

May 15, 2014

PC Members Present: Jean Vissering (Chair), Julie Potter, Norman Hill, Scott Hess, Gene Troia, Rob Halpert, Jack Pauly, Mark Lane

Others Present: Kristi Flynn (Recording Secretary), Kim McKee (CVRPC)

**Call to Order:** 7:00pm

**Public Comment:** None

**Additions to the Agenda:** None

**Final Review and Approval of Report for Proposed Amendments to East Montpelier Land Use and Development Regulations**

The PC conducted a final review of the report on the proposed amendments to the regulations.

**Motion: I move to accept the report as presented.** Made: Mr. Troia, second: Mr. Hill

Ms. Potter made a friendly amendment: accept the report as presented but delete "technical" from discussion under Section A. Mr. Troia accepted the amendment.

**Vote on Motion:** Passed 7-0

**Discussion on Development Review Board's Harper Decision**

Ms. Vissering noted that the DRB didn't discuss in the decision why industrial use wasn't permitted in that zone; Mr. Troia stated that Zone A allows Home Industry and if the applicant had a home there, the project would have met the zone criteria. There are two issues: 1) DRB didn't discuss issue of approving light industry, and 2) should PC change the allowable uses in Zone A to include light industry. The DRB appeared to treat this as if it met all the criteria and never made the conclusion of what they were comparing to. The PC discussed changing the wording of #19 in Table 2.1(C) to include "upon determination of the DRB..." The PC also discussed having the ZA or DRB revise the application so that an applicant would have to explain why they feel their use is similar to others in scope and scale.

**Review Minutes**

May 1, 2014

**Motion: I move to approve minutes as amended.** Made: Mr. Hess, second: Ms. Potter

**Vote on Motion:** Passed 7-0

**Continued Development of New Flood Hazard Regulations with River Corridor Protection**

Kim McKee of CVRPC attended the meeting to continue reviewing the new draft. The PC reviewed the new draft in more detail.

Following are discussion points/suggestions:

- Public forum scheduled for 9/18 – tentatively on ANR's calendar

Introduction

- First section of the draft is the foundation for the brochure
- Make page 5 the new page 1
- Introduction – make all abbreviations and terms consistent throughout; change "fluvial geomorphic equilibrium" to a more layman's term (keep in parentheses)
- Spell out benefit of these regulations to the town from ERAF fund – 12.5% to 17.5% increase; clarify in introduction
- Page 1 – remove "to minimize erosion hazards"
- Pictures – are they all from EM? Ms. McKee has more pictures from EM and will consider showing more labels
- Page 3 – on the picture, include the floodway; possibly remove buffer/setback
- Add cross-section picture to introduction
- Page 16 – refers more to urban setting not rural, consider revising/replacing picture
- Page 4 – consider referring people to a particular department/person with specific information

Article 9

- Section 9.3(A)(2) – the definition and the way it is used are confusing
- Section 9.4 – switch Special Flood Hazard Area (SFHA) and floodway columns
- General – change ZA to Zoning Administrator
- Page 6 – add language: "Zoning Administrator to consult map to determine boundary"; will go to ANR for official determination
- Section 9.3(B) – re: unmapped tributaries, applicant must demonstrate base flood elevation and should hire an engineer
  - Standard – subdivision of 10+ lots requires base flood elevation; otherwise all development complies with 50' setback from top of riverbank; Ms. McKee will draft new language
- Section 9.4
  - Change A to E for Exempted

- Change Hazard Zone to Hazard Areas
- Most restrictive regulations – no new structures in SHFA (not in current regs)
- #3 – substantial vs. non-substantial – separate into two rows
- Section 9.5
  - (C)(3) – add "existing" before structures
  - Prohibit fill in both SFHA and river corridor
  - (B) – refer to Section 9.6
  - Change "administrative permit" to "permit"
  - Change "where" to "located"

Schedule next meeting for 6/5 at 7:30pm after the regulation amendment public hearing.

#### **Development of Report for Proposed Amendments to East Montpelier Land use & Development Regulations**

Ms. Potter created a draft report, which will be posted in the usual places and on the website.

- Table 1.1 – add line under Other for Water Source
- Section 7.8(A)(1) – change term for ZA from 1 year from 3 years
- Section 4.6.2(A) – most substantive change in Groundwater Withdrawal

The PC will schedule the public hearing for June 5. Ms. Potter will make revisions to the report and send to PC members.

#### **Discussion of Potential Planning Commission Input for Development Review Board's May 6<sup>th</sup> Harper/Phillips Hearings**

Mr. Pauly will attend in place of Ms. Watson. There was a discussion of the PC role in DRB hearings. It was agreed upon that the PC should not discuss topics of hearings until after testimony has been given at a public hearing.

#### **Review of Revised Planning Commission Rules of Procedure and Ethics**

Section 3.6- change 'identifies' to 'records'

Section 6.2 – change back to original language

**Motion: I move to adopt the amended Planning Commission Rules of Procedure and Ethics as amended on 4/17/14 and 5/1/14.**

Made: Mr. Troia, second: Mr. Halpert

**Vote on Motion:** Passed 8-0

#### **ZA Report**

7 new permits since the last meeting

#### **DRB Report**

Previous meeting on 5/6 – Harper and Phillips permits were approved

Next meeting is 6/3 – EMES fire pond application

#### **Other Business**

Ms. Potter was appointed as the representative to the Central Vermont Regional Planning Commission by the SB; Tim Carver will be the alternate.

**Motion to Adjourn.** Made: Mr. Troia, second: Mr. Hill. Passed unanimously. Meeting adjourned at 9:30 p.m.

*Respectfully submitted by Kristi Flynn, Recording Secretary*