

**WATERBURY PLANNING COMMISSION, SELECT BOARD, TRUSTEES**  
**SPECIAL JOINT MEETING**  
**Monday, November 23, 2015**

Planning Commission: Rebecca Washburn, Chair; Mary Koen, Judi Kamien, new member Sarah McShane

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

Town Select Board: Chris Nordle, Chair, Don Schneider, Jane Brown

Staff present: Steve Lotspeich, Community Planner; Patti Spence, Secretary; Bill Shepeluk, Municipal Manager

Public Present: Kathryn Grace, Pete Martel, Kathleen Daye, Zoe Gordon, Jason Gibbs, Todd Pudvar, Jen Lane

Skip Flanders called the Trustees meeting to order at 6:49 pm.

Chris Nordle called the Select Board meeting to order at 6:49 pm

**SELECTBOARD AGENDA REVIEW**

Don Schneider moved and Jane Brown seconded the motion to approve the agenda as presented. The motion passed unanimously.

**INTERVIEW FOR OPEN POSITION ON THE PLANNING COMMISSION**

6:50 p.m. - The interview of Planning Commission applicant Sarah McShane took place. The open term on the PC expires 4/1/2017.

**MOTION:**

Jane Brown moved and Don Schneider seconded the motion to appoint Sarah McShane for the open Planning Commission position, expiring April 1, 2017.

**VOTE:**

The motion passed unanimously.

Rebecca Washburn called the Planning Commission (PC) meeting to order at 7:04 pm, welcoming new member Sarah McShane to the Commission.

**PC AGENDA REVIEW**

Mary Koen asked that the agenda item at 8:30 pm be moved up to 7:45 pm so Chris Nordle could participate prior to leaving the meeting for another commitment.

**COMMENTS FROM THE GENERAL PUBLIC**

Kathryn Grace presented a letter to the Planning Commission regarding the proposed amendments to the Flood Hazard Area Regulations. The letter is attached to these minutes.

**DISCUSS WATERBURY FLOOD HAZARD AREA REGULATIONS, DRAFT #2**

Rebecca Washburn introduced the discussion. The Commission felt that after the public hearing on Nov. 9, which had good attendance, that the majority of the discussion was based around the proposed regulation requiring that new buildings must be elevated so that the lowest floor is at

least one foot above the 0.2% chance flood (500-year flood level). This exceeds the federal minimum standard that requires that new buildings be elevated to at or above the 1.0% chance flood (100-year level).

The following comments were made:

Skip Flanders:

1. Thinks that the "substantial damage" definition should be further clarified that it is the value of the "structure" and does not include the land.

Chris Nordle:

1. Expressed concern that the definitions that are federally regulated not be changed in substance but just further clarified.

Skip Flanders:

1. Regarding elevating utilities, further clarify the details about the components of the utilities and electrical system to allow more flexibility.
2. The specific part of "the plumbing components" should be clarified.
3. Focus on costs related to improvements in section D, page 9, where elevating utilities is required.

Chris Nordle:

1. Concern with prohibiting any rise in base flood elevation (BFE) and requiring elevating buildings a certain amount above the BFE that exceeds minimum FEMA standards.
2. Variance section - Page 16, Section 610(b) - add "the requirements in VSA section 4469(a) do not apply to the review of variances for the substantial improvement of historic structures."
3. Section 610(a) - concerned that the draft language exceeds the Federal standards for variances in 44 CFR, Section 60.6(a) and any variances approved under the stricter standards would not hold up under appeal. This was clarified by the PC. Section 610(a) could be modified to add the language in Section 610(b) requiring the lesser federal review standards. what was drafted in #2 above.
4. Any additional changes to the variance language in the draft amendments should be confirmed by David Rugh with the law firm, Stitzel, Page & Fletcher.

Jason Gibbs, Project Consultant

1. Consider that new construction be two feet above the 100-yr. flood level vs. one foot above the 500-yr. flood level. This change would make projects in the 100-yr. floodplain that his client is considering for development to be economically feasible. The requirement to elevate the buildings to one foot above the 500-yr. flood level would make the projects unfeasible economically.

Planner Commission discussion:

1. Consider three feet above the 100-yr. flood level or the 500-yr. flood level vs. one foot above the 500-yr. flood level for elevating new buildings

The Planning Commission agreed to continue this discussion at their next meeting on December 14<sup>th</sup> to try and resolve the remaining issues with the proposed amendments that are contentious.

## **ACTION**

1. Steve will update the draft FHA regulations with tonight's changes.
2. Steve will provide some building lot examples with the variables of the building and the various floodplain levels – starting with the current elevation of the building.
3. Skip Flander's concerns with the clarity on utilities and "plumbing components" will be addressed at the next meeting.

## **DISCUSS PUBLIC COMMENT ON DRAFT #1 OF THE PROPOSED CAMPUS & DOWNTOWN AREA ZONING BYLAW AMENDMENTS DATED OCTOBER 19, 2015,**

1. At the public hearing the PC was asked to consider an alternative lower height to the proposed 50' maximum height limit.
2. Section 1303(a) - the maximum coverage of 30% has been a challenge for re-developing the smaller lots that were created and divested by the state.
3. Section 1303(a) - the minimum lot size of, 10,000 square feet - consider a smaller lot size.
4. A question was raised to consider how much of the building could be at the 50' maximum with a flat roof. There is no restriction on this but there is a design standard that would set a discretionary visual standard that is applied by the Development Review Board.

## **MOTION:**

Judi Kamien moved and Mary Koen seconded the motion to approve Draft #1 of the Campus & Downtown Area Zoning Amendments, dated October, 19, 2015, with the following changes

1. The minimum lot size be changed from 10,000 to 6,000 square feet. (Section 1303(a))
2. The maximum coverage be changed from 30% to 40%. (Section 1303(a))

VOTE: The motion passed unanimously

## **ADJOURNMENTS**

The Select Board portion of the meeting adjourned at 8:15 pm when they no longer had a quorum.

The PC meeting was adjourned at 9:20 pm

The Trustees meeting was adjourned at 9:20 pm

Respectfully submitted,

Patti Spence  
Secretary

Attachment: Letter from Kathryn Grace

Approved on: December 14, 2015