



Town of Mount Holly Planning Commission

Remote Electronic – Regular Meeting Minutes

Wednesday April 21, 2021

7:00 P.M.

Commission Members Present: Jon McCann (Chair), Jim Seward (Vice Chair), Brigid Sullivan, Lisa Terreri (Secretary)

Absent: Stephen Michel

Also Present: Renee Sarmento (Clerk)

1. Jon McCann called the meeting to order at 7:15 pm
2. No changes to agenda.
3. Approval of minutes
 - a. The minutes from March 17th and April 7th, were approved as distributed.
4. Reports & Announcements
 - a. Clerk report - Additional work done on town officer list.
5. Correspondence
 - a. Subdivision proposals
 - b. Building Construction Registrations
 - Follow up on BCR from previous month: Additional information was received for the Garrow BCR, and was signed by Jon.
 - Michael and Maria Blais, 408 Old Turnpike Road, an addition (replacing old garage with new garage and mudroom and attaching to doublewide), existing water/septic, 2.5-acre lot, dimensions of new structure: 28x30 and 9x12, new construction. It is not indicated on the map, but assumption it is at the address on the plan - accepted
 - James Rasp, 175 Gates Rd. S, new construction (house and garage), new water source/well, new mound system - accepted
 - c. Wastewater system and potable water supply permits
 - James Rasp, 175 Gates Rd. S, new water source/well, new mound system
 - Arshak Kasabian, Tilly lot 3 Healdville Rd, wastewater and water supply 6-acre parcel
 - d. Email / Other - none
6. Unfinished business
 - a. Accept corrected Flood Hazard Area Regulations
 - Document with corrections dictated by two separate Select Board letters (dated 2008 and 2010) was distributed. Jim made motion to

accept the corrected document as distributed, Brigid seconded motion, all voted in favor.

b. Response from State Geologist

- Answers to our questions was received from the state geologist - Planning Commission will review email and attach to minutes.
- Jim asked about the rock (Mount Holly Complex), what type of rock it is, and stated he would like to see a sample. We agreed to follow up and try to get help identifying the rock.

c. Update on cooperation with Museum (Stephen)

- Stephen sent email - summary that museum folks are happy to help out.
- A possible outing was discussed to Crown Point Road or Halfway encampment.
- Agreed to postpone further consideration until next regular meeting.

7. New business

a. Information on River Corridors from RRPC

- Barbara Noyes-Pulling sent out river corridor protection information, that if adopted (which the PC will not pursue at this time), the town gets reimbursed much more in the event of a flood (FEMA). This is something to consider in the future. Jon suggested sending information to the Select Board.
- Brigid asked about requirement to designate every river to get FEMA reimbursement. Jon clarified it is not every river, but major rivers (ex. Branch Brook, Mill river North Branch, and Mill River South Branch) – and streams that have a drainage area greater than half a square mile. Map will be attached to minutes.
- Question for Barbara: Is there a way to grandfather streams that are next to existing development?
- Possibly invite Barbara sometime in the future to speak with the Planning Commission.

b. Listers review of Building Construction Registration Form/Ordinance

- Jon met with the listers and came to an agreement regarding possible changes made to the Building Registration form and ordinance.
- Review of changes on the BCR form (Attached)
- Feedback: Jim suggested swapping property owner and description sections so that owner comes first. Brigid suggested increasing line spacing to 1.5" to provide room for handwriting.
- Jon will review changes with the listers and bring it back to the next meeting.
- Ordinance Review of changes made: Increase cost threshold required for a building registration was raised to \$2500
- Brigid suggested adding the word "ordinance" to the title.

c. Okemo Fire Tower / National Historic Lookout Register

- Information: The fire tower on top of Okemo Mountain is In Mount Holly, VT, and is historic. Jon had seen information that it had been added to the National Historic Lookout register, but it has not been added. This would be a step towards getting National Historic Place Registration. The president of the association will try to get It added very soon. Jon will try to get in touch with individual in charge of Vermont fire towers.
 - The state has repaired the tower, and it is very sturdy.
 - Jon suggested tower be put in the town plan.
8. Public comments: None
 9. Upcoming meetings
 - a. Regular meeting - May 19th, 2021 (Brigid will be absent)
 - b. Special working meeting - May 5th, 2021 (7pm)
 10. The meeting adjourned at 8:08pm

For the Commission,
Renee Sarmento, Planning Commission Clerk

In draft form until approved on May 19th, 2021



William Jon McCann <william.jon.mccann@gmail.com>

Mount Holly Geology

Kim, Jon <Jon.Kim@vermont.gov>
To: William Jon McCann <william.jon.mccann@gmail.com>

Mon, Apr 12, 2021 at 8:26 AM

Morning Jon,

Here is some research that Julia did on 3 of your questions. I will look into the 4th question and get back soon. Sorry this takes so long, but we are down a person at the Survey.

Jon



Jonathan Kim, Ph.D., P.G. IState Geologist and Director (Acting)

Vermont Department of Environmental Conservation

Vermont Geological Survey

1 National Life Dr., Davis 4 | Montpelier, VT 05620-3902

802-522-5401- office/cell

jon.kim@vermont.gov

<https://dec.vermont.gov/geological-survey>

From: Boyles, Julia <Julia.Boyles@vermont.gov>
Sent: Thursday, April 8, 2021 10:53 AM
To: Kim, Jon <Jon.Kim@vermont.gov>
Subject: RE: Mount Holly Geology

Hi Jon,

Here is what I came up with:

1. Is the Mount Holly Complex named after the Town of Mount Holly? I was unable to find the answer with a crude search.

Charles Livy Whittle [first described](#) the Mount Holly Complex (then called the Mount Holly Series) in 1894, and proposed the complex be named thus after the town of Mount Holly. Of the rocks in the region, he stated, *"They are perhaps no more characteristically developed in Mount Holly than elsewhere to the south, or possibly to the north, but they are best known to me there of anywhere in the State. It seems best, therefore, to designate the rocks of this central area, or core of the Green Mountains, the Mount Holly series."*

Whittle, C.L., 1894, The Occurrence of Algonkian Rocks in Vermont and the Evidence for Their Sub-Division: The Journal of Geology, Vol. 2, No. 4, p. 396-429, DOI: 10.1086/606983.

2. In your view, are any of the new details about the Mammoth from Dartmouth worth including here?

In March of 2021, [researchers from Dartmouth College](#) in New Hampshire provided the first accelerator mass spectrometry (AMS) radiocarbon date and stable carbon:nitrogen analysis for the Mount Holly Mammoth (Kitchel and Desilva, 2021). The Mount Holly Mammoth lived some 12,882–12,792 years before present and is the most recent date for a mammoth or mastodon in New England ever recorded (Kitchel and Desilva, 2021). It is also the most precisely dated specimen from New England, and results suggest it possibly post-dates the initial human settlement of this region during the onset of the Younger Dryas, a period of global cooling after the last glacial maximum (Kitchel and Desilva, 2021). An additional article about this new research can be found at the Dartmouth News website, [here](#).

Kitchel, N.R., and Desilva, J.M., 2021, First AMS radiocarbon date and stable C:N isotope analysis for the Mount Holly Mammoth, Vermont, USA: Boreas, DOI: 10.1111/bor.12517.

4. Our 1974 Town Plan refers to "Hortonville Esker (Natural Areas Inventory 208G): This area is important geological feature illustrating glacial deposits." Is that true and/or noteworthy?

The most recent [map of sand and gravel resources](#) from the Vermont Geological Survey was published in 2016. The map identifies active and inactive sites based on three sources: 1970 Surficial Geologic Map of Vermont, USGS Mineral Resource database, and location descriptions from the Mine Safety and Health Administration (MSHA). Historic quarry location data, published in the 1970 Surficial Geologic Map of Vermont, can be accessed on the Vermont Open Geodata Portal, [here](#).

Julia



Julia Boyles | Geologist/Environmental Scientist

Vermont Department of Environmental Conservation

Vermont Geological Survey

1 National Life Dr, Davis 4 | Montpelier, VT 05620-3902

802-661-8281

dec.vermont.gov/geological-survey



William Jon McCann <william.jon.mccann@gmail.com>

Mount Holly Geology

Kim, Jon <Jon.Kim@vermont.gov>
To: William Jon McCann <william.jon.mccann@gmail.com>
Cc: "Boyles, Julia" <Julia.Boyles@vermont.gov>

Wed, Apr 14, 2021 at 2:56 PM

Hi Jon,

Below is some background information on your question #3, which is underlined.

3. I saw in various places (on your website and in the state archives) some information about radioactive sources and/or Uranium in and around Ludlow Mountain. Is that noteworthy?

My answers are based on the following two links on our website. I took longer to respond, so as to explain more completely.

Compilation and Assessment of Radioactivity Data in Vermont (**fact sheet**)

<https://dec.vermont.gov/sites/dec/files/geo/MiscPubs/Rads/Map%20Fact%20Sheet2002.pdf>

Compilation and Assessment of Radioactivity Data in Vermont (**maps**)

<https://dec.vermont.gov/sites/dec/files/geo/MiscPubs/Rads/Kim2002RadioactivityVT.pdf>

The fact sheet that accompanies the **maps** describes the types of data used in the National Uranium Resource Evaluation (NURE), a nationwide effort to explore for uranium in Vermont and other parts of the United States in the 1970s and 1980s. The types of data that NURE acquired are listed below from #3 in the **fact sheet** (highlighted in yellow). The bold green text describes the data set called NURE Ground-Based Uranium Surveys, which is Plate V in the **maps**, and was where four general areas Vermont were delineated as "Areas Favorable for Uranium Deposits", including the general area of Ludlow Mountain.

3. Where does the existing information on radioactivity come from?

*During the 1970s and 1980s, the U.S. Department of Energy sponsored a program called the National Uranium Resource Evaluation (NURE) that sought to explore for uranium **throughout** the United States. This exploration focused on finding areas that would be economically favorable for uranium deposits. The NURE survey that covered most of Vermont also covered the states of Connecticut, Rhode Island, Massachusetts and parts of New York, New Hampshire, and Maine. The NURE investigations consisted of three separate surveys which were: 1) airborne geophysical surveys, **2) ground-based geophysical surveys coupled with geochemical analysis of uranium bearing rocks**, and 3) analysis of the uranium and thorium content of sediments in streams. Airborne surveys*

were completed over all of Vermont except the northeasternmost corner whereas ground-based geophysical and rock geochemistry surveys and stream sediment surveys focused on the southern half of Vermont. Airborne geophysical surveys of the southern half of Vermont were also flown in 1964 by the U.S. Geological Survey.

Other sources of data on radioactivity include: 1) Mineral Resource Data System (MRDS) for Vermont which is a cooperative U.S. Geological Survey/Vermont Geological Survey database of all known mineral occurrences in Vermont from which uranium occurrences were extracted and 2) Dept. of Environmental Conservation, Water Supply Division database of Public Water Supply Wells with elevated radioactivity.

The references for these studies are:

McHone, J.G. and Wagener, H.D., 1980, Uranium Resource Evaluation, Glens Falls Quadrangle
New York, Vermont, and New Hampshire: U.S. Dept. of Energy, Grand Junction, Colorado, 40 p.

Field, M.T. and Truesdell, D.B., 1980, Uranium Resource Evaluation, Albany Quadrangle
Massachusetts, New York, Connecticut, Vermont, and New Hampshire: U.S. Dept. of Energy,
Grand Junction, Colorado, 57 p.

Uranium was never mined in Vermont. This may be more information than you asked for. There are other maps in the second link above that talk about all the other radioactivity data sets and how they fit together.

[Quoted text hidden]

Vermont Model Flood Hazard Bylaws

Frequently Asked Questions

1. Do the regulations need to apply on a municipal-wide scale or can specific waterbodies be targeted for application of these regulations?

Generally, towns have the discretion to regulate specific water bodies since hazard regulation is voluntary. These regulations are crafted to help towns meet and exceed federal minimum requirements under the National Flood Insurance Program (NFIP) and qualify for enhanced state cost share under the Emergency Relief and Assistance Fund.

For the ~90% of Vermont communities enrolled in the NFIP, or to be eligible to enroll in the NFIP, the inundation hazard regulations found in Section E must apply to all federally mapped Special Flood Hazard Areas as shown on the NFIP Flood Insurance Rate Map published for the community. However, communities do have the option to develop regulations that may apply in a certain flood zone that better addresses certain types of flooding. For example, a community can adopt standards for lake shore flood hazard areas that better address lake flooding issues like wave action.

With respect to river corridors, communities interested in obtaining the full 17.5% cost share under the Emergency Relief & Assistance Fund (ERAF), River Corridors need to be adopted for all perennial streams with more than 0.5 square miles of watershed.

2. Why are there provisions for “designated centers” in the models? Do we have other options?

Model bylaw Section D contains provisions for infill and redevelopment in designated centers recognizing that these are areas of significant pre-existing investment, are important to municipal growth and redevelopment plans, and areas where significant channel management activity will be pursued to protect those investments.

Communities may define their own urban overlay boundaries where the same river corridor infill/redevelopment provisions may apply. However, the State of Vermont encourages communities to utilize the designated center process because these programs work together to provide incentives, align policies and give communities the technical assistance needed to encourage new development and redevelopment in our compact, designated areas. The program's incentives are for both the public and private sector within the designated area, including tax credits for historic building rehabilitations and code improvements, permitting benefits for new housing, funding for transportation-related public improvements and priority consideration for other state grant programs.

More information on state designation programs may be found here:

<http://accd.vermont.gov/sites/accdnew/files/documents/CD/CPR/DHCD-Planning-Manual-Module2.pdf>

3. The State is promoting higher regulatory standards via the model bylaws, but how do we know what the minimum requirements are, so we can decide what is appropriate for our community?

We have created a cross-walk that provides a side by side comparison of the significant higher standards contained in the model bylaws against the federal minimum standards. The cross-walk is available at the Municipal Assistance webpage:

<http://dec.vermont.gov/watershed/rivers/river-corridor-and-floodplain-protection/municipal-assistance>

4. What sections of the model bylaw must be adopted to qualify for enhanced state cost share under the Emergency Relief & Assistance Fund (ERAF)?

- a. For the 12.5% ERAF cost share, communities must adopt and enforce National Flood Insurance Program minimum standards for their federally mapped Special Flood Hazard Areas. Section E. contains recommended standards that exceed federal minimum standards and will qualify. A model bylaw containing federal minimum standards is available upon request. Note, there are additional requirements that need to be met to be fully eligible for the 12.5% ERAF cost share:

http://floodready.vermont.gov/find_funding/emergency_relief_assistance

- b. Section D – River Corridors must be adopted and enforced to qualify for the maximum 17.5% ERAF cost share. Alternatively, communities can enroll in the Community Rating System and adopt a standard that largely prohibits new buildings in flood hazard areas. More information on the 17.5% criteria are found here:

http://floodready.vermont.gov/sites/floodready/files/documents/ERAF_Criteria_17%205%25_06.27.17.pdf

5. Why is there not an option to adopt “river corridor protection areas” as referenced in statute and already regulated by many municipalities (as Fluvial Erosion Hazard corridors)?

Communities may adopt and regulate the River Corridor Protection Area (RCPA) and be eligible for the 17.5% cost share but should be aware that protecting the RCPA will not reduce erosion hazards over time, since it does not provide enough lateral space for a river to achieve a stable slope (meander geometry). As such, ANR does not promote the RCPA via the state model bylaws. If, after discussion of pros/cons of RC vs RCPA, a town decides that they do not want to adopt the full river corridor, it is as simple as replacing the term “river corridor” with “river corridor protection area” and modifying the map adoption text. Professional planners are welcome to take the river corridor module and create an RCPA model and/or customize it to address legacy Fluvial Erosion Hazard bylaws to meet unique town needs. <http://floodready.vermont.gov/RCFAQ>

Please note that ANR capacity to create customized RCPA maps for a town may take some time due to mapping requests in the queue and other program demands.

6. The River Corridor Section D references refinements to the statewide river corridor layer. What is the notification process to towns and RPCs when River Corridor map changes are being proposed?

Generally speaking, notifications of proposed technical map updates will not be sent out. These changes are a result of improved data and done in accordance with [Flood Hazard Area & River Corridor Protection Procedure](#).

When the statewide river corridor is changed to reflect new data on river sensitivity or administrative changes, effected communities, RPCs, and Natural Resources Board District Commissions will be notified and provided the opportunity to view the changes between the old and updated river corridor layer. Both layers will be posted for a period of 60 days on the Flood Ready Atlas before being transferred to the Statewide Layer on the ANR Atlas.

Anyone that believes the river corridor information is in error, may submit information to correct the error any time in accordance with the above-referenced procedure.

7. What is the difference between a Letter of Map Amendment (LOMA) and a Letter of Map Revision(LOMR)?

A LOMA is an official amendment, by letter, to an effective NFIP flood hazard area map. A LOMA establishes a property's location in relation to the flood hazard area. FEMA typically issues LOMAs when a property has been inadvertently mapped as being in the flood hazard area and is located on natural high ground above the base flood elevation.

LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing FEMA-designated floodway, the effective base flood elevations (BFEs), or the mapped flood hazard area. The LOMR officially revises the flood hazard area, and sometimes the flood insurance study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the flood hazard area map or FIS report.

More information on LOMAs and LOMRs may be found here: <https://www.fema.gov/letter-map-changes>

8. Can a 50-foot buffer setback suffice in place of the 50-foot River Corridor setback for small streams?

Yes, so long as the 50-foot buffer set-back regulations largely restrict new encroachments within the setback, since the intent is to provide space for lateral stream adjustments. Your regional floodplain manager can review existing buffer regulations to verify whether they are sufficiently restrictive.

- 9. If a municipality does not have zoning (and therefore does not currently have any land use regulations), how do we identify an administrative officer (AO) and an appropriate municipal panel (AMP) to regulate the proposed bylaws.**

While there are some provisions in Section C [Administration] that describe how to appoint an AO and AMP, there are resources available to help provide guidance and details. The following guidebook is a great resource for towns:

<http://vpic.info/Publications/Reports/ManualOfProcedures.pdf>

In addition, your Regional Planning Commission can provide additional technical assistance:

<https://www.vapda.org/>

- 10. If a municipality does not currently issue permits is ANR providing a mechanism for this to occur without the municipality establishing the regulatory component locally to issue permits?**

No. To be eligible to participate in the NFIP and ERAF benefits, communities must regulate their adopted hazard areas. Vermont statute enables communities to adopt freestanding hazard area bylaws (see [24 V.S.A. § 4424](#)). Section C provides the administrative framework for communities to issue and enforce permits.

- 11. I live in a small town with part-time/volunteer staff. We are very concerned with the complexity of these regulations and our ability to administer them. Can these regulations be simplified?**

Flood hazard regulation is complex, especially given the requirements of the National Flood Insurance Program. The simplest way to reduce the complexity of the bylaw, is to reduce the number of activities that are permitted within the flood hazard area and river corridor. However, this may or may not be an option depending on pre-existing settlement patterns and planned growth patterns.

Technical resources exist to assist municipalities in flood hazard bylaw administration.

- The regional planning commissions have Certified Floodplain Managers on staff.
- The DEC River Corridor & Floodplain Protection Program offers Certified Floodplain Manager training and exams annually. The certification is highly recommended for municipal administrative officers. More information is available here: <http://www.floods.org/index.asp?menuid=426>
- Vermont statute requires communities to send hazard area permit applications to the DEC River Corridor & Floodplain Protection Program for review and comment prior to issuing a permit (<https://legislature.vermont.gov/statutes/section/24/117/04424>). Permit application technical review and written comments provided by DEC Regional Floodplain Managers help communities navigate the complexities of hazard area

bylaw administration. Regional Floodplain Manager contact information is found here:

<http://dec.vermont.gov/watershed/rivers/river-corridor-and-floodplain-protection/floodplain-managers>

12. The models require a lot of activities to go through Conditional Use review. Do we have the option to permit more activities administratively?

Yes. The model bylaws offer a starting point. We made every effort to create provisions for lower risk activities to be permitted through administrative review. Towns can certainly permit more activities administratively, based on their expertise and capacity to ensure compliance and enforcement.

13. Why can't the State regulate floodplains and river corridors, similar to other natural resources such as lake shorelands and wetlands?

Currently, the state has limited authority and only regulates activities exempt from municipal regulation and activities that are jurisdictional under Act 250. Vermont statute would have to be amended to expand the State's authority to regulate all development in flood hazard areas and river corridors.

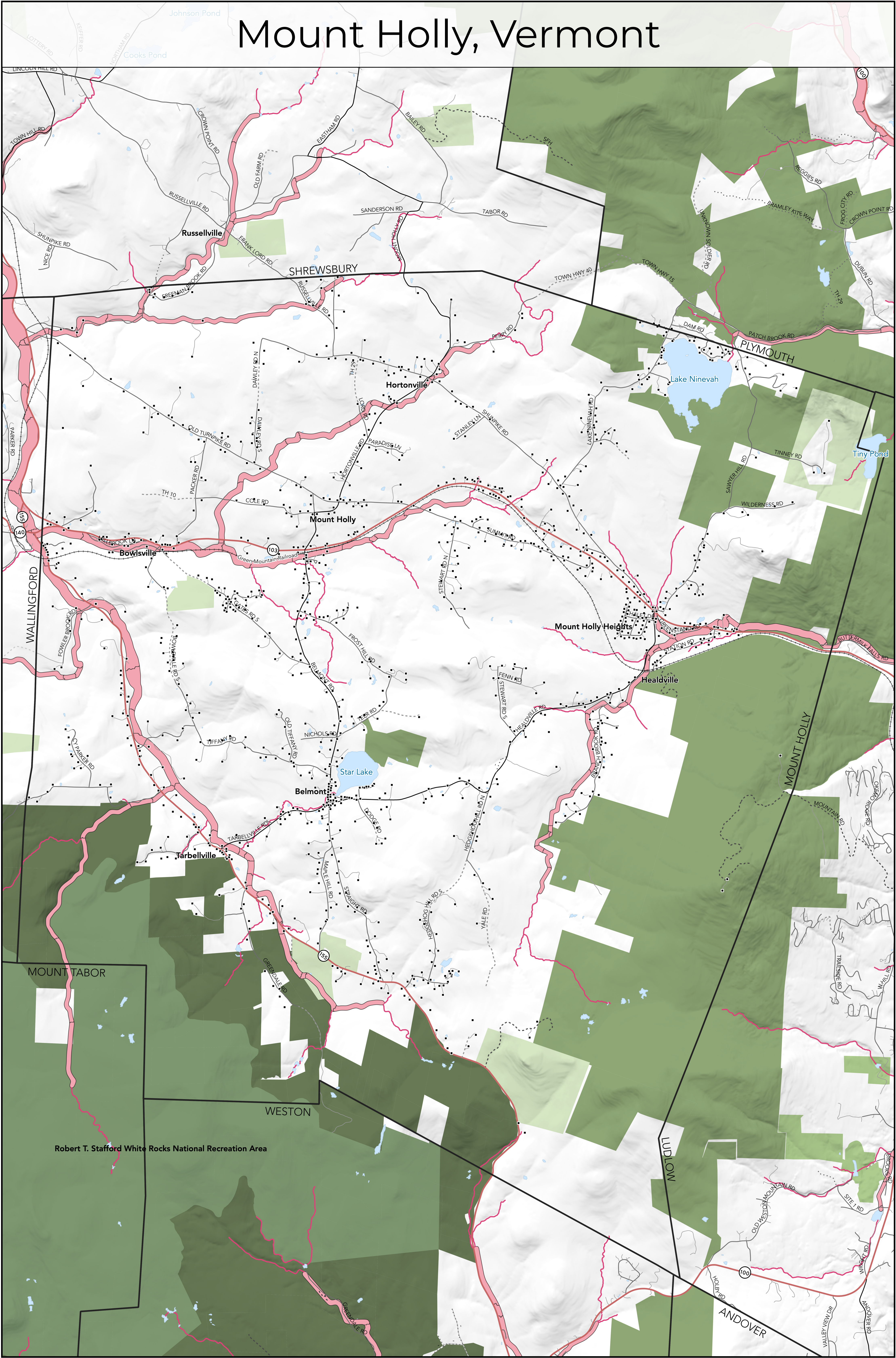
14. The standards in these model bylaws appear to be consistent with the standards in the DEC FHARC Protection Procedure applied to Act 250 projects under Criterion 1D – Floodways. Our town has adopted zoning and subdivision bylaws so proposed development under 10 acres or 10 residential units will only be regulated under our local flood hazard bylaws – correct?

Not necessarily. Specific conditions need to be met to qualify as a "10 acre" town versus a "1 acre" town, with respect to triggering Act 250 jurisdiction. The following Jurisdictional Opinion provides more detail on the requirements:

<http://nrb.vermont.gov/sites/nrb/files/documents/5-20.pdf>

We encourage communities to contact their regional planning commission to get further guidance: <https://www.vapda.org/>

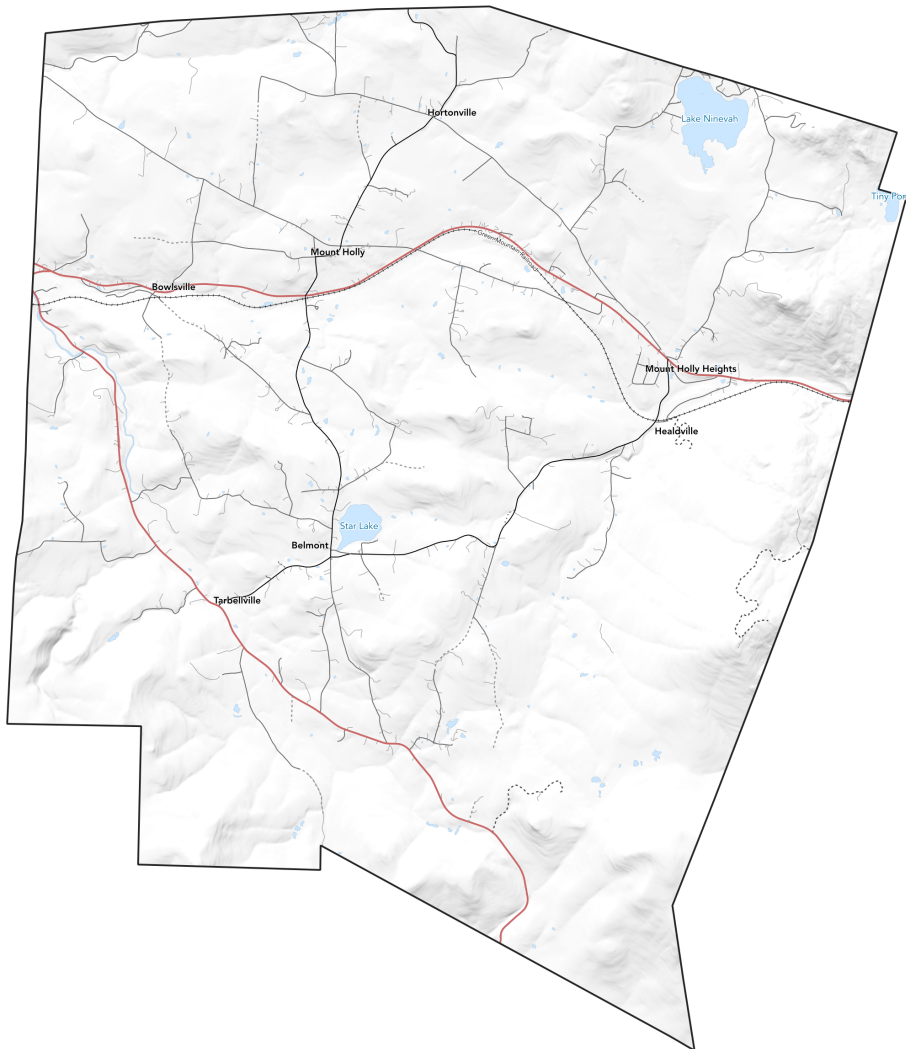
Mount Holly, Vermont



Building Construction Registration

Physical Location of New Construction

Indicate the physical location of the construction with a large X on the map below.



Signatures

I hereby certify that the information provided is accurate and complete to the best of my knowledge:

Signature of Owner

Date: _____

\$25.00 Fee, received by Town Clerk: _____

Date: _____

Reviewed by Planning Commission: _____

Date: _____



Town of Mount Holly Select Board

BUILDING CONSTRUCTION REGISTRATION

The purpose of this ordinance is to provide the Listers of the Town of Mount Holly with correct and timely information on new construction in town. Registration will ensure that new construction will be added to the grand list.

After adoption of this ordinance, all new building construction valued in excess of \$2500 will require registration. New construction includes, but is not limited to: new houses, camps, mobile homes, modular and prefabricated structures, any commercial or public buildings, out-buildings, as well as any increase in living space to existing buildings.

Registration forms are available at the Town Office and are to be completed and filed with the Town Clerk, along with the fee. The fee is set by the Mount Holly Select Board by majority vote and documented in the Town of Mount Holly Fee Schedule.

Construction may begin as soon as the registration form has been filed. The registration will be effective for a period of one year.

An unregistered structure will exist whenever construction or installation has begun before filing the registration form. The fine for non-filing will be \$100. Each week after notification of failure to register, an additional \$100 per week will be added to the fine.

The Select Board may adjust the fee and fine on an annual basis by majority vote.

This civil ordinance shall be enforceable under [Title 24 VSA § 1974\(a\)](#).

Upon approval at Town Meeting March 6, 1995, this ordinance is adopted by the Mount Holly Select Board on the day of

DRAFT PROPOSAL