

**WATERBURY PLANNING COMMISSION**  
**APPROVED MINUTES**  
**Monday, April 13, 2015**

Planning Commission Members present: Ken Belliveau, Acting Chair; Jeff Kampion, Judi Kamien, Mary Koen

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

Public: Brian Kravitz, Jessica Burrill, Stephen Odefey, Robert C. Grace, Kathryn S. Grace, Nanette Post, Scott Mackey, Matt Mientka, Alex Cawley, Don Schneider, Aaron Simmers, Lauren Simmers, Steve Van Esen, Karol Smith, Natalie Howell-Sherman, Lawrence Sayah, Jeremy Ayers, Everett Coffey, Madeline Sullivan-Drake, Karen Weston, Mark Frie, Michael Griffith, Tom McGreevy

The meeting was opened by Ken Belliveau at 07:00 pm

**PUBLIC HEARING ON DRAFT #1 OF THE PROPOSED AMENDMENTS TO THE FLOOD HAZARD AREA REGULATIONS**

The Public Hearing was opened at 7:00 pm. to consider and receive public comment on revised Draft #1 of the proposed Amendments to the Flood Hazard Area (FHA) Regulations, dated March 23, 2015.

The purpose of these proposed amendments 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. The Zoning Amendments apply to the entire Town of Waterbury including the Village of Waterbury. Ken Belliveau explained that the Planning Commission has been working for about two years developing policies for the regulations of floodplain areas and drafting amendments to the Flood Hazard Area Regulations. Steve Lotspeich gave an overview of the policies that were developed by the Planning Commission and how they are reflected in the draft amendments.

The following comments and questions were received from the public in attendance and were discussed:

1. Scott Mackey - Randall Street - Why are historic structures treated differently?

Answer: Steve Lotspeich replied that the Central VT Planning Commission was consulted on this subject. Two options are available: 1. to exempt historic structures from the substantial damage/improvement requirements, or 2. to offer a variance on historic structures; thus having those structures reviewed under the variance process where there can be conditions and requirements resulting from board review.

2. Brian Kravitz - What is the timeframe if these substantial improvement regulations are adopted?

Answer: These bylaws would apply after the next flood event or to any new construction or major renovations between now and that event. Having flood regulations allows the Town and residents to participate in the flood insurance program.

3. Regarding substantial improvement, this improvement can occur with or without damage.

4. Jeff Larkin - how do you raise the property if you can't bring fill in?

Answer: It's a challenge for some aspects, such as ADA access. Each case is different.

5. Alex Cawley - Randall Street - what is the "market value" for a property?

Answer: Market value can be determined by the tax assessment or an. Cumulative improvements are measured over 3 years.

6. Kathi Grace - S. Main Street - expressed appreciation for the work that has been done by the PC and wanted to state that she hopes that the Trustees and the Select Board will weigh this work strongly when making their decision and consider that some public comment may come from residents who have not taken part in the process over the time since Irene.

7. It was confirmed that the chart on page 5 has been eliminated due to conflicts with the text and some of the language from the chart has been incorporated into the changes in the text.

8. Anne Imhoff - does the homeowner have to make improvements prior to selling a home?

Answer: The regulations do not require improvements in this instance. Improvements may be required after a future flood event.

9. Anne Imhoff - asked about the "Choke Study" done by the consultant firm Milone and MacBroom and how this may change and then reduce the BFE. She also asked about the follow up Study that included modeling and mapping the floodplain based on the recent USGS flow data.

Answer: The mapping has been taken into consideration but these regulations in terms of the level that new and substantially improved non-historic buildings would be elevated. However the amendments still reference the current Flood Insurance Rate Maps are not based on any of the possible changes in the mapped floodplain or reductions in flood levels that might result from implementing the "Choke Study".

10. Jessica Burrill - asked for further information from what is called the "Choke Study".

Answer: The mitigation work and studies on the State property is on-going by the Central Vermont Regional Planning Commission. The study that is underway has some mapping and research information available through the Town office.

11. Madeline Sullivan-Drake - asked about flood insurance and if recovery money from insurance companies was going to help fund some of these substantial improvements.

Answer: There may be up to \$30,000 available through FEMA's increased cost of compliance program if another flood occurs and damages must be repaired. FEMA guidance documents state that damaged properties may be eligible for the increased cost of compliance funds with the proposed amendments requiring a variance process for historic buildings that are substantially improved. This apparently is not the case with the current exemption for historic structures in the definition of Substantial Improvement.

12. Mark Frier - asked if filling in basements of 5,000 sq. feet or more would the result in the requirement to do compensatory cut.

Answer: filling in basements greater than 5,000 sq ft. in size would require analysis, design, and certification by a professional engineer to determine how the building could be built to comply with the regulations.

13. Aaron Simmers - asked where to get information on maps and flood insurance

Answer: Some information is available in the Town Office or on the FEMA website. Maps that have been done in the Malone & McBroom study are public information and are available in the Town office.

14. Is there anything in the new regulations that is a change from the current regulations that would have to be done now if a property were to be sold.

Answer: No, not if the house were to sell before another flood event, unless a permit was required after Tropical Storm Irene and was not obtained. There are some discretionary things that could be done to improve property value and marketability.

15. Marty Johansson – the amendments present some challenges such as in some homes there is less flexibility in making these changes than in others - for instance, a home where moving utilities from the basement to the first level but the first level is still below the BFE or can't fit the utilities in the existing footprint of the house and an addition is required.

16. Jeff Larkin - are these draft regulations the bare minimum to keep our insurance program?

Answer: No, some of these amendments exceed federal minimum standards such as the level to which structures must be elevated and the requirement that there be no net rise in the BFE as a result of development.

17. Tom McGreevy - what qualifies a home as historic?

Answer: The home must either be a contributing structure to an historic district, or have a determination that is eligible for inclusion in the state and national register of historic places. The home must be at least 50 years old to qualify.

18. Do the regulations that exceed the federal minimum have value back to the homeowner?

Answer: The thinking in exceeding the minimum standards is to improve public safety and to model what happened in Tropical Storm Irene as being in excess of the 100 year flood level. The amendments were written thinking into the future with the impacts of climate change and the increasing intensity and frequency of major storms in our region.

19. Page 9 – Subsection 604(a)(3) may need to be clarified regarding existing fuel tanks.

The public hearing was closed at 8:36 pm.

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

1. Steve Lotspeich presented several minor changes in language recommended by Rebecca Pfeiffer, the state's Floodplain Coordinator for our region, as part of her review. The following changes to the draft amendments were agreed on:

a. page 5, section 602(a), 1st paragraph – Change language with underlined language added, to read: “This Article shall apply to all areas in the Town/Village of Waterbury that are identified as Areas of Special Flood Hazard, including Floodways, in and on the most current flood insurance studies and maps published or amended by the Department of Homeland Security (DHS). . . .”

b. page 7 & 8, - change reference on floodplain zones to add “zone A”

c. page 6 – Section 603(b)(9), administrative permit review for "subdivisions" – it was agreed that no change was needed because the language exceeds the federal minimum standard. .

2. The board discussed the concern raised regarding Subsection 604(a)(3) in #19 above, and the wording and reference to fuel tanks. No changes to the language in the draft amendments was deemed necessary.

3. Changing the level for elevating new and non-historic buildings that are substantially improved was discussed and various options were considered. It was decided that the level of the 0.2% flood (500-yr.) plus one foot is too stringent a standard and a lower standard of the 0.2% flood (500-yr.) level for elevating the buildings should be recommended.

### **MOTION:**

Mary Koen moved and Jeff Kampion seconded the motion to approve and recommend the Draft Flood Hazard Area Regulations with the agreed changes to the language in the draft dated March 23, 2015, to include the standard of the 0.2% flood (500-yr.) level for elevating new buildings and non-historic buildings that are substantially improved, and changes to Sections 602(a), and the addition of “Zone A” as noted, and to transmit the revised draft dated April 13, 2015 to the Trustees and Select Board.

VOTE: The motion passed unanimously.

**ADJOURNMENT**

The Planning Commission meeting was adjourned at 10:00 pm.

Respectfully submitted,



Patti Spence  
Secretary

These minutes were approved on \* April 27, 2015 \*