.
 9. Skip Flanders contributed that the Trustees were supportive of
 - a. no net increase in the BFE
 - b. new development should be in compliance with the review criteria, possibly with an adjustment to the requirement to elevate to the 500-yr. level.
 10. Lefty Sayah offered that making some adjustments to the interim regulations would be acceptable to him for the short-term.
 11. Jane Brown attended a meeting regarding historic structures at the recent Downtown and Historic Preservation Conference which turned out to be more specific in terms of examples than broad in offering information that would be helpful to our current need. In dealing with historic buildings there are many solutions and the bylaws should be flexible enough to allow for consideration of different solutions.
 12. Kathi Grace has concerns with the submittal process which is not addressed in the current March 30, 2011 regulations. The Interim regulations that have expired have stronger submission requirements including having a certified engineer which the developer needs to bring to the process
 13. Chris Viens asked how the no net increase to the BFE is determined in relationship the whole floodplain area. The calculations are based on the cross-section of the entire floodplain however there needs to be a determination that the BFE for the nearby structures is not raised.
 14. Mark Friar offered that the life expectancy of utilities may be shorter than the frequency of flooding that could damage or destroy those utilities. The investment by a homeowner in raising the utilities needs to take the uncertainty of when the next flood would occur into consideration.

Steve Lotspeich was asked to review the process for moving forward with the next set of draft amendments. It is at least a 3-month process once consensus is reached on how to move forward.

In a rewrite of the regulations, it was suggested that the PC split substantially damaged and substantially improved properties. In the federal statute, the review criteria are tied to substantial improvement and not to substantial damage.

The Planning Commission will deliberate at their next meeting on what they will support and request to be adopted and what the timeframe will be. Two members of the community asked for this to be sooner than later as new construction is being proposed and the existing regulations allow an increase to the BFE.

At 9:18 pm the Trustees adjourned their meeting.

At 9:18 pm the Select Board adjourned their meeting.

Respectfully submitted,

Patti Spence
Secretary

These minutes were approved on * July 6, 2015 *