

**Public Hearing on Flood Hazard Area Regulations and  
Joint Meeting of the Waterbury Select Board and Village Trustees  
Steele Community Room  
28 North Main Street  
Waterbury, VT  
April 25, 2016**

Present: P. Howard Flanders, Village President; Natalie Sherman, Trustee; Don Schneider, Select Board Chair; Jane Brown, Mark Frier, Chris Nordle, and Chris Viens, Select Board; Steve Lotspeich, Community Planner; William Shepeluk, Municipal Manager; Stanley Blow, Waterbury Record; and Denise McCarty, Board Secretary.

Public: Kathryn Grace, Diane LaRock, Mike LaRock, Kathleen Daye, Zoe Gordon, Becca Washburn, Everett Coffey, Jason Gibbs, Wayne Lamberton, Mary Koen, and Ken Belliveau.

**The Waterbury Select Board Chair and Village President opened the Public Hearing on Draft #4 of the proposed Amendments to the Flood Hazard Area Regulations Dated April 4, 2016 for Public Comment at 6:00 pm.** The purpose of the proposed amendments is to address flood resiliency issues following the impacts of Tropical Storm Irene and to protect and provide for the health, safety, and general welfare of the Town and Village of Waterbury.

S. Lotspeich reviewed the Planning Commission report and the changes to the zoning amendments for flood hazard area regulations.

K. Grace would like to make sure that the variances are specific to historic structures and not to all development. K. Grace asked a question about if the changes would pertain to subdivisions on less than 5 acres of land. She also asked if it would pertain to a structure built on the land or just if it was an existing historical home and is damaged and you want to repair it. K. Grace asked if you would need to get a professional engineer and if there are professional regulations to be followed. The answer is yes, there are professional regulations to be followed that set out the minimum federal and state requirements.

K. Grace thanked the Planning Commission on their many years of effort and time that they spent to resolve issues related to the flood and rebuilding of Waterbury.

No other public comments were given at this time.

**D. Schneider, Select Board Chair and the P. Howard Flanders, Village President closed the public hearing at 6:18 pm.**

**Open the Joint Meeting of the Select Board Meeting and the Village Trustees Meeting**

P. H. Flanders called to order the Village Trustees at 6:20 pm.

D. Schneider called to order the Select Board Meeting at 6:20 pm.

**Consider any amendments to Agenda**

**P. Howard Flanders moved to approve the agendas as presented. Approve Chris Nordle, seconded the motion. The motion was voted on and approved unanimously.**

C. Nordle offered his perspective on Draft #4 of the proposed Amendments to the Flood Hazard Regulations, dated April 4, 2016. He feels that the Selectboard used due diligence to review and revise to meet the minimum national standards. With this said, he would rather go back to Draft #3 of the proposed amendments as he preferred the variance component in Draft #3 more and he would like to just adopt the federal standards.

Discussion followed regarding a legal opinion that was given regarding this matter. K. Grace stated that she would only like to see the variance process used for substantially damaged property. She feels that variances have been abused in the past. Also discussed in the flood hazard area only is that the State does not have the legal authority to overrule a Town's variance standards as long as it meets the federal minimal standards requirements. The State does not have a role in approving, modifying, ratifying, standards that a Town imposes.

K. Grace asked to know what the 5 variance requirements for the State applications for non-flood areas are. S. Lotspeich reviewed the 5 variance requirements. K. Grace asked what would be a substantial change and to what the variance applies. She would like to know if it pertains to historic structures or just property/land.

For clarity and an attempt to answer K. Grace's questions, S. Lotspeich reviewed part of Draft #3 dated December 14<sup>th</sup>, 2015:

(a) Variances

Variances from the requirements of this Article for development other than for the substantial improvement of historic structures located in Special Flood Hazard Areas shall only be granted by the Development Review Board if the development conforms with the following provisions: 24 V.S.A. Chapter 117 § 4469 and the criteria for granting variances found in 44 CFR, Section 60.6(a) of the National Flood Insurance Program regulations, which are hereby adopted by reference and declared to be part of this Article. The requirements of 24 V.S.A. Chapter 117 §4469(a) do not apply to the review of variances for the substantial improvement of non-historic structures.

Discussion followed. Steve Lotspeich stated that modifying review criteria is a substantial change versus an editorial change and for the purpose of new applications, Draft #4 would be in effect until a different draft was approved. He stated that the Select Board and the Trustees could not merge to different drafts and approve them at this meeting. They would need to approve a Draft #5 that incorporates Drafts #3 and Drafts #4 and would need to warn another meeting. Warning another meeting would be a minimum of 15 days.

Mike LaRock asked what the end goal was with Draft 3 versus Draft #4. The answer was that it was a compliance issue and the Town and Village are trying to comply with the minimum federal requirements while incorporating their own requirements.

**C. Nordle moved to amend Draft #4 to change Section 604 (4) (d) second to last line, to change 3 feet to 2 feet and amend section 610 entitled Variances so that it reads the same as Draft #3 and to warn a public hearing for May 16<sup>th</sup> at 6:00 pm. The motion was seconded by C. Viens and passed unanimously.**

**N. Sherman made a like motion on behalf of the Trustees. The motion was seconded by P. H. Flanders and passed unanimously.**

**Adjourn**

**M. Frier moved to adjourn the Select Board Meeting at 7:20 pm. The motion was seconded by C. Nordle and passed unanimously.**

**N. Sherman moved to adjourn the Trustees Meeting at 7:20 pm. The motion was seconded by P. H. Flanders and passed unanimously.**

Respectfully submitted,

Denise McCarty  
Board Secretary

Approved on: May 2, 2016