



Town of Mount Holly Planning Commission

Town Office & Remote Electronic – Special Work Meeting Minutes

Wednesday November 2, 2022

6:00 P.M.

Commission Members Present: Jon McCann (Chair), Jim Seward (Vice Chair), Brigid Sullivan, Andrew Schulz (Zoom), Andrew Seward

Also Present: Renee Sarmiento (Clerk), Stephen Michel, Phil and Katy Crane (Zoom), David Johnson, Jeff Chase, Kyle Medash (Zoom), Francis DeVine (Zoom), Bruce & Marie Paquette

1. Chair called the meeting to order at 6:04pm
2. Changes to agenda: None
3. Inventory of subdivisions file
 - a. Chair shared that over the last couple years he has put together an inventory of the files for subdivisions and other transactions in the office – cross referenced with land record plats.
4. Flood Hazard and River Corridor Bylaw
 - a. Discussion with landowners in river corridors
 - i. Chair welcomed landowners and Kyle Medash, the DEC flood plain manager who has been assisting with the draft. Chair explained that this is an extra meeting in addition to the forthcoming public hearing – as recommended by the Regional Planning Commission among others.
 - ii. Marie Paquette stated they are trying to learn and have looked at the information in the chat. Mrs. Paquette stated they went on the state maps to look. It is her understanding if things are already there then they are okay but future building may need a permit. Bruce Paquette added they would like to know how this affects them as property owners. Mr. Paquette asked if there is an amount of footage you would need to be away from the river corridor.
 1. Chair explained on that map there are three different areas identified: existing special flood hazard area, mapped river corridors, and “small stream” river corridors. The special flood hazard area is already regulated. Kyle Medash responded if the property is on the Mill River, it is likely the fully “mapped” river corridor.
 2. Kyle explained the difference between river corridors and flood hazard areas. Flood hazard areas regulation is focused on inundation flooding (waters rising to a certain height). River corridors’ role is in recognizing erosion and where it could occur and that the river needs space to adjust so it isn't causing erosion up or downstream. Giving the river space will protect bridges and roads. The regulations recognize there are things in the river corridor and they will remain that way. However, new encroachment is what is discouraged (putting things closer to the river corridor than already exist).
 - iii. Chair asked Kyle to explain relationship to the river corridors and how they relate to existing flood hazard areas. Kyle explained that the “small streams” are areas higher up on the water shed and do not have a big drainage area. However, as they come down into lower valleys and pick up a lot more tributaries, they gain a lot more water. Flood hazard areas are in those lower valleys and that is where

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your river corridors will get a bit wider. River corridors are based on drainage area (how much water is flowing into the stream at that point) and channel width. "Small streams" that are regulated have just a 50-foot buffer. As you get lower in the watershed that is where there is full mapped river corridor.

- iv. Chair stated the existing ordinance already regulates development within the special flood hazard area. Mr. Paquette stated they do not plan on developing further on their property. Mr. Paquette spoke about the new (2019) box culvert on Route 155 and how it is fantastic.
- v. Mrs. Paquette asked when was this map developed and would a new culvert affect flood hazard area. Kyle stated only way to change FEMA mapping is through FEMA.
- vi. Phil Crane asked what is the definition of a river corridor. Phil asked if it is basically +/- 50 feet from the center of the water flow in the case of his place, which is a small stream. Kyle responded, for "small streams" it would just be a 50 foot set back from the top of bank. Mr. Crane asked what does "top of bank" mean? Kyle explained, if standing in the channel and you can see where the bank is established that would be top of bank. If it is a steep slope go to top of slope. Mr. Crane asked if attractive things/enhanced landscaping (i.e. rock gardens) to improve the strength and stability of the soil would be okay. Kyle stated it would likely be allowed under the bylaw.
- vii. Chair asked Kyle to explain what the relationship is between class 2 wetlands and any regulations that would be applied here. Kyle stated the wetlands is a separate department from the rivers program so doesn't want to speak too much of it here, but anything that is in a wetland or within its 50-foot buffer need a permit to do anything in there which requires analysis of avoidance, minimization, and things like that.
- viii. Francis DeVine stated his property is not in any of the areas. He was just interested in the discussion and learning more about what is happening.
- ix. Chair described how he reached out directly by phone and email to as many people as time allowed and also put something in the Newsflash. So far, results were: ten people were firmly in support, eight people had no concerns at all, and a number of people still reviewing the information, no disapprovals. Chair stated he had also received five email letters of support.
- x. Chair stated the next step is to schedule a Planning Commission public hearing. Chair has already sent a draft of the bylaw and the reporting form to the State. Chair read an email from Jenni Lavoie at the Agency of Commerce & Community Development.
- xi. Mrs. Paquette asked about the difference between what the Commission has proposed and what the Town currently has. Chair responded that the existing FHA regulations were based on the 2008 Regional Planning Commission models. Commission is now hoping to update to the 2022 Vermont Department of Environmental Conservation model, which is also approved by FEMA. There are essentially two parts, one is updating the regulation to be a little more modern and includes a couple of higher standards, the other is including river corridor protections. The primary reason for this change is to receive 40% more funding from the state Emergency Relief and Assistance Fund (ERAF). Mr.

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Paquette stated he would like to see a map of their property. Kyle stated he would be able to print up a map for them. Chair will follow up with Paquettes after the meeting.

- xii. Mrs. Paquette asked if people saw this as an issue with flood insurance. Kyle stated that flood insurance is an issue primarily between the homeowner and the insurance company. For any mortgage with flood hazard on the property, if you do not have a letter that removes the house, then you are required to get flood insurance. Federally subsidized flood insurance is available to anyone in Mount Holly. Flood insurance rating depends on how high above or below the house is to the base flood elevation.
- xiii. Chair asked Kyle what the options are for individuals whose properties appear different on the ground than on the map. Kyle stated there is something to change map for the river corridors. For example, if you have bedrock next to stream and feel extends to the bank and isn't going to erode or move, you could look at changing it. It is very uncommonly done. Chair asked Kyle how one makes changes to flood hazard areas when you have engineering available. Kyle stated homeowner could go to FEMA and get a letter of map amendment.
- xiv. Chair spoke of a "Higher Standards Crosswalk" document provided by Kyle. Kyle explained this is back into flood hazard regulation section not river corridor. The update added two feet of free board, so if you were going to add a new structure in the flood plain, presumably allowed otherwise, it would need to be elevated above the base flood elevation. It adds two feet of flood protection to any structure. Substantial improvements: this new bylaw includes a 3-year cumulative substantial improvement. If it hits 50% or more of the building value you would have to flood mitigate it (i.e. elevate it, put in flood vents, move utilities to higher floor). Critical facilities: FEMA doesn't prevent them in the minimum regulations This recognizes police, fire stations, schools, hospitals, keeping them out of the flood plain/not building new critical facilities in a flood zone. River corridor is a part of this that is not part of the old one.
- xv. Chair discussed the changes to the bylaw draft since the last meeting.
 - 1. Filled in the blanks in the summary table. Kyle spoke with colleagues and has recommendations on how to fill in blanks.
 - 2. Next change was clarity around "districts." It is now defined further as meaning floodway or a special flood hazard area. There are only two districts.
 - 3. Commission was wondering what "as adopted by the community" meant in the sense of the floodways. Kyle suggested changing it to: The floodway as shown on the current effective FEMA maps, adopted by this community. There are no floodways currently in Mount Holly.
- xvi. Chair sent around Kyle's responses to questions from the last meeting. Commissioners did not have any further questions.
- xvii. Chair suggested Commission take Kyle's suggestions and amend the draft. Commissioner Sullivan made a motion to accept Kyle's changes and amend the draft. This was seconded by Commissioner Schulz. **Unanimously approved.**
- xviii. Chair asked for comments and questions from Commissioners.

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1. Commissioner A. Seward stated he would like to see a letter sent to every property that would be affected. Commissioner A. Seward volunteered for this task, and offered to construct a list. Chair suggested mailing the fact sheet and map in the next week and offered to assist.
 2. Commissioner Sullivan stated the changes are important and beneficial to the entire town not just landowners in river corridors.
 3. Jeff Chase stated he did not have any questions or concerns, and noted that it is a lot of information.
- xix. Chair asked for public comments.
1. David Johnson requested a change be made in § VII. J. 3. c. ii. that states "zoning permit." Kyle clarified that a certificate of occupancy to confirm all work has been completed is required by FEMA. Agreed to change to: "permit issued under this bylaw."
 2. Kyle spoke about FEMA reimbursement, Mount Holly's current rate, and what the increase would be if adopted river corridors and higher flood standards. If adopted (higher flood standards, river corridor protection), it looks like the town is making a good effort in flood prevention which gives the town a leg up on applications for other kinds of funding and pre-disaster mitigation funding.
 3. Mr. Johnson suggested a change in section § VII. F. ("Decisions") so that the original decision is recorded and the recorded decision is filed.
 4. Mr. Johnson added he thinks the Planning Commission should let the Select Board know they might want to think adding a fee to the fee schedule for applications for permit and Board of Adjustment hearings. Mr. Michel wondered if should be similar to subdivision fees since they have similar notice requirements.
 5. Chair suggested adding, under section § VII. C ("Applications"), a number 4: "All applicable application and hearing fees, as set by the Select Board." All agreed.
 6. Mr. Johnson asked what "protected from scour" in § V. F ("Development Standards within the Floodway") meant. Kyle stated that section is talking about floodway (the highest regulated area), so if doing anything in floodway, there is a good chance you will need to provide a hydraulic analysis to say that what is being put in is not increasing flood elevations or alternating flow. Then it is saying if there is something where there is no change in grade (i.e. fence, something minor), you would not need to do the hydraulic analysis as long as it is protected by scour. Chair stated scour means to eat away by movement of water. Mount Holly does not have any mapped floodways. Chair will speak with Kyle about FEMA approved definition of scour.
 7. Mr. Michel asked if Kyle would do a presentation for the Board of Adjustment. Mr. Michel gave Kyle his email to communicate about meeting.
 8. Draft will be put on the website. Chair offered to send draft directly to Mr. and Mrs. Paquette when updated.

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9. Chair stated it is possible to make changes to the proposed bylaw all the way through the public hearing.
 - b. Schedule public hearing
 - i. The public hearing will be held December 7th at 6pm (**all agreed**)
5. Public comments: None
6. Upcoming meetings
 - a. Regular meeting – November 16th 7 pm (Reorganization and Transportation Plan)
 - b. Public Hearing - December 7th at 6 pm (Flood Hazard and River Corridor Bylaw)
7. Meeting adjourned at 7:53pm

For the Commission,
Renee Sarmento, Clerk

In draft form until approved on November 16, 2022