

**Vermont Department of Environmental Conservation**

Watershed Management Division  
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Montpelier, VT 05620-3522

*Agency of Natural Resources*

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C. Bruce Johnson  
Town and Zoning Administrator  
Town of East Montpelier  
electronic transmission

9/3/2021

Hello Bruce Johnson,

Thank you for the voice mail on 6/15/2021 regarding the proposal for work at Demers Auto - 1528 Rt 2. On 6/16/2021 I received the "EV Flood Review Package" from Paul Boisvert, PE.

At this time, I find the application incomplete.

The parcel is partially within the Special Flood Hazard Area of the Winooski River. The proposal includes two additions to the existing building, concrete curbing for some protection from flood exposure, removal of a mound septic system, grading, and the installation of a stormwater retention basin.

The cover letter notes that the Base Flood Elevation (BFE) is approximately 660.47'. The application materials have not included a stamped Elevation Certificate for the existing building, nor an EC nor an acceptable Floodproofing Certificate for the construction drawings. Based on a survey by Chase and Chase, Paul Boisvert notes that the Lowest Adjacent Grade (LAG) on the building is ~ 659.83'.

While this appears to be shallow flooding, larger floods will occur, and the underlying analysis is informed by data dating through 1977.

The East Montpelier Land Use & Development Regulations prohibit new structures and fill in the Special Flood Hazard Area. However, existing buildings can be improved. When the improvements to a building meets the definition of "Substantial Improvement" then the building needs to also become compliant with the Town requirements for elevating the Lowest Floor at least one foot above the BFE, or to flood-proof the structure to at least two feet above the BFE.

Substantial Improvement in the LUDR 9.13 is determined as an improvement of 50% or more of the value of the building calculated cumulatively over five years.

The value of the existing building is identified in the application for the Grand List at \$159,200. You noted the factor to adjust for the Common Level of Assessment as 94.18% giving a "Corrected Building Value of \$169,038". The estimate for the improvements was provided by TLC as \$75,900 which would indicate an improvement of 44.9%.

The original undated/unsigned estimate by T.L.C. Buldings (sic) East Calais, has been refined by an undated/unsigned estimate by T.L.C. Bulding (sic) provided on 8/27/2021 (scan0150.pdf). Neither estimate itemizes materials or labor relating to structural steel; insulation of the foundation, ceiling or walls; heating systems; indoor or outdoor lighting; certified electrical work; toilets; sinks; cabinets; plumbing; flood proofing panels; floor treatments; etc.; as required for a determination as noted in FEMA Guidance: [Substantial Improvement/ Substantial Damage Desk Reference FEMA P-758 / May](#)

[2010](#) This is not a complete application by which to make a determination regarding Substantial Improvement.

To be clear, at the completion of any building improvement the applicant should be required to document all expenses – labor and materials related to the improvement of the building (including upstairs etc.) as needed for the cumulative calculation of Substantial Improvement. [Substantial Improvement/ Substantial Damage Community Procedure](#) 11-7-18

If this total exceeds \$84,519 then the building will need to become elevated and otherwise compliant with the bylaw to avoid damage from flooding. Also, if at any time in the next five years this threshold is reached, then that would constitute a Substantial Improvement. It is quite possible to do some improvement. But if the building becomes hits the SI threshold in the next five years there may need to be extensive redesign and reworking including elevating the building.

The proposal suggests actions to floodproof the structure to at least two feet above the BFE in accordance with the bylaw. The application includes a draft unsigned flood proofing certificate on a form that expired in 2002. The specific requirements for dry floodproofing are quite rigorous:

9.6 (B)(3)(c) A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications, and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

The description of proposed floodproofing as proposed does not meet the current [FEMA P-936 guidance](#) and does not certify on the current form: [Floodproofing Certificate \(FEMA form 086-0-34\)](#)  
Expiration: 11/30/2022

The LUDR also prohibits fill in the Special Flood Hazard Area. This requirement protects other people and properties that become incrementally more exposed to damage as fill diminishes the capacity of floodplains to store and slow floodwaters. This proposal includes the removal of an existing mound system, and other regrading to reduce elevations within the floodplain so as to compensate for the building expansion and provide an outcome of no net fill. 20237 (Surface Volume Sketches-SK1 with summary.pdf 8/27/2021 Paul Boisvert ENGINEERING VENTURES, PC). The DRB may consider this as meeting the intent of the bylaw.

Also, thank you to the DRB for continuing the hearing so as to consider these comments. In general, I strongly encourage applicants working in or near the hazard zones to be in contact with the Zoning Administrator, and me, during initial project scoping. I prefer to guide a project toward an easier and successful outcome whenever possible. In Vermont statute, and the East Montpelier LUDR 9.7 B (1), there is a requirement to at least send ANR (in this case the DEC Regional Floodplain Manager) a copy of a full application with all required information for flood hazard review at least 30 days before a decision is made by the DRB. I noticed today (online) that this application was received 5/19/2021. I was given a version with incomplete information for flood review on 6/16/2021. As stated above, at this time the application remains incomplete.

As always, other State, Federal or local permits may be required for this project. Peter Kopsco, the [VT DEC Permit Specialist for the region](#) is available to help the applicant identify any other State Environmental Permits that may be necessary. These comments are offered in support of the Town of East Montpelier under 9.7 B (1) and 24 VSA §4424. Where the City has additional or more stringent standards those standards will control.

Please let me know if you have any questions.  
Sincerely,

A handwritten signature in black ink, appearing to read 'Ned Swanberg', written in a cursive style.

Ned Swanberg, Central Vermont Floodplain Manager, CFM  
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