

June 5, 2014

Public Hearing

PC Members Present: Jean Vissering (Chair), Julie Potter, Norman Hill, Scott Hess, Gene Troia, Jack Pauly, Kim Watson

Others Present: Kristi Flynn (Recording Secretary), Bruce Johnson, (ZA), Tony Klein, Carl Etnier, Carolyn Shapiro, Paul Erlbaum, Nona Estrin, Ken Hertz, Catherine Rader, Ed Deegan, Richard Hoffman, Ellen Seeger, Jennifer Zollner, Lindy Biggs

Call to Order: 7:02pm

Warning: At 7:00pm, the Planning Commission will hold a hearing on proposed amendments to the East Montpelier Land Use & Development Regulations. The Planning Commission regular meeting will commence at the conclusion of the hearing.

The Chair opened the hearing by reviewing the process the PC went through. Most of the changes for the regulations were done from the easy category. The PC will take comments from the public, may make some minor changes and give to SB for ultimate approval.

Review of Changes

- Table 1.1 – no comments
- Section 3.13 – clarified junk; made substantive change – change back to “more than 3 vehicles”
- Section 5.3(B) – addition of (1) Preliminary Review and (2) changed ‘Board to ‘ZA’ – looks good
- Section 5.4(B) – addition of (1) Preliminary Review
- Article 6 – Subdivision
 - (B)(5) – addresses the process of combining lots
- Question – what if lots are separated by a road? The ZA noted that it depends on the circumstances
- Table 6.1 – response to comments from DRB; added required drawn locations to sketch plan as well as building envelope; comment – add ending parentheses
- Section 6.6 – typo – changed Chap 117 to Chap 17
- Section 7.8 – changed ZA term from 3 years to 1 year based on newly-adopted charter; comment – enter correct statutory citation, if available
- Section 8.2 – Definitions
 - Fence – agricultural fences of any size are now exempted
 - Structure – clarify exemptions – fences that are 6’ or less in height
- Section 4.6.2 – Groundwater Withdrawal
 - Changed threshold to 20,000 gallons per day from 57,600 gallons per day (GPD)
 - Questions – is there another plateau of measure; what’s not a lot of water?
 - Could the state list of large withdrawals be annualized as opposed to seasonal? PC was more concerned with the types of businesses that use large amounts of groundwater
 - This section does not apply to agricultural/residential
 - This section is not saying that someone cannot withdraw more than 20,000 GPD, just that they need a conditional use review to get a permit

Public hearing was adjourned at 7:45pm.

Regular PC Meeting

PC Members Present: Jean Vissering (Chair), Julie Potter, Norman Hill, Scott Hess, Gene Troia, Jack Pauly, Kim Watson

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

Call to Order: 7:50pm

Public Comment: None

Additions to the Agenda: None

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:

- Section 9.5(C) – Prohibited in Special Flood Hazard Area (SFHA) and River Corridor, include both for most restrictive regulations

- Village designation – consider more lax standards and look at defining a village zone; discussion regarding village as a growth center in the SFHA
- (D) – Conditional Use Review, (9) include all utilities (septic, power lines, poles, etc.); the PC wonders what basis they have for reviewing these utilities
- (6) – public utility = infrastructure
- (9) – building utility = private residential; need definition/clarification – how would DRB examine this?
- (F) – Variances – need review/comment by Vermont ANR; variances are not encouraged
- Important to soften requirements of proof that applicants will have trouble meeting
- ‘will not increase flood heights’ – Ms. McKee will get clarification on meaning
- Compensatory storage discussion – Ms. McKee will look into
- (G) – new section given the number of existing structures in town in SFHA and River Corridor; once new structures are prohibited, all existing structures become non-conforming
- Section 9.6 – Development Standards
- (B)(1) – enforcement issue – Ms. McKee will get some examples
- (2) – Zones A & AE – refer to 100-year floodplain; Ms. McKee will look into whether the PC can change the language to SFHA from Zones A & AE
- (4) – FEMA Elevation Certificate – required for flood insurance
- (5b) – revise the run-on sentence; break up at the semi-colon; 2 feet above base flood elevation is an insurance requirement
- (6) – unstrike (a) and (b)
- (8) – write out BFE (base flood elevation)
- (9) – RV’s – might be relevant for VT Country Campers
- (10) – light standards for accessory structures
- (C)(3-5) – defer comment to ANR
- Section 9.11 – ZA still doesn’t have a form for Certificate of Compliance – put burden on landowner
- Section 9.13 – add Building Utilities; Fill - ...changes the existing natural grade...; SFHA is confusing – Ms. McKee will try to simplify

Timeline

There are only 3 more meetings until the end of July. The PC will review the brochure at the next meeting. Ms. McKee will create a summary of the major changes for the PC. The PC would like a rough draft of the article before the public forum in September: what, where, why, who. The PC noted that all the questions don’t need to be answered in the brochure, it can be shortened. A letter to all affected landowners will be sent in mid-August.

Schedule for PC meeting

Move 7/3 meeting to 7/10; keep 8/7 open for a possible meeting

Motion: I move to meet on 7/10 instead of 7/3. Made: Mr. Hess, second: Ms. Potter

Vote on Motion: Passed 7-0

Consideration of an Administrative Amendment Procedure for DRB Approvals

The PC requested of Ms. McKee some language to put in the regulations regarding minor changes to existing permits.

Review Minutes

May 15, 2014

Motion: I move to approve minutes as amended. Made: Mr. Troia, second: Mr. Hess

Vote on Motion: Passed 7-0

ZA Report

6 new permits since the last meeting

DRB Report

Last meeting was 6/3 – EMES fire pond application was approved; next meeting is 7/1

The PC discussed bringing PC concerns back to the DRB and scheduling additional joint meetings.

Motion to Adjourn. Made: Mr. Hess, second: Mr. Pauly. Passed unanimously. Meeting adjourned at 9:40 p.m.

Respectfully submitted by Kristi Flynn, Recording Secretary