

October 16, 2014

PC Members Present: Julie Potter (Vice Chair, Acting Chair), Jack Pauly, Rob Halpert, Mark Lane, Kim Watson, Scott Hess, Norman Hill, Julie Potter, Jean Vissering (Late)

Others Present: Bruce Johnson (Zoning Administrator, reporting on certificate of compliance), Paul Erlbaum, Carolyn Shapiro

**Call to Order:** 7:08pm by acting Chair, Julie Potter

**Changes to Agenda** – None

**Public Comment** - None

### **Final Review of Draft Flood Hazard Area Regulations**

Page by page final review by the whole PC:

Grammatical revisions

- Section 9.3.A.1, 2, 3: Add “which” before “is” in all sentences
- Section 9.5. C.5: remove “are prohibited in all areas”
- In all lists; remove comma after “and”
- Section 9.6.B.5. Add "s" to developments
- Section 9.7.A. Remove “s” from applications
- Definition for Critical Facilities: reword-For example, the type and location of a business such as a grocery or gas station may raise its status to a Critical Facility in the event of a disaster
- Add of and that.. Fluvial geomorphic equilibrium means the condition of a... floodplain morphology that ....

Sections that need clarifications and/or revisions

- Section 9.5.A: possibly remove “to the extent authorized by State law”; find out what it means and why it was in the previous
- D.8: Section 9.6.B.9: get a definition for “minimal investment”
- D.11: What is meant by prior to being permitted by the ZA? Should this be removed?
- F.2: Poorly written sentence; should be restructured by Kim
- Section 9.6.A.2: Definition for scour
- Section 9.11: Certificate of Compliance – tabled – until Bruce gets back from meeting; see below; possible removal is not required by law
- Request table with Special Flood Hazard Area and River Corridor figures for public hearing

The PC discussed as to whether the hearing should be scheduled or if we should wait to make sure that we have all the questions and/or clarifications resolved since after the hearing, the PC can make changes; however, if changes are major, the PC would have to consider another hearing. The PC agreed to hold off on the hearing and set a date in the future (maybe December) for the hearing once all issues resolved; the Chair will check with the ZA on the warning timeframe to give time to resolve all questions and/or clarifications.

### **Review of Proposed GW Withdrawal language (LUDR Section 4.6.2):**

- Due to the SB’s request to further inquire into the question of lowering the threshold of GW withdrawal, Paul Erlbaum and Carolyn Shapiro offered new language and researched the state regulations which triggers reporting and withdrawal permits.
- They indicated that lowering the threshold would not add any significant burden
- However, some members of the PC thought that requiring a different permitting than the State would add an undue burden on the applicant
- The State’s reporting requirements is 20,000 g/day over an average 30-day period; the State permitting threshold is 57,600 g withdrawn in a single day
- They suggested that we combine the language to read: "permitting would be required if 57,600g are withdrawn on any single day or if 20,000 g are withdrawn per day averaged over a calendar month"
- The PC decided to look at the different language options for Section 4.6.2 and have a vote on those options at the next meeting; Julie will put the language together for a vote at the next meeting

### **Discussion of Certificate of Compliance Provisions in EM land Use and Development Regulations (LUDR) Section 7.4 and New Section 9.11 in Flood Regulations**

- Bruce Johnson went over the language in the current LUDR Section 7.4 requiring the ZA to issue a Certificate of Compliance (COC); currently, the process is that the applicant self declares that they are in compliance to the permit; we really have no process that is complete and accurate according to the language and the ZA cannot be held responsible
- Rob indicated that the language can and may cause issues for banks if we do not issue a COC
- The PC looked at the language associated with the City of Montpelier’s COC and observed that they are only for building codes and development

- EM does not have any building codes and may want to look at development
- The consensus on the PC is that we should probably just do away with Section 7.4
- Section 9.11 in the Special Flood regulations refers to the process in Section 7.4 for issuance of compliance in Special Flood Hazard Area
- The PC was uncertain as to whether this Section was a requirement in Section 9 or only that it was a requirement for EM based on Section 7.4; the question remained and the Chair was going to confirm whether this was a required Section in the Flood Hazard Area, and, if so, we would limit the language for a COC for compliance to the Flood Hazard Area
- We will continue to either 'Keep, Remove or Revise' the Section once we understand the legal and regulatory requirements

**Consideration of Act 250 Notice for Winterwood Timber Frames, LLC Development**

- Industry project in a commercial zone. The PC declined to take any action regarding the Act 250 Notice.

**Review Minutes**

October 2, 2014; remove Bruce Johnson as being present. 7<sup>th</sup> bullet add an "a" before table.

**Motion: I move to approve minutes as amended.** Made: Ms. Watson, Second: Mr. Lane

**Vote on Motion:** Passed

**ZA Report**

2 new permits since last meeting

**DRB Report**

No report. No hearing scheduled to December.

**Motion to Adjourn.** Made: Ms. Watson, second: Mr. Lane. Passed unanimously. Meeting adjourned at 9:45 p.m.

*Respectfully submitted by Kim Watson, Corresponding Secretary*