

WATERBURY PLANNING COMMISSION
APPROVED MINUTES
Monday, July 13, 2015

Planning Commission: Rebecca Washburn, Chair; Ken Belliveau; Mary Koen

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

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

Rebecca Washburn called the Planning Commission (PC) meeting to order at 7:00 pm

AGENDA REVIEW

No changes to the agenda were made.

COMMENTS FROM THE GENERAL PUBLIC

No general public were present.

DISCUSS WATERBURY FLOOD HAZARD AREA REGULATIONS

1. Historic Structures:

Steve Lotspeich reported on his research regarding a partial exemption for historic structures. He talked to Dave Rugh and Diane Sherman with the law firm of Stitzel, Page & Fletcher, and got their comments on the draft language for the partial exemption for historic structures that are substantially improved. This would exempt them from the development review requirements to elevate the structures. The other substantial improvement review criteria would be required. The lawyers opinion is that this is permissible under the federal statute because the partial exemption would exceed the minimum federal standard of a complete exemption.

Dave and Diane also highly recommend that we get a determination from the FEMA Region I staff regarding whether they would allow this partial exemption Rebecca Pfeiffer, the state Floodplain Coordinator for our region, is working on getting this determination from the FEMA staff for us.

Dave and Diane also provided guidance on the variance process that would still be available for the remaining development review criteria for historic structures that are substantially improved. There could be a case where a building owner feels that elevating utilities or another requirement would be onerous and the variance process would still be an available option for dealing with these other requirements. Under federal and state statute, and our proposed amendments, the bar is somewhat lower for the review of a variance request for an historic structure than for other structures.

The lawyers comments were incorporated into the revised draft regulations dated 7/13/15. They also highly recommend that we should get feedback from the FEMA Region I staff before another public hearing is warned.

Steve reviewed the language in the draft regulations relating to the partial exemption for historic structures.

Rebecca asked for confirmation and received it on the following:

1. If the partial exemption is recommended/approved the variance process still exists for historic structures for the criteria that aren't subject to the exemption.
2. If historic structures are fully exempt there would be no variance process necessary for any of the criteria related to substantial improvement.

The only exemptions proposed are Sub-sections 604(a)(6) & (7) on page 10 of the July 13th draft. The definition of substantial improvement on page 19 was reviewed. An additional change in wording of the definition was made in the last sentence where the word "elevation" was replaced by the words "substantial improvement".

Ken suggested we consider having a section specifically called "Historic Structures", even if the regulations are redundant. Rather than flipping back and forth between pages the public would have a specific section to turn to. The rest of the Commissioners support the idea of a separate section or at least call outs to highlight when "historic structures" are referred to.

Steve suggested we consider a separate "procedure" document for flood hazard area review, as they did in Richmond, VT.

It was resolved that Steve will revise the layout to call out the "historic structures". The PC will move forward with a recommendation to the Trustees and Select Board to use this draft with the partial exemption. If FEMA does not support the partial exemption then we will move forward with full exemption.

2. New Construction:

Today the regulation requirement is to elevate one foot above BFE for new residential construction and substantially improved non-historic structures. The following options for proposed elevation were discussed:

1. Substantial improvement - two feet above the 1% (100 yr.)
This would give extra protection, but not total protection for a substantial event.
The cost benefit data from the Milone & MacBroom study supports this option.
2. New Construction either
 - a. one foot above the .2% (500 yr.) or if a. not accepted then,
 - b. two feet above 1% (100 yr)

REVIEW OF MINUTES

The draft minutes of May 13, June 8 and June 22 were reviewed.

MOTION:

Mary Koen moved and Ken Belliveau seconded the motion to approve the minutes of 5/13/15, 6/08/15 and 6/22/15, as amended.

VOTE:

Passed unanimously.

OTHER BUSINESS

The schedule for a presentation by CVRPC and their consultant on the Draft Winooski and Tributaries River Corridor Plan to present at a future meeting was discussed. Check on Nov 9th with a backup of Oct 26th.

Next PC meeting: Monday, July 27th, 2015, at 7:00 p.m.

ACTION ITEMS FOR NEXT MEETING

Addressed at 7/13 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. Status: Done
3. Bring some specific examples of existing and proposed residential and commercial building elevation projects. Status: Rebecca has, to be presented at future meeting.
4. Find out about partial exemptions from the substantial improvement requirements and if FEMA allows them. Status: R Pfeiffer to submit to FEMA for reply.
5. Determine some additional educational opportunities.
6. Prepare draft amendments to present. Status: Presented 7/13/15
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. Status: Explored, eliminate.
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 Sea Bright, NJ.
10. Get a legal opinion on whether a partial exemption from substantial improvement definition is a possibility. Status: Legal opinion obtained, waiting on FEMA opinion
11. After we hear back from FEMA, get this draft of the regulations with the changes discussed tonight, on the agenda for the Select Board and Trustees, preferably as a joint meeting, date to be determined
12. Warn a Public Hearing on the new Planning Commission draft amendments, at a date to be determined.

The PC meeting was adjourned a 9:25 pm

Respectfully submitted,

Patti Spence
Community Planner

These minutes were approved on *


8/24/15

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