

WATERBURY PLANNING COMMISSION
APPROVED MINUTES
Monday, June 22, 2015

Planning Commission: Rebecca Washburn, Chair; Ken Belliveau; Mary Koen; Judi Kamien; Jeff Kampion

Town Select Board: Mark Frier

Staff present: Steve Lotspeich, Community Planner

Public Present: No additional members of the public were present.

Rebecca Washburn called the Planning Commission (PC) meeting to order at 7:05 pm

AGENDA REVIEW

No changes to the agenda were made.

COMMENTS FROM THE GENERAL PUBLIC

No comments were made by the general public.

ELECT CHAIR AND VICE-CHAIR FOR PLANNING COMMISSION

The open position open the Planning Commission was discussed. Re-publicizing the open position was discussed. Front Porch Forum, the Municipal website, another ad in the newspaper, and other means of publicizing the open position were suggested. Word of mouth is another good way to find suitable candidates. Letters of interest will go to the Select Board then they make the decision regarding who to appoint, usually after interviews are conducted. .

Becca Washburn said that she would like to step down as the Chair of the Commission. She was encouraged to stay on as the Chair, especially during the time that it takes to see the Flood Hazard Area Regulations to fruition. Becca is willing to stay on as Chair for one more year.

Ken Belliveau nominated Becca Washburn to be the Chair of the Planning Commission for a term of one year. Mary Koen seconded the motion and it passed unanimously. Mary Koen nominated Ken Belliveau to be Vice-Chair of the Planning Commission for a term of one year. Jeff Kampion seconded the motion and it was approved unanimously.

DISCUSS WATERBURY FLOOD HAZARD AREA REGULATIONS

Becca reviewed the joint meeting that was held on June 8th with the Select Board and Trustees. The three issues that are the main sticking areas are the no-net rise in the Base Flood Elevation (BFE), the review criteria for historic buildings, and the elevation level required for new and substantially improved buildings. There appears to be consensus regarding the requirement that there be no net rise in the BFE.

Mark Frier raised a concern that perhaps there could be some impact allowed to the BFE in order to allow development and re-development of properties in the 100-yr. floodplain. Steve Lotspeich expressed the viewpoint that if the Planning Commission stays with recommending the no net rise approach, it makes the most sense to start with the draft amendments that were prepared in respect to this aspect. Mark said that he thinks the Select Board would support elevating new and substantially damaged buildings to the 500-yr. level, based on the information presented by Roy Schiff of the consulting firm, Milone & MacBroom, Inc. Regarding historic structures, Mark does not think it makes sense to have a variance process to deal with elevating buildings. He thinks it may be difficult to demonstrate financial hardship, especially in a case where a property owner has resources in a retirement fund, but can't afford to invest that in their house. Regarding elevating utilities, taking the risk of repairing a utility system in place may be a wiser approach than making a major investment in elevating the utilities.

Ken said that he has a clearer understanding of where the elected officials want to go forward. Becca thinks that there is a lot of resistance to the variance process to address the review criteria related to elevating a substantially improved historic structure. Mary expressed the concern that in general, elevating a building only one foot above the BFE will not protect the structure from another storm like Tropical Storm Irene. Becca thinks that using the correct terminology to explain the proposed amendments is very important. For example, we should use the 1% chance and 0.2% chance of flooding as more accurate portrayal of reality than using the 100-yr. and 500-yr. flood. In addition, using the Milone & MacBroom study to demonstrate that the FIRM mapped 0.2% chance (500-yr.) level is actually the 1% chance (100-yr.) level.

It was agreed that if the Flood Insurance Rate Map (FIRM) is updated in the future, then the regulations can be changed or adapted to the new mapping. It was also agreed that we should not go through a Letter of Map Amendment (LOMA) process to correct the FIRM maps at this time.

It would be very helpful to have Roy Schiff re-work his floodplain map from the Milone & MacBroom study, splitting it into two maps, one showing the FIRM 1% chance (100-yr.) floodplain and the 1% chance (100-yr.) floodplain based on the USGS stream gauge data. The second map would show the 0.2% chance FIRM floodplain and the 0.2% chance floodplain based on the USGS stream gauge data.

Steve explained that the federal minimum standard requires that new and substantially improved non-historic buildings be elevated to one foot above BFE for residential structures and two feet above the BFE for non-residential structures. The variance process for substantial improvement requirements, such as elevating an historic structure, is a very high bar. The Environmental Division of the Vermont Superior Court has not upheld any variance approvals on appeal. The local approvals of variances that have been appealed to court have virtually all be overturned and not approved.

The exemption for historic structures was discussed. Mary suggested that it would take a long time to develop criteria for a variance process and it will be a difficult sell to the public and elected officials. Jeff thinks that the reality is that an alternative other than an exemption will not fly though he would like to know if a partial exemption is feasible. Ken thinks that historic

structures will have to be handled separately from other types of structures. Judy thinks that more education with the elected officials is needed and that the variance process should still be considered.

The possibility of requiring that substantially improved existing non-historic residential structures be elevated to one foot above the BFE and new residential structures be elevated to the 0.2% chance (500-yr.) level, was discussed.

It was suggested that we provide an update to the Select Board and Trustees regarding progress at their upcoming meetings. It will be important to find out if the Trustees would support a partial exemption from substantial improvement requirement for historic structures.

It was agreed to follow up on the issues that haven't been resolved, at the next Planning Commission meeting.

Next PC meeting: Monday, July 13th, 2015, at 7:00 p.m.

ACTION ITEMS FOR NEXT MEETING:

1. Invite Roy Schiff to the next joint meeting
2. Get two separate floodplain maps from Roy that clearly delineates the current FEMA 1% and 0.2% chance floodplain limits and the 1% and 0.2% chance floodplain limits that are based on the scientific/research using the USGS stream gauge data.
3. Bring some specific examples of existing and proposed residential and commercial building elevation projects.
4. Find out about partial exemptions from the substantial improvement requirements and if FEMA allows them.
5. Determine some additional educational opportunities.
6. Prepare draft amendments to present.
7. Explore whether we can separate substantial improvement and substantially damaged with the exemption provisions including voluntarily improvements vs. those required as a result of damage from an event.
8. Find pictures of communities/neighborhoods where one house may be elevated but the neighboring home is not elevated.
9. Research communities that may have more aggressive regulations since Irene or Sandy in both Vermont and out of state, such as Seabright, NJ.
10. Get a legal opinion on whether a partial exemption from substantial improvement definition is a possibility.
11. Get this topic on the agenda for the next Select Board meeting on July 6th for an update on the amendment of the flood hazard area regulations.

The PC meeting was adjourned a 9:30 pm

Respectfully submitted,

A handwritten signature in cursive script that reads "Steve Lotspeich".

Steve Lotspeich
Community Planner

These minutes were approved on * July 13, 2015 *