

WATERBURY PLANNING COMMISSION
SPECIAL MEETING
APPROVED MINUTES
Monday, October 28, 2013

Members present: Becca Washburn, Chair; Ken Belliveau; Mary Koen; Jason Wulff

Staff present: Steve Lotspeich

Public: Sacha Pealer; Kathi Grace; Darren Winham; Carol Miller; Bill Minter

The meeting was opened at 7:04 p.m.

FLOODPLAIN MANAGEMENT PROGRAM

Sacha Pealer with the Vt. Dept. of Environmental Conservation gave an overview of various aspects floodplain management and regulation. She explained the different areas of the mapped floodplain including the flood fringe, the floodway, and the stream/river. The floodway is the area that will be elevated one foot if the rest of the floodplain is filled in. With a mortgage you have about a 27% chance of having a 100-year flood in the course of a 30-year mortgage. The northeastern US has experienced about a 67% increase in severe flooding events over the past 50 years. This is a significantly higher increase than the increase experienced by the rest of the country.

Community participation in the National Flood Insurance Program (NFIP) includes several programs including insurance, the Hazard Mitigation Grant Program (HMGP), and the Public Assistance Program. The regulation of development in the 100-year floodplain applies to many different kinds of human improvements. Residential development is regulated differently than non-residential development. New buildings have to be elevated above the base flood elevation (100-year flood level). Substantial improvement of structures triggers requirements including elevating the building, with the exception of historic buildings which are exempt from many of the minimum regulatory requirements. Substantial damage also triggers these requirements.

The minimum NFIP standards include no new encroachment being allowed in the floodway. Fill and construction is allowed by the minimum federal standards. Waterbury does go beyond the minimum federal standards including the amount of freeboard above the base flood elevation, no new basements, and the requirement for Certificates of Completion. All fuel tanks have to be anchored or buried. Cumulative substantial improvement is calculated over a period of three years. There are other higher standards that go beyond the federal minimum standards that the Waterbury regulations do not include such as not allowing critical facilities in the SFHA or 500-year floodplain. The state models #3 and #4 include fluvial erosion hazard (FEH) review standards. No adverse impact standards for the FEH can be included for development in the SFHA.

The Community Rating System (CRS) credits communities that go beyond the minimum standards. Only about 6% of communities in the country participate in the CRS. These tend to be the high risk communities. Two thirds of flood insurance policies are in communities that participate in the CRS

It is estimated that 60-70% of the flood damage in Vermont takes place outside the mapped flood hazard area. Flood Insurance Rate Maps do not take into account factors such as worse case storms and stream

reach areas that aren't mapped.

Streams and rivers are very dynamic and the river corridor protection area is also called the fluvial erosion hazard (FEH) area. If these areas are regulated then no structures are allowed to be constructed within the FEH areas. The state is encouraging communities to use both the SFHA and the FEH. In Williston no development is allowed in the SFHA and the FEH.

The Emergency Relief and Assistance Fund (ERAF) is part of the FEMA assistance programs. A 25% match is required for the federal FEMA grants and the match is split between the state and the local recipient. The new ERAF rules will come into effect in October, 2014. Local governments will be able to reduce their share by adopting an increased level of regulation and programs such as CRS participation. There are four requirements for local governments in order to have a local share of 12.5%. The state share will be increased to 17.5% and the local share is reduced to 7.5% if the community participates in the CRS.

There is a flood resiliency element that will be required for Municipal Plans being approved in 2014.

Sacha Pealer passed out literature on the various FEMA programs. She will make her Power Point presentation available as well. She will make the state models available for discussion. She offered to assist the Planning Commission with drafting new flood hazard area regulations. State flood hazard review is required for all new development and substantial development. The current requirement for a state Project Review Sheet in the submission requirements needs to be looked at by the Planning Commission in re-drafting the flood hazard area regulations.

DISCUSSION OF MUNICIPAL PLAN RE-WRITE

The comments on the Municipal Plan from Carol and Karen Miller were passed out. Judi Kamien's e-mailed comments were also distributed. Steve Lotspeich and Becca Washburn gave an overview of the public hearing and review process that is now in the hands of the Select Board and Trustees. The Planning Commission is now in an advisory role and will have the opportunity to comment on any substantive changes to the draft Plan. At their public hearing on October 21st, the Select Board requested that the Planning Commission review the comments from the public hearing including those from Carol and Karen Miller and recommend how those comments should be addressed in the draft Plan.

Carol Miller is concerned that the Waterbury Area Development Corp. and the Economic Development Strategic Plan that they are developing is outside the regular municipal planning process overseen by the Planning Commission. Becca Washburn mentioned that other groups such as the Waterbury Local Energy Action Partnership (LEAP) develop plans on their own that are taken into consideration in the overall municipal planning process. In considering those plans there are many caveats in how they impact the community planning process. Darren Winham said that the Economic Development Strategic Plan will have to be approved by the Select Board. Darren's consultant contract outlines this process. Carol's concern is that this process bypasses the Planning Commission and their role. Mary Koen said that the Municipal Plan needs to be taken as a whole and the various chapters should not be viewed in isolation from each other. Jason Wulff said that there is a desire to diversify the type of businesses in the Town and Village. We are currently very dependent on a small number of large businesses such as Green Mountain Coffee Roasters and Ben & Jerry's that currently dominate our local economy.

It seems like that there is not disagreement about the general economic development goals but some of the

current language in the draft chapter seems inconsistent with those goals. It was agreed that a balanced approach is needed. Darren Winham indicated that he will forward the comments from Carol and Karen Miller along with any changes to the chapter recommended by the Planning Commission, to board members of the Waterbury Area Development Corp., and will ask them to submit comments to the Select Board and Trustees at their public hearing on November 4th.

Bill Minter expressed his concerns regarding land use and the implementation of the Plan through the Zoning Regulations. Bill feels that the regulations allow a large parcel of land to be developed incrementally without going to the Development Review Board initially, in cases where one or two new lots are subdivided initially. Bill feels this is an unintended consequence of how the Zoning Regulations are written and doesn't necessarily reflect the goals and objectives in the Municipal Plan. This issue may be more appropriately addressed when the Zoning Regulations are re-written starting in 2014. Bill would like to see a master planning process for subdivisions take place up front and be permitted from the beginning in accordance with the Plan. Bill expressed his view that the Land Use chapter supports master planning development and this needs to be reflected in the Zoning Regulations, especially in the Subdivision chapter.

The use of the word "streamlining" in relationship to the Zoning Regulations was intended to mean that the regulations need to be clearer and better organized. The word "streamlining" can be interpreted as just making development easier to accomplish.

Balancing the need for diversifying the types of businesses needs to be tempered with language regarding maintaining the rural character of the surrounding areas.

When statistics from the Community Survey are referenced in the text they are the stats from the responses from the random sample. This should be mentioned in the Introduction chapter. Carol Millers suggested edits to the Introduction were reviewed and edits to recommend to the Select Board and Trustees were agreed on by the Planning Commission.

The suggested changes to Local Economy chapter from Carol Miller were discussed in light of Judi Kamien's written comments in her e-mail (Judi was not able to attend this meeting). Karen Miller's written comments on this chapter were also taken into consideration. The Planning Commission noted changes to the text of the chapter that they will recommend to the Select Board and Trustees for consideration at their next public hearing on November 4th.

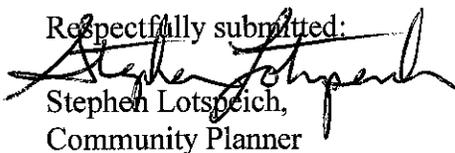
NEXT MEETING:

The next Planning Commission meeting will be held on November 11th.

ADJOURNMENT

The meeting was adjourned at 10:20 pm.

Respectfully submitted:



Stephen Lotspeich,
Community Planner

These minutes were approved on November 25, 2013.