

WATERBURY PLANNING COMMISSION SPECIAL MEETING
Approved Minutes
Monday, November 9, 2015

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

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

Presenters: Dan Courier, Central VT Regional Planning Commission; Mary Nealon, Bear Creek Environmental; Alex Marcucci, Bear Creek Environmental

Public: Skip Flanders, Lefty Sayah, Natalie Howell-Sherman, Don Schneider, Jane Brown, Jeff Larkin, Rebecca Ellis, Anne Imhoff, Sarah McShane, John Ostrum; Joe Greene, Kathryn Grace, Steve Van Esen; Margaret Luce, David Luce, Will Bucossi, Kathleen Daye, John Grenier, Wayne Lamberton, Jason Gibbs, Zoe Gordon, Paul Reed, Missy Gorham, Randy Lague

Rebecca Washburn called the Planning Commission (PC) meeting to order at 6:30 pm.

PRESENTATION ON RIVER CORRIDORS STUDY BY BEAR CREEK ENVIRONMENTAL

The study is titled: *Mid Winooski River Watershed Phase 2 Stream Geomorphology Assessment & River Corridor Planning*. The study has been funded through an ecosystem restoration grant from the VT Dept. of Environmental Conservation. The study and this presentation were done by Bear Creek Environmental, Montpelier, VT.

An overview of the study was given. Thirty one river miles were studied including the Winooski River, Little River, Thatcher Brook, Thatcher Brook's tributaries, and Graves Brook. The recommendations in the study include requesting the state to do the actual Phase II river corridor mapping. If Waterbury develops and adopts river corridor protection bylaws that will increase the EFAF match for river protection projects from 15% to 17.5%.

The study is available at by link to the following site: <http://centralvtplanning.org/>

PUBLIC HEARING ON DRAFT #2 OF THE PROPOSED AMENDMENTS TO THE FLOOD HAZARD AREA REGULATIONS

Rebecca Washburn opened the Public Hearing to consider and receive public comment on Draft #2 of the proposed Amendments to the Flood Hazard Area Regulations, dated October 19, 2015. The purpose of these proposed amendments is 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 flood hazard area regulations for Waterbury that are currently in effect were enacted prior to Tropical Storm Irene and felt to be insufficient and outdated - post Irene.

A public meeting on these amendments was held on November 2nd. The public was invited to participate during the past year as these amendments were being written.

Rebecca introduced the discussion of the amendments by stating that the goal was to be balanced between the greatest public good (safety) and being mindful of economic costs. A map prepared

by the Waterbury office of the consultant firm Milone & MacBroom was presented. The map shows the 100-yr. and 500-yr. floodplain from the Flood Insurance Rate Maps (FIRM) and the possible future 100-yr. and 500-yr. floodplain done as part of the Milone & MacBroom study using the more recent USGS stream gauge data. No changes are being recommended at this time to the mapping on the FIRM and the proposed amendments to the regulations keep the 100-yr. floodplain on the FIRM as the area to be regulated.

Steve Lotspeich summarized the revisions in Draft #2, as handed out.

The key aspects of the proposed amendments that are recommended by the Planning Commission are as follows:

- No-net rise to the Base Flood Elevation (BFE – 100-year flood level) as a result of placing fill or other development in the floodplain. We currently allow 0.25' of rise in the BFE. This exceeds the federal minimum standard that allows up to 1.00' of rise in the BFE.
- New buildings must be elevated so that the lowest floor is at least one foot above the 0.2% chance flood (500-year flood level). This exceeds the federal minimum standard that requires that new buildings be elevated to at or above the 1.0% chance flood (100-year level).
- When non-historic buildings are substantially improved (an investment of 50% or more of the per-flood market value of the building) the structure must be elevated so that the lowest floor is at least two feet above the 1% chance (100-year) flood level. This exceeds the federal minimum standard that requires that non-historic buildings that are substantially improved be elevated to at or above the 1.0% chance flood (100-year level).
- Historic buildings that are currently listed as contributing structures to our historic districts or can be proven to be eligible to be included as federally approved historic buildings, are currently exempt from all of our criteria for the review of substantially improved structures. The draft amendments would no longer exempt historic structures from all the substantial improvement criteria but would set up a partial exemption process whereby the requirement to elevate the lowest floor of the building would be exempted under the definition of Substantial Improvement. However, other criteria would be required including either elevating utilities or making sure they are flood-proofed, and making sure that foundations and other parts of structures won't move or collapse in the event of a flood. These criteria would address a lot of the issues we had with historic structures that were damaged by Tropical Storm Irene. The federal minimum standard for substantial improvement of historic structures allows such improvements to be exempted from federal review standards including the standard that the building be elevated.
- The placement of material in basements to elevate the lowest floor for buildings with a footprint of 5,000 sq. ft. or less would be exempt from the definition and bylaws relating to the placement of fill. This meets, and in some cases exceeds the federal minimum standard that allows up to 1.00' of rise in the BFE from the placement of fill, including material that is placed in the basements of buildings.
- Compensatory storage and alternate flood attenuation methods are regulated in with exceptions for additions and accessory structures less than or equal to 200 sq. ft., underground utilities and other minor structures. This meets, and in some cases

exceeds the federal minimum standard that allows up to 1.00' of rise in the BFE from grading and the placement of fill within the 100-year floodplain.

These regulations try to avoid a situation where new development aggravates flooding for existing structures as a public safety concern. This bylaw takes the regulated area and addresses redevelopment and new building and looks to the future to make sure the building/s are safe. But new development is allowed whereas some communities do not allowing new development in the 100-yr. floodplain.

A concern was raised about the need to strike a balance between the requirement that development creates no net rise in the base flood (100-yr.) elevation and the need to develop and re-develop areas, especially in the Village of Waterbury, that are in the 100-yr. floodplain. From a civil engineering and architectural perspective, this requirement combined with the requirement to elevate new buildings to one foot above the 500-yr. flood level may be a "double whammy".

A Village resident countered that current homeowners in the Village would like to be protected from the impact of new construction and re-development. These are the concerns that the recommended amendments attempt to address.

The compensatory storage regulation, page 11, was questioned regarding the level or amount of fill or a structure would have to be compensated for. It was agreed that it is only the portion below the 100-yr. flood elevation that has to be compensated for. For many properties within the Village of Waterbury, there is no space to do compensatory storage for new development or re-development. Depending on the scenario it could be possible to find off-site areas that could be used for compensatory storage and this could be done on a large scale vs. providing the storage on the property itself.

It was asked if there could be any work done at the Ice Center to benefit the Village by making some compensatory cut there. Steve pointed out that that work would need to be done downstream from that area not on the Ice Center property which is upstream. The Milne & Mac Broom Choke Study addressed this possibility and recommended three sites for floodplain reconnection that would lower flood levels in the Village of Waterbury.

A Village resident commented that the no net rise was essential to protect Village residents.

A Village resident asked about substantial damage assessments and if these were considered within these regulations. The regulations define substantial damage and improvement and how it is calculated but don't give specific examples. The determination is made using the pre-flood market value of the building and not the entire property. Substantial Damage determinations were made for approximately 10% of the privately owned buildings that were flooded by Tropical Storm Irene.

An educational campaign following the adoption of new regulations will take place helping residents and developers to understand how the regulations apply in specific situations. The Town of Richmond has established these type of guidelines and they are available on the Town's website. It will also be important to know what other communities have done, what has worked or not worked elsewhere and generally how to move forward.

The following steps will take place moving forward:

1. The Planning Commission draft (with possible changes) is approved and forwarded to the Select Board and Trustees.
2. The Select Board and Trustees have to hold a public hearing on that draft.
3. If no substantive changes are made they can adopt the regulations by vote.
4. If substantive changes were made that would require another hearing and reporting back to the Planning Commission to solicit their comments on the proposed changes.

The public hearing was closed at 9:00 p.m.

PUBLIC HEARING ON THE CAMPUS & DOWNTOWN AREA ZONING BYLAW AMENDMENTS

The Public Hearing to consider and receive public comment on Draft #1 of the proposed Campus and Downtown Area Zoning Bylaw Amendments dated October 19, 2015 was opened at 9:05 p.m. It was explained that the purpose of these proposed amendments is to facilitate re-development of the downtown area, including the remaining sites that the State of Vermont may divest, for a variety of uses including multi-family residential.

The Interim Campus Area Bylaw Amendments expired in February, 2015. The proposed amendments combine these bylaw amendments with the Interim Downtown Area bylaw Amendments that are still in effect and would make them all permanent.

A concern with the maximum height requirement of 50' in the Campus Overlay, on page 4 was raised. This height limit is only for the Campus Overlay District and does not apply to other areas in the Village Mixed Residential zoning district where the height limit is 35'. The downtown commercial district remains at 50 feet maximum height limit.

Also taken in to consideration was the need to raise the first floor of buildings a certain amount above the base flood elevation, further increasing the height of a building. A concern was that the Stanley and Wasson Halls site is one area that may be developed and that it is closer to a residential area than it is to the downtown area. Therefore it might be better suited to a structure designed to a lower height. A request was made to restrict this area to 45 feet.

OTHER BUSINESS

No other business was conducted.

ADJOURNMENT

The PC meeting was adjourned at 9:45 p.m.

Respectfully submitted,

Patti Spence



Secretary

These minutes were approved on * 12/14/15 *