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GEORGIA PLANNING COMMISSION

MEETING MINUTES

July 23, 2019

(Approved by the Planning Commission 8.27.2019)

Board Members Present: Suzanna Brown, Greg Drew, David Vincent, George Bilodeau, Tony Heinlein.

Board Members Absent: Maurice Fitzgerald.

Staff Present: Cindy Deyak, Zoning Administrator.

Others Present: Taylor Newton, Northwest Regional Planning Commission

Suzanna Brown, Chair, called the meeting to order at 7:00 p.m.

Suzanna stated that the only public appearance this evening is Taylor Newton from Northwest Regional Planning Commission. Taylor is here to review and discuss the newly proposed Flood Hazard Area Regulations and River Corridor Regulations.

Taylor began by providing an overview of the proposed bylaw changes. Taylor stated that as the State's model bylaw regarding flood hazard zone development was utilized, Section 3.6 – Development in the Flood Hazard Zone District of the existing regulations would be deleted in its entirety. Taylor also stated that Section 5.10 – Riparian Buffer Zones would also be deleted and replaced with the newly proposed River Corridor regulations. Also included is a new Section 5.11 which regulates Class I and II wetlands, including vernal pools, which is based on Fletcher's bylaw.

Greg Drew commented that it appears that Section 3.3 – Site Plan Review and Approval is missing. Taylor stated that he didn't include Section 3.3 in his packet but that everything required in Section 3.3 would also be required under the Flood Hazard Area regulations.

Taylor began reviewing the new Article 9 – Flood Hazard Area Regulations. Section 9.1 discusses the statutory authority for the regulation, Section 9.2 discusses the purpose of the regulation, Section 9.3 discusses the administration of the regulation noting that the FEMA flood plain is established by FEMA and the river corridors are established by the Vermont Agency of Natural Resources. Taylor stated that he would be providing a map of Georgia's rivers and streams at the August 27th meeting.

Suzanna asked whether and how the rivers and streams map is updated. Taylor stated that he would defer the answer to Rob Evans from ANR who will be attending the August 27th meeting. Greg Drew asked about ANR map amendments in the event of a dispute. Taylor stated that there is a provision in the regulation for amending a property's designation as in the river corridor but that the actual state map may not necessarily change with each amendment. The process is similar to FEMA's issuance of a LOMA letter which designates a particular property as out of the flood zone but the actual FEMA map would not necessarily change at the time the LOMA letter was issued.

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Taylor next discussed those types of development that are exempt from review with the flood hazard area overlay district explaining that these exemptions apply specifically to the flood hazard area regulations and not to the general regulations. After discussing each of the exemptions, Greg Drew and Tony Heinlein stated that they would like to add language which requires that the exemption be granted by the zoning administrator and not assumed by the applicant. Taylor agreed to add “subject to determination by the zoning administrator” to the draft. Suzanna Brown and Greg Drew also requested a better definition regarding exactly what can be disturbed under the “routine maintenance” exemption citing as an example the St. Pierre septic system situation on Polly Hubbard Road; Taylor agreed to add additional language which would clarify that section.

Greg Drew also had concerns regarding the exemption for interior improvements less than \$500 in value stating that there are no parameters around the \$500 which could lead to confusion and ambiguity. Taylor directed the commission’s attention to the definition of “substantial improvement” in the definitions section and stated that that definition should cure any ambiguity in the regulation.

With regard to the exemption for “maintenance of existing sidewalks, roads, etc.”, Suzanna Brown requested and that “or improvements” be added to the end of that sentence; Taylor agreed to add that language. Greg Drew asked whether DRB review would be required if an existing culvert was to be replaced with a larger culvert. Taylor stated that it would. Greg further asked whether the new culvert becomes the property of the town and Taylor responded that ownership is informally transferred to the town for maintenance purposes.

Taylor next discussed exemption 6 – streambank armoring, etc. Taylor informed that commission that this was optional and that he would not recommend including this in the list of exemptions. Suzanna Brown, Greg Drew, and David Vincent agreed that this exemption should be eliminated.

Lastly, Taylor explained that those items listed under exemption 7 are covered and regulated by ANR.

Section 9.4 discusses the application requirements for DRB review. Taylor stated that the applicant must provide a site plan and a project review sheet from ANR. Only in the flood hazard area regulations can the town require that state permits be obtained prior to the issuance of the town’s permit. Taylor further reviewed other possible supplemental application requirements depending on the type of development proposed. Taylor informed the commission that state stormwater permits will be required for impervious surfaces of ½ acre in size, as opposed to the current requirement of one acre in 2020. Under the “waivers” section of Section 9.4, Greg Drew requested the elimination of the last sentence in that paragraph; Taylor agreed to eliminate “A determination to waive the compensatory storage requirement shall require a written opinion from ANR that the project will have only a minimal effect on floodwater storage.”

Taylor next provided an overview of Section 9.5 – Development Review Process. Greg Drew asked why referral to and review by ANR was required but review by Army Corps was not. Taylor was unsure why that was and stated that he would check with Rob Evans for the next meeting on August 27th. Under this section, the commission discussed the various types of development which may be

93 reviewed and approved administratively by the zoning administrator. Regarding “above grade
94 development over one foot above BFE”, Suzanna requested that “located on the ground” be
95 eliminated as this was confusing language. Taylor agreed. Greg Drew requested that subsection d
96 regarding at or below grade parking be eliminated. Taylor agreed. Greg further requested that
97 “except in a floodway” be added to the end of subsection f and Greg and Suzanna also requested that
98 subsection i related to septic and water supply systems be eliminated. Taylor agreed.
99

100 Taylor stated that the “Public Notice and Hearings” section, the “Decisions” section, and the
101 “Zoning Permit” section were unchanged from the existing regulations.
102

103 Taylor stated that discussion regarding Section 9.6 – Development Standards in the Flood Hazard
104 Area Overlay District would be done with Rob Evans at the August 27th meeting.
105

106 Taylor next gave an overview of Section 9.7 – Standards for Review of Nonconforming Structures.
107 Taylor explained that “substantial damage” to a nonconforming structure means damage that is equal
108 to or exceeds 50% of the fair market value of the structure prior to damage. A nonconforming
109 structure which is substantially damaged by a flood event may only be reconstructed in its original
110 location if it is rebuilt to comply with all NFIP requirements and the requirements of these
111 regulations.
112

113 Taylor reviewed Section 9.8 – Variances and explained that, in addition to the standard variance
114 criteria requirements contained in the general regulations, the DRB may only grant a variance to the
115 flood hazard regulations if the proposal also complies with federal regulations at 44 CFR Section
116 60.6.
117

118 Section 9.9 sets forth those requirements for a Certificate of Occupancy for any development in the
119 flood hazard area. Taylor explained that these requirements are in addition to those requirements for
120 a CO currently delineated in the general regulations.
121

122 Taylor briefly reviewed the definitions section at 9.11. Greg Drew asked if Taylor could apply more
123 consistent language to “area of special flood hazard”, “overlay district”, etc. Taylor agreed to review
124 these terms for consistency throughout the regulation.
125

126 Taylor informed the commission that regulations regarding the flood overlay district, the special
127 flood hazard area, including the floodway and flood fringe, were dictated by FEMA and those
128 concerning the river corridors were dictated by ANR. Taylor agreed to create a flow charge which
129 would assist both the town and applicants. Suzanna Brown asked whether the town could impose
130 regulations that were stricter than ANR or FEMA standards. Taylor stated that the town was only
131 required to meet the minimum standards imposed by both agencies, but could adopt stricter
132 regulations if they chose to do so. Suzanna stated that she would like to include language which
133 requires an additional buffer be imposed on the required buffer, particularly while construction is
134 taking place, to keep temporary construction site disturbance outside of the buffer.

135 Taylor reiterated that the next meeting with him on August 27th would include Rob Evans from ANR
136 and that he anticipated that he would have a new draft regulation based on tonight’s meeting and
137 input on the 27th. Taylor left the meeting at 9:15 p.m.
138

139 The commission reviewed the minutes from the July 9, 2019 meeting. A general discussion followed.
140 Motion made to accept the minutes of July 9, 2019, as written, made by George Bilodeau, seconded
141 by David Vincent. No further discussion. The ayes were unanimous, the motion carried.
142

143 The commission next reviewed the draft Bouthillette final plat decision. Suzanna noted that language
144 regarding the 30' agricultural easement was not included and Greg Drew noted that language regarding
145 the requirement that the entire ROW must be delineated as 60 feet wide was not included as noted in
146 the July 9th minutes. Further, Suzanna stated that HOA language regarding the shared road and septic
147 system must be included and subject to legal review. The commission requested that the zoning
148 administrator make these changes and email the revised decision to commission members for review.
149

150 The commission next reviewed the draft St. Pierre sketch plan letter. Suzanna noted that language
151 requiring an easement from the proposed development road to the septic area on the previously
152 approved Bradley St. Pierre lot should be added and requested that the zoning administrator make this
153 change and email the revised decision to commission members for review.
154

155 Motion made to close the meeting at 9:35 p.m. made by George Bilodeau, seconded by Greg Drew.
156 The ayes were unanimous, the motion carried. The meeting was closed.
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158 Selectboard Concerns: None.
159

160 Respectfully submitted,
161 Cindy Deyak, Acting Secretary