

**WATERBURY PLANNING COMMISSION
SPECIAL MEETING
Wednesday, January 5, 2011
Approved Minutes**

Members: Darren Higgins, Chair; Joel Baker; Rebecca Washburn; Kane Smart; Craig McKenzie; Jeff Whalen; Jason Wulff
Staff: Stephen Lotspeich, Alena Schnarr, Patti Spence
Public: (See list at end of minutes.)

Darren Higgins opened the meeting at 7:05 pm at the Thatcher Brook Primary School library.

PUBLIC HEARING ON THE DRAFT FLOOD HAZARD REGULATIONS

Darren Higgins opened the public hearing on Draft #1 of the proposed Amendments to the Flood Hazard Area Regulations and related Zoning Amendments, dated November 17, 2010.

Steve Lotspeich gave a summary of the need for regulations and the reason they are being revised. The following comments on the draft regulations were made:

Lefty Sayah, resident, suggested that improvements to existing structures should be distinguished from repairs.

PC response: "Substantial improvement" is in the Definition article in the current bylaw. The word "substantial" should be added to the wording on page 3 and in the chart.

John Farr, resident, asked about agricultural structures.

PC response: The regulations do apply to agricultural structures in terms of enforcement. A structure added to an agricultural building that would be lived in would need to be reviewed. State statute requires that an agricultural structure proposed in the floodplain be reported to the State. These proposed amendments do not change that. The required change addresses violations of the State requirement. Perhaps we should clarify the exemptions in Article 6 and define "farming" and "agriculture structures" in the Definitions article.

Kathy Grace, resident, asked about the definition of development in the floodway.

PC response: The State told the PC that we should add this new language to the term. The definition itself has not been changed.

Rebecca Ellis, resident, said, regarding agricultural structures, that Section 400(f)(10) addresses the exemption issue. It appears that agricultural structures proposed in the floodplain have to meet the minimum federal standards but that a permit has to be applied for through the state.

PC response: We have been told that when such structures are applied for, the application has to go to the state Department of Agriculture before being passed on to the state Agency of Natural Resources (ANR), where it will be reviewed. It won't be reviewed locally.

Various residents suggested that the PC tighten up language on agriculture and farm structures.

A resident asked whether the chart on page 3 was in our current flood regulations.

PC response: No, it is new.

Kathy Grace wondered whether these regulations addressed the following situation: development on an adjoining landowner's higher-elevation property (that is not in the flood hazard area) allowed water to flow onto his/her lower-elevation neighbors.

PC response: No; these regulations only deal with properties that are in the flood hazard area. But this kind of situation would be assessed under existing regulations, such as those for stormwater runoff.

There was a question about Section 604(f)(1), on page 5, which deals with rebuilding a damaged structure.

PC response: This statement is under nonconforming structures (refers to the fact it is in the floodplain).

Gunner McCain commented on page 3, #5 in the activity matrix, wondering why additions to existing structures that are in the floodway were allowed.

PC response: This could apply to second floor addition or some type of addition not using fill – so it could be a vertical addition.

The draft Flood Insurance Rate Maps were discussed. The new mapping overlay is different and there are many new properties on South Main Street and U.S. Route 2 that have been added into the flood hazard area; on the other hand, some that were included before have come out. Approximately 35 properties are moving in and 10 are moving out based on the new mapping..

The State representative on this issue, Ned Swanberg, has agreed to meet to discuss this mapping issue. The plan is to gather as much existing elevation data as possible from prior projects, such as the Main St. Reconstruction Project, and compare that data with the new mapping.

A resident asked about the cost difference in flood insurance with or without the discount having approved flood hazard area regulations provides.

PC response: Having regulations in place lowers costs by approximately 50%.

Next steps were discussed. Planning staff will post updates to the town website: www.waterburyvt.com.

The public hearing was closed at 8:15 pm.

PUBLIC HEARING ON ESTABLISHING A DEVELOPMENT REVIEW BOARD (DRB)

Darren Higgins opened the public hearing on Draft #1 of the proposed Zoning Amendments for Establishing a Development Review Board, dated December 1, 2010, at 8:25 pm.

The regulations that would be changed/added to establish a Development Review Board (DRB) were discussed. A DRB would handle all development reviews for both the Village and Town.

The draft regulations has the Select Board appointing the members of the DRB. A concern was raised that this diminishes the authority of the Trustees who currently appoint Village ZBA members. The draft resolution that will establish the DRB includes language that initially a certain number of the DRB members would be from the Village ZBA, the Town ZBA, and the Planning Commission.

Everett Coffey wanted to have it in the minutes that Everett Coffey and Lefty Sayah are speaking tonight as residents, not as the Trustees.

It was stated by both Karen Miller, a member of the Select Board, and Steve Lotspeich, Community Planner, that the goal for the new board is to have diverse range of committed and capable applicants. The Planning Commission has always included a mix of members from the Village and the Town outside of the Village. There would not be a specific residency requirement, but it is being considered that all DRB members would need to be either residents of the Town (including the Village) or own property in the Town.

Based on the current proposed resolution, the DRB would be established on May 1, 2011. Because this is going into the busiest time of year, an earlier start may be better. The effective date of the zoning amendments is 21 days after the approval by the elected officials. The Planning Commission can make any changes to the draft regulations after the public hearing. The Select Board and Trustees have to hold at least one public hearing on the draft regulations.

The public hearing was closed at 9 pm.

APPLICATION 32-10-T, WARREN NELSON

The applicant asked that the review for the Planned Unit Development Review for a four-lot residential subdivision located at 2320 Blush Hill Rd. be continued for another month. He has done his wetland delineation.

It was agreed to continue application 32-10-T to February 2, 2011, at 8:30 pm.

ZONING ADMINISTRATOR'S REPORT

The following report was presented and discussed:

<u>PERMIT #</u>	<u>APPLICANT/Owner</u>	<u>Location & Project</u>	<u>ACTION/Resolution</u>
VILLAGE			
37-10-V	Carbone Designs/Carol O'Neill	92 Stowe Street [SIGN]	Approved
38-10-V	RL Vallee	758 W-Stowe Rd [SIGN]	Approved
40-10-V	Alchemy Brewing/Jeff Hachmann	35 Crossroads [Cannery & Retail Shop]	Approved
41-10-V	Pilgrim Partnership LLC	59 Railroad St [Request to move Bldg]	Variance DENIED

TOWN

64-10-T	Lafayette, Rolland, Mike & Mark	Blackberry Lane [3 Lot line adjustments]	Approved
65-10-T	Talbot, Deb	100 Tayer Lane [Commercial Office Addition]	Approved
66-10-T	Fisk, Shane & Cathy	119 Metayer Ct [Shed]	Approved
67-10-T	Bartnick, Andrew	208 Snow Hill Rd [Shed]	Approved
68-10-T	Merk, Toby	122 Barnes Hill Rd [Accessory Apt]	Approved
69-10-T	Center Chains Golf Club/Town of Wtrbry	116 Maple St [Kiosk/Sign]	Approved
70-10-T	Reed-Walker Realty	Route 100 [Shed]	Refer to PC
71-10-T	Brady, Charles	247 Beaver Pond [Apt]	Approved
72-10-T	Baker, Joel	1930 W-Stowe Rd [Sign]	Approved
73-10-T	Arnot Development	Coopers Landing {House}	Approved

ENFORCEMENT

<u>Action</u>	<u>Name</u>	<u>Location/Description</u>	<u>Resolution</u>
Appt Steve as Acting ZA for Gaila Perry [Alena will recuse herself due to conflict of interest as adjacent landowner]		2 Winooski St {Daycare not permitted}	Pending
Letter	Thomas Amatulli	1024 W-Stowe Rd [Sandwich Boards]	Pending
Letter	Pilgrim Partnership	Property adjacent to Railroad off of Demeritt Place [Fill in the floodplain]	Pending

Some discussion ensued regarding the regulation and enforcement of the sign bylaws.

PLANNER'S REPORT

1. The 60 LED street lights have all been installed by Green Mountain Power and are working well.
2. The library project is underway to get the land exchange for the site through the state and the U.S. National Park Service.
3. Steve. Lotspeich attended a Green Mountain Transit meeting about a new short-range transit plan for the region; GMTA is being merged with CCTA.
4. The Green Mountain Byway meeting is tomorrow, 1/6/11.

DISCUSS DRAFT SUBDIVISION REGULATIONS

The next subcommittee meeting is planned for January 12, 2011, at 7:30 pm.

ADJOURNMENT

The meeting adjourned at 10:00 pm

Respectfully Submitted,


Patti Spence

**THESE MINUTES WERE APPROVED ON January 19, 2011 **

Attending public hearing on 1/5/11

NAME	PHONE
Donna Centonze	244-8055
Jack Centonze	244-8055
Lawrence Sayah	244-8871
Rebecca Ellis	244-5687
Chris Preston	253-2101
Frances Trask	244-7750
Kathryn Grace	244-6419
Jeffrey Larkin	244-5060
David Rogers	244-7928
Everett Coffey	244-8951
Clement Noel	279-7815
Justine Barup	760-8004
Stephen VanEsen	244-4502
Gunner McCain	244-5093
Linda Farr	244-8748
John Farr	244-8748
Diane Sherman	202-549-1962
Bob McLeod	244-6604
Sophie Grigg	793-6425
Karen Miller	

