

## BRANDON PLANNING COMMISSION

January 9, 2012

**Planning Commission Board Members Present:** Anne Bransfield, Phyllis Aitchison, Marty Feldman, Linda Stewart

**Others present:** Charlene Bryant, Mona Erhardt, Tina Wiles, Ned Swansberg, Shannon Pytlik, Ethan Swift, Kellie Martin, Jeff Guevin

The meeting was called to order at 7:07pm.

**. Flood Hazard Area Regulations - Ned Swansberg – Flood Hazard Mapping Coordinator & Shannon Pytlik – River Scientist of VT DEC**

Ned Swansberg, the flood hazard mapping coordinator for the Department of Conservation, provided a presentation on the Flood Hazard Area Regulations. He stated in addition to flooding, erosion is another major issue. Brandon has a rather large area of flood hazards associated with the Neshobe River and some of the area swamps. He noted the maps outlining the flood hazard areas are being released and communities have to make sure their bylaws reference the new maps relating to flood insurance. He stated Brandon adopted a bylaw, but it was recognized that there was a special flood hazard type of area and that required an interim bylaw. He stated floodplains store waters, convey water through the landscape, are areas of agriculture and are often associated with groundwater resources, such as aquifers. Mr. Swansberg provided a timeline relating to flooding and the development of flood-rated programs; noting the largest tropical storm to hit Vermont took place in 1927, with 87 lives lost and \$960 million in flood damage. In the 1920's, private insurance companies abandoned flood insurance. In 1938, there was the great New England hurricane where 682 people died and it created \$4.7 billion in damages. In 1968, the National Flood Insurance Act was created (NFIP), which provides an insurance program for people in flood areas. This act also guided development away from flood hazard areas. Mr. Swansberg noted that in 1973, the Flood Disaster Protection Act required insurance in the special flood hazard area (SFHA). Mr. Swansberg provided the flood plan maps and outlined the (SFHA) that is affected by the annual discharge of water and includes the stream channel, the floodway and the flood fringe. He advised there are digital flood insurance rate maps available at the town office or on the web. In Rutland County, there was a new flood insurance study completed in 2008. He noted it is possible to take the boundaries and identify all of the structures in the area to determine the E911 sites within the area. Mr. Swansberg noted he can determine the level of risk in the community and will provide this information to the Planning Commission. The maps also teach about the kinds of risks involved, however, there are a lot of pieces missing such as storm water, which can also do damage, or the probable maximum floods. Other areas of concern deal with dam breach, ice and debris jams, impacts on infrastructure failure and dynamic adjustments of the stream channels. He stated this is where the Vermont DEC has been concerned about the erosion in municipalities. They are trying to better anticipate the stream/channel meandering pattern adjustments over time. It is thought this type of information over time will help to avoid building structures at risk. Mr. Swansberg noted that in Brandon, the map shows the special flood hazard area (SFHA) on the Otter Creek and the fluvial erosion pattern along the Neshobe River. He stated in trying channel adjustments, there are issues that will affect municipal infrastructure and could develop a much larger floodplain. He noted many times during floods, people want to armor the river banks and dredge out the river to help keep what they have, but this blocks the river and adds velocity to the water. These actions will change the channel and result in a vicious damage cycle. Shannon Pytlik stated Brandon did have a public hearing concerning the corridor plan that has been developed. Ned Swansberg stated there are a number of resources available at the Vermont DEC concerning flood hazard management and he recommended the Planning Commission look at the information

Brandon Planning Commission

January 9, 2012 Minutes

that is designed for zoning. Mr. Swansberg advised to avoid damages due to flooding, the community can adopt regulations to avoid known hazards. There can also be steps to reduce existing exposures and improve emergency response capacity. To adopt a permanent regulation, the community has to have a town plan, an all hazards mitigation plan and an emergency operations plan. Kellie Martin questioned how municipalities find the monies to do the upgrades necessary. It was noted that there are some federal grants, such as the hazard mitigation funds. Tina Wiles stated a municipality has to have all of the plans in place to be able to apply for the funds. For the private sector, communities can develop standards for new structures.

Tina Wiles noted in the development of the town budget, the DRB will also require more funds to assist with the development of these plans. Mr. Swansberg stated the key elements to the Municipal Flood Hazard Area regulation are that no new structures be built in the flood hazard zone, no fill is to be added in the flood hazard area, substantial improvements to structures should be one foot above the base flood elevation, there should be the development of a project review sheet and there should be a requirement of a certificate of occupancy. Mr. Swansberg suggested development of a model that should be submitted for review by the VT DEC. The Select Board then needs to adopt the bylaws and the VT DEC will then review the adopted regulations and pass them on to FEMA.

Shannon Pytlik stated with regard to the process of developing the erosion area, there was an assessment of the Neshobe River completed to determine what areas were or were not functioning. She stated there are rivers that have been straightened or dredged, and this has created excess hazards. There was a contractor who walked the Neshobe River and inventoried all of the different impacts to develop a strategic plan to restore the water shed. This does not encompass all of the erosion hazards. She stated there are places where the erosion hazard areas are contained in the flood hazard area, however, there are some areas that might not be in the flood plain but may be prone to erosion. Ms. Pytlik advised she can redo the map. She stated there could be targeted outreach to property owners in the watershed, noting there have been some good successes in this area. Tina Wiles stated there are a couple of areas on Newton Road that could be parcels to consider. It was noted there are a couple of different programs that do compensations. One program through the state is the Eco System Restoration Program and there are also some federal FEMA buyout programs. Mr. Swansberg stated there has been a significant amount of money paid out since the 1920's on damages that are repeatedly happening and the taxpayers have been burdened with the cost of the repairs. Tina Wiles stated there are about 12 properties that could consider a buyout in the area. Kellie Martin stated when property owners come to the town for tax abatement due to flood damages; the town still has to pay the education portion of the taxes. The Planning Commission is going to develop a plan relative to fluvial erosion hazard areas. Anne Bransfield questioned whether Kellie Martin and Ethan Swift would be interested in working with the Planning Commission on the development of this plan and they confirmed they would be interested. Phyllis Aitchison questioned what authority the town has in coming into compliance with regulations in a floodplain. Ned Swansberg stated there could be a bylaw developed that could make laws more restrictive. Ms. Wiles stated there have been issues with bringing property owners into compliance who are currently in the flood hazard area. Mr. Swansberg stated the regulations are overdue and this process has to move forward as expeditiously as possible. He questioned when the Planning Commission thought a draft could be provided to the state. Ethan Swift stated it would be good to have this developed by spring runoff. The members of the Planning Commission felt they could have a draft to the Select Board for their review by the end of February. Mr. Swansberg suggested developing a draft fairly quickly, warning a hearing and submitting the draft to his department. The draft will be reviewed for comments and a checklist will be developed and returned to the Planning Commission. In terms of community involvement, it is better to have them involved sooner in the process.

Anne Bransfield questioned if the hazard mitigation grant could be applied for in an effort to obtain a consultant to assist with the fluvial erosion plan. Tina Wiles stated the grant program that the Planning Commission has information on is related to the buyout program, but she noted there will be other mitigation programs available in the fall. Ms. Wiles stated the funds from the current grant could not be used for planning purposes, just for buyouts. Ethan Swift stated the Select Board will be holding a budget workshop this week for the FY2013 budget and if the Planning Commission wants to submit a figure for consultation services and map development, they should provide the information to the Board as soon as possible.

Anne Bransfield advised there is a flood mitigation workshop that is being sponsored by the Preservation Trust of Vermont on January 18<sup>th</sup> from 9:30AM to noon at the Fellowship Hall of the Congregational Church in Brandon. Ms. Bransfield encouraged all Planning Commission members to attend. Tina Wiles suggested doing site visits behind the Leary building and Liza Meyers' building and around Briggs Lane.

Ethan Swift and Kellie Martin offered to assist with the development of the plan and to be available for the public hearing.

### **Minutes:**

Adoption of the minutes was tabled to a subsequent meeting.

### **Sign Ordinance – Tina Wiles**

With regard to the Sign ordinance, the Planning Commission has had two hearings. Tina Wiles has also spoken with Attorney James Carroll concerning the ordinance. He recommended not having this as a freestanding ordinance; otherwise it falls under the jurisdiction of the Select Board rather than the DRB. There would be no interested party status and the appeal process would be different in that it would be appealed to the Select Board and then to the Superior Court. Attorney Carroll said there could be a Purpose section and additional definitions in this section, as long as they are consistent with the other parts of the ordinance. The Appeal and DRB sections can be removed, as they are duplications from other parts of the unified ordinance. When talking about the Administrative Officer approving projects, it should state the projects have to meet the guidelines of the standards and are in compliance with the permit process. Attorney Carroll also stated they should keep the existing Sidewalk ordinance and be sure that it is consistent with this section and the Merchandise Display ordinance. He noted the tables were excellent. Under the General Sign standards, the constant shielded light source is acceptable. Tina Wiles stated because projecting signs are allowed, they will project over town property and that is where they fall under the Sidewalk and Display ordinances. It was discussed to develop a policy for the Select Board to adopt to authorize the town manager to sign off relative to issues relating to public property, with the sign size being under the authority of the zoning administrator. With regard to sandwich board signs, Mr. Carroll advised what has been done is fine, but if someone does not bring them in every night, then they convert to a freestanding sign. Merchandise displays will be moved to a different section. The Sign ordinance will now be revised incorporating the changes provided by Attorney Carroll and another hearing will be warned. It was suggested that the flood and sign ordinance hearings could be done simultaneously.

### **Other Business as Needed:**

There was no other business discussed.

### **Public Comment Period:**

Brandon Planning Commission  
January 9, 2012 Minutes

There was no public comment.

**Schedule Future Meetings:**

There will be a special work session scheduled for some time during the week of January 23<sup>rd</sup> .

The next regularly scheduled Planning Commission meeting is scheduled for January 23<sup>rd</sup> at 7:00PM.

**Adjournment:**

A motion was made by Phyllis Aitchison and seconded by Linda Stewart to adjourn the meeting at 9:28PM.

**The motion passed unanimously.**

Respectfully submitted

Charlene Bryant  
Recording Secretary