

**WATERBURY PLANNING COMMISSION**  
**APPROVED MINUTES**  
**Monday, February 23, 2015**

Planning Commission Members present: Rebecca Washburn, Chair, Ken Belliveau, Mary Koen, Jeff Kampion

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

Guest: Chris Viens, Select Board

The meeting was opened at 7:05 pm.

**AGENDA REVIEW**

There were no changes made to the agenda.

**COMMENTS FROM THE GENERAL PUBLIC**

There were no comments from members of the general public.

**FLOOD HAZARD AREA REGULATIONS - RE-WRITE**

A review of the joint meeting with the Select Board was discussed. Some of the issues were as follows:

- There has not been enough communication with the public around the possibility of regulating the 500-year floodplain. The public needs to be educated around issues of climate change and increased levels of flooding.
- There is not enough data at this time to support the regulating the 500-year floodplain. Are we ready to move forward with this at this time vs. staying with regulating just the 100-year floodplain and continuing to explore new mapping for the 100-year floodplain that reflects increased levels of flooding.
- The standards that would apply to the 500-year floodplain are unclear and do not have history to back them up, leaving to much room for interpretation and possible legal challenges.

Objectives identified:

- Finalize the matrix for use at the public hearings.
- Plan for public outreach.

The draft regulations were reviewed and need to be approved prior to scheduling the Planning Commission's public hearing.

A discussion took place regarding the use of the references to Base Flood Elevation (BFE). It was noted that in the draft, BFE alone can be used every time after it is written out in full the first time. The draft regulations and matrix both use the reference to BFE and Steve feels this needs to be consistent in the two documents. Rebecca suggested that we develop some scenarios to use in the public forum/s that will help the public to understand what the BFE is and how it applies in various situations. It was agreed to include our current definition of BFE in the draft amendments for clarity.

The commissioner's discussed whether the draft regulations for the 500-year floodplain should be taken off the matrix. Should the reference be to a freeboard level above the 100-year floodplain that mathematically is the same number of feet as it would be above the 500-

floodplain? Steve shared that the difference in elevation between the 100-year and 500-year floodplain varies based on location so it may make more sense to use the 500-year floodplain as the benchmark since this elevation is likely to become the 100-year floodplain elevation as areas are re-mapped using recent flow data and flood modeling. The benchmark for freeboard needs to be one that will pass the approval of the residents, the Trustees and the Selectboard. It was agreed by a majority of the commissioners to stay with the language as currently drafted. It was also agreed that the explanation of this issue needs to be clear when it is presented to the public.

Updates to make to the draft regulations were agreed on as follows:

1. page 2 of Report, take out the last bullet item
2. page 3 of Report, add Goal #2 for the Housing Chapter in the Municipal Plan
3. page 7 of the draft amendments, #6 - modifications have been made from previous input
4. page 7, take out #9 regarding fill in the 500-year floodplain
5. page 7, #10E)(i) - reference to 500 sq. ft. accessory structures should be smaller - agreed at 200 sq. ft.
6. page 11, regarding variance review, Section 308(b) may need to be amended to be sure there is no conflict for historic structures - discussed using the words "reviewed for this project" instead of "met for this project" - there could be a conflict here when a structure is getting a variance. Mary requested a legal opinion regarding the current language and whether it needs to be amended.
7. page 13, definition regarding filling in basements - keep 5,000 square feet and above as the threshold for requiring engineering review

**ACTION ITEMS (from 2/09/15):**

1. Ask Roy Schiff about additional modeling for the potential impact of filling in basements.
2. A new map is going to be needed delineating the 500 yr. floodplain since the existing FEMA Flood Insurance Rate Map (FIRM) is based on limited topographic information and the mapping of the 500-yr. floodplain is not adequate. That makes the map that Milone and MacBroom has produced the best map the Town currently has access to for the 500-yr. floodplain in the Village of Waterbury. What is the recommendation for a new map?
3. Find out if the municipality has the legal authority to regulate the 500-year floodplain?
4. Follow up on page 7 (6) regarding historic structures and whether Section 308(b) needs to be amended - get legal advice/opinion.

**MOTION:**

Ken Belliveau moved and Mary Koen seconded the motion to approve the Amendments to the Flood Hazard Area Regulations, including the Introduction and Report, dated February 23rd, as modified tonight, and to hold a public hearing on these Amendments on March 23, 2015 at 7pm at the Fire Station located at 43 S. Main St.

**VOTE:** The motion passed unanimously.

The next meeting on March 9th will focus on the finalizing the matrix.

**ADJOURNMENT**

The Planning Commission meeting was adjourned at 9:30 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Patti Spence".

Patti Spence  
Secretary

These minutes were approved on March 9, 2015.

