

Flood Hazard Area Regulations – Public Hearing - Dec 8, 2014

The Selectboard and Village Trustees called the Public Hearing to order at 7:00. Selectboard Chairman Larry Wyckoff explained the process leading up to the public hearing. Seth Jensen from the Lamoille County Planning Commission provided a presentation regarding the proposed regulations.

Mike Moser asked for information about other options available to communities to regulate flood hazards. Doug Babcock explained “River Corridors” which were not included in the draft. Seth Jensen provided background on the Community Rating System, which was also not included in the draft.

Discussion ensued regarding Bartlett Hill Road. Some residents suggested elevating Pumpkin Harbor Road to reduce flooding. Chairman Larry Wyckoff noted that Route 15 would still flood and that there had been discussions about restoring the northern portion of Bartlett Hill Road as an emergency access.

John Hayden (sp?) raised concerns that the draft allowed compensatory storage, and stated he would prefer a ban on new fill in the floodplain. Mr. Hayden stated that if compensatory storage was allowed, the regulations should require it to be on the same site as the development. As currently drafted, Mr. Hayden felt the compensating area could be miles away and result in impacts on other property owners.

Mike Moser asked if there were any requirements regarding the qualifications of the person designing plans for development in the flood hazard area, and if the regulations would require any kind of certification or inspection to insure development was built in compliance with the rules.

Discussion related to dredging and compensatory storage ensued. Chairman Wyckoff explained that rules for work within a river were governed by the State of Vermont, not the Town. Seth Jensen confirmed that compensatory storage could not involve work within a river channel. However, debris and sediment deposited in the compensated area could be removed. The Selectboard asked that the draft regulations be modified to include a requirement for ongoing maintenance of compensated areas and flood proofing measures.

Subdivision Amendments – Public Hearing

The Selectboard and Village Trustees called the Public Hearing to order at 8:05. Selectboard Chairman Larry Wyckoff explained the existing subdivision regulations were first adopted in 2006. The DRB had identified some areas where technical corrections or clarifications were needed. The Town had contracted with LCPC to work with the DRB and PC to address these issues. Seth Jensen from LCPC provided a handout summarizing the issues and proposed amendments.

Mark Delaney stated that Section 4.05 referencing “The Town’s applicable subsurface disposal ordinance” should reference the State Environmental Protection Rules, since towns no longer have jurisdiction over septic systems.

Mark Delaney stated that the ten percent maximum grade seemed overly stringent given the Town’s topography. Several other members of the public in attendance agreed. Dana Sweet stated that ten percent grade was very steep for a road. Larry Wyckoff asked if there was a provision for

waivers/variances if reviewed by the Fire Department. Seth Jensen stated that there was a provision for general variances, but that a process defining specific procedures (such as requesting the Fire Department's input) and meeting standards (such as ensuring emergency access and mitigating erosion) would probably be a more effective way of addressing the issue.

Mark Delaney stated that the language in Section 4.07(C) about upgrading existing roads was too opening ended.

Mark Delaney stated that Section 4.13(B)(i) seemed to require duplicative review of Act250 agricultural soils mitigation. If a developer reached a mitigation agreement with Act250, it should stand, and that local review should focus on projects that do not require Act250 review.

The Selectboard and Trustees discussed the process for moving forward. Based on comments, an additional joint hearing would be needed to review the revised draft. The hearing was scheduled for January 5, 2015.