

WAITSFIELD PLANNING COMMISSION
Meeting Minutes
Tuesday, October 20, 2009

1. CALL TO ORDER: Steve Shea called the meeting to order at 7:40 pm at the Waitsfield Town Office.

MEMBERS PRESENT: Steve Shea (Chair), Peter Lazorchak, Kari Dolan. A quorum was not present.

MEMBERS ABSENT: Russ Bennett, Hadley Gaylord Jr., Ted Tremper and Drew Simmons.

STAFF PRESENT: Vickie Trihy.

OTHERS PRESENT: Neil Johnson, Sharon Murray, Robin Morris.

2. Discussion of Limited Business District: Neil Johnson, president of the Valley Professional Center association, appeared before the board to discuss his request, submitted to the board in writing on Oct. 16th, for a change in the zoning in the Limited Business District that would allow apartments in his office building. He reiterated some of the points outlined in his letter with regard to how this use would be consistent with the purpose and history of the district and would align with the Town Plan. There was discussion of potential drawbacks to having residential and office spaces in one building, and Steve pointed out that this mixed use was permitted in most other districts. Neil noted that the association had adequately addressed in its bylaws the issues that might arise.

The board discussed what their options were, and it was suggested that they research why mixed use was not allowed in the LB District in the first place, and what the possible impacts would be. Steve stated that the board would decide at the next meeting how to proceed.

3. DRAFT ADAPTIVE REDEVELOPMENT OVERLAY DISTRICT (AROD)

AMENDMENT—Peter Lazorchak and Sharon Murray answered questions about the latest AROD draft. With regard to the subsection enabling the DRB to reduce setbacks provided this “has no adverse impact on district character,” it was suggested that this wording might be too restrictive and should be changed to “has no *undue* adverse impact.” After some discussion the board determined that this was a question best put to the town attorney. It was agreed that this provision should be applicable to any structure, not just accessory structures. It was also agreed to ask the town attorney to weigh in on the proposed accessory housing provisions. It was also agreed that Vickie would forward suggested technical edits to Sharon the next day, so they could be entered in the draft going to the town attorney.

4. FLOOD AND FLUVIAL EROSION HAZARD (FEH) REGS— Kari passed out copies of Evaluation of FEH Impact, an analysis of how the addition of a Fluvial Erosion Hazard Overlay District and regulations could impact landowners in terms of restrictions on their future development beyond that imposed by federally mandated flood regulations. The analysis showed only a handful of parcels with significant impact. The board examined the new maps to see where these parcels were located and in practical terms what the impact could be for each of them.

Kari explained the color coding that is used in the latest draft of flood/FEH bylaw revisions. She passed out a spreadsheet that identifies changes in the bylaws that were recommended by Ned Swanberg, of the state floodplain and river management department, indicates the location of the relevant text in the current bylaws, and provides comments on the reason for the change.

The town's options with regard to revising flood regs are:

- prohibit all development in the 100-year floodplain, also known as the inundation floodplain or the Special Flood Hazard Area (SFHA)
- prohibit only new or expanded structures in the 100-year floodplain or SFHA
- restrict development in the 500 year floodplain
- prohibit all development in the SFHA unless no alternative exists
- prohibit all new or expanded structures in the SFHA unless no alternative exists

The town also has the option of exempting Waitsfield Village and Irasville from these regs (although the minimum NFIP standards would apply).

Steve asked whether exceptions could be provided for lots that have no reasonable use of their land as a result of the new regs, noting that because there are so few parcels in this situation, the overall effect of exempting them would not have a big impact on the overall goals of the new regulations. The PC will need an evaluation of the impact of the new flood regs on individual parcels, similar to the one that Kari provided for the proposed FEH regs.

Another decision before the board will be whether to add a provision for freeboard—building one foot above the Base Flood Elevation.

The proposed new regs also include a definition of substantial improvement that takes into account cumulative repairs or improvements over a three-year period that increase the structure's value by 50% or more.

Some items in the draft require more clarification. It was pointed out that the definition of "development" in flood and fluvial erosion areas is more comprehensive than the way it is defined elsewhere in the bylaws—for example, it includes fences.

Sharon noted that the subdivision regs would likely require some related revisions to comply with National Flood Insurance Program standards. She will review them and report back to the board.

It was agreed that Kari and Sharon will prepare a new draft of the proposed FEH and Flood Hazard regs with the most restrictive options in place, and the Planning Commission can approve or loosen those restrictions as it sees fit at a future meeting.

5. UPCOMING MEETINGS—A venue for the November 3rd meeting must be decided, and also for the November 17th meeting for the wildlife presentation. The board will also tackle the broad questions on the proposed flood regs at the Nov. 17th meeting.

6. APPROVAL OF MINUTES—Approval of minutes was postponed due to lack of a quorum.

7. ADJOURNMENT

The meeting was adjourned at 10:35 pm.