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APPROVED
Amended December 13, 2010

HUNTINGTON PLANNING COMMISSION

Minutes of November 22, 2010

PRESENT: Tom Bailey, Gordon Miller, Heidi Weston, Heather Pembrook, Charlotte Barrowman, Brett Lindemuth
ABSENT: Everett Marshall
OTHERS PRESENT: Ned Swanberg
MINUTES: Heidi Racht

AGENDA:

7 pm Minutes of November 15, 2010
Mail
7:15 Don Sheldon - Sketch Plan Review
8 pm Public Comment
8:05 Flood Regs
9:25 Member Business
9:30 Adjourn

The meeting was called to order at 7:08 pm; chaired by Tom Bailey.

Minutes of November 15, 2010	Heather Pembrook moved to approve the minutes of November 15, 2010; seconded by Brett Lindemuth.	The minutes of November 15, 2010 were approved unanimously with changes.
Mail	None.	No action taken.
Change in Agenda: Don Sheldon had called earlier to cancel, so the Commission went on to Member Business	1. Discussion was held about the Commission's regular meeting times. A motion was made by Heather Pembrook to set the time and place for the Huntington Planning Commission regular meetings on the second and fourth Mondays at 7 pm at the Huntington Town Office. 2. Charlotte Barrowman provided a brief update on her research at having the Commission members have a single email address. She talked with Selectboard members Dori Barton and Jim Christiansen. Christiansen had said that it was "helpful" to have "one point of entry" and have the Board chair take the email and then distribute it. An email address with a	1. The Commission voted unanimously to set the time and place for the regular meetings on the second and fourth Mondays at 7 pm at the Huntington Town

	password has already been set up through the town for the HPC and the password will be given to the chair. 3. Heather Pembrook reported on the discussion she had with Nancy Stoddard, who is volunteering her time and expertise to get the new town website up and running. Stoddard has proposed putting a description of each board on its information page along with the listing of members and meeting times. Pembrook offered a draft for the HPC, which she had sent prior to the meeting. Other suggestions included having links to the documents on this page; since the appendices for the regs are not on the current website, Pembrook will check with Stoddard to get these documents on the new website. 4. Pembrook then reported that she had talked with Cathleen Gent about fees for the subdivision review. Gent had said that all funds go to pay the Zoning Administrator, not to offset HPC expenses. Discussion ensued about linking the HPC advertising expenses to fees.	Office. 2. There will be one email address for the HPC, which will be checked by the chair. 3. The Board agreed that Heather Pembrook will be the contact with Nancy Stoddard for the town's new website. Pembrook will check with Stoddard to get these documents on the new website. (postponed full review of website text and links.)
Budget Discussion	Informal discussion about the 2011-2012 budget proposal included increases for 1. Advertising: $800 (costs for permit hearings) and $500 (regulations update) 2. Salary: increase to $2000 for anticipated increase in hours and workload 3. Training: should be increased from $250 to $800 4. Printing: move $200 from this category to salaries. Heather Pembrook moved to reallocate $200 from printing to salaries; leave all other line items the	The Commission voted to table the decision on the proposed 2011-2012 budget until November 29, 2010.

	same; increase training from $250 to $800; seconded by Heidi Weston. After more discussion, Gordon Miller moved to table the motion; seconded by Charlotte Barrowman.	
Public Comment	No public present, so agenda item was deferred until after the discussion on Flood Hazard Regulations.	Public Comment deferred.
Flood Regs	Ned Swanberg, Flood Hazard Mapping Coordinator from the State of Vermont's River Management Program, met with the Commission to help orient the new members on the Flood Regulations. Tom Bailey suggested that Swanberg could do a presentation or answer questions or both. Swanberg suggested that he begin with a general background. He began by explaining that he worked with towns for the process of adoption of flood hazard reg and that by the time the Planning Commission finishes the process, it would have a bylaw that meets or exceeds the FEMA minimum. FEMA review of the proposed reg usually takes six weeks and he was sometimes able to push through a "specific question" to help the process. He submits his paperwork to a FEMA branch that covers New England. When the town hosts a public hearing, Swanberg suggested having a representative from the River Management Program to answer technical questions. In answer to a question about whether, in Vermont, there were regional or county versions of the reg proposed to FEMA, Swanberg said that Maine has an official model, but every town in Vermont is different. He noted that towns often have models from the 1970s and 1990s when the Regional Planning Commissions made drafts available. Swanberg commented that he had reviewed six versions of the Huntington Flood bylaws since the process began. Brett Lindemuth said that it was "frustrating to define the minimum reg that meets the need [for FEMA	No action was taken.

	approval]." He couldn't find the minimum and this has created a "trust issue. Folks would like to know what it is." Swanberg talked about the Winooski River Valley watershed, of which the Huntington River and tributaries are a part. The greatest cost to people in Vermont from flooding is through erosion: "most disasters in Vermont are flood-related. When towns have roads that get washed out, it is a chronic legacy issue with development patterns." Flood plains have services and values. 1. Water storage, so it doesn't all end up in the same place at once; 2. Agricultural functions and water power; 3. Groundwater recharge; 4. Water quality protection – traps sediments and nutrients; 5. Soil development and biodiversity; 6. Community recreation; beauty. A history of the federal flood insurance program was reviewed: 1927 Flood set future development in Vermont; 1920s Private Industry walks out on Flood Insurance 1938 Hurricane (hit areas that weren't necessarily affected by 1927 Flood) 1968 Federal (national) transfer costs of private losses provided to flood plain residents; guide development from FHA; new buildings to minimize and prevent damage. 1973 No federally-backed loans without flood insurance 1974 VSA Title 10, Chapter 32 The Sepcial Flood Hazard Area,, or 100-year flood plain, or base flood, designation means that an area has a one percent or greater annual chance of flooding in a given year, not that the area will flood every 100 years. Swanberg reviewed DFIRM (Digital Flood Insurance Rate Map). He noted that capital funds will not be	

	available for new emergency buildings in the flood plain since these types of buildings need to be available for emergencies, not in the middle of them. The map will be used with flood insurance studies to find the baseline elevation of a building. Washington County has 1156 buildings in the flood hazard zone. He stressed that the individuals should act as well as the local government: 1. make a family plan for evacuation 2. have flood insurance 3. relocate structure (cost $30,000 to $40,000) The community can also act: 1. regulations to avoid town hazards 2. training of squads to prepare for emergencies 3. develop data Act 110 works to 1. develop data 2. provide model regulations 3. develop incentives DFIRM doesn't cover worst case such as a dam breaks, ice and debris jams, impacts of infrastructure (assumes that everything will work), dynamic adjustment of stream channels like when streams enlarge. In other words, "even if you build to FEMA specs, it doesn't take into account how things will come in." The system in place "protects property and personal interests with others money" and result in a "loss of river system" including flood, injury and property damage. The minimum reg allows for all sorts of fill. The Code of Federal Regulations protects the Floodway. The Floodway models for elevation to be one-foot of rise and is based on a wide area such as flat terrain like in Kansas and Nebraska. There is no rise in the Flood Hazard area. Channel adjustments need to be taken into consideration – the stream channels have a meander pattern. There are both inundation risks and erosion	

	risks. Huntington has a river corridor plan, which identifies at risk areas such as Hinesburg Hollow culverts, which are sized at only 50% to 75% of bank full. Huntington currently has 15 single-family houses in the Special Flood Hazard Area (12 houses and three mobile homes). Of these, only 67% are insured; the remainder lack insurance and are more vulnerable when a flood occurs. Heather Pembrook asked how different zones are mapped. What data are the maps in Huntington based on? Is the AE zone derived from detail study of the landscape? Swanberg responded that the study done in Chittenden County covers the main stem of the Winooski River. In answer to a question about where the funding comes from for the mapping, he explained that it is allocated by Congress. Changes were made to the maps in 2009 and 2010. In answer to a concern expressed about the lack of contact regarding the maps, Swanberg said, "This community had multiple mailings to talk about the maps." Heidi Weston asked if the maps could be changed now and she was told they could not since the deadline had passed. More discussion covered the role of the Zoning Administrator and Administrative Officer for Zoning concerning Conditional Use jurisdiction if it is in Zone A. In the flood zone, the town has to take the boundary and establish baseline elevations. The applicant has to identify the Floodway. A property owner can put wastewater in the Flood Hazard area, but not in the Floodway. The review process doesn't have to go to Conditional Use. According to the DEC Model 5, all activity in the	

	Special Flood Hazard Area, needs a permit at minimum. The permitted uses need a "piece of paper" making sure it's out of the way of the floodwater." The property owner "needs to know the risks and not be adding to the danger of self and neighbors." In answer to a question about road maintenance, Swanberg said that the road crew can maintain existing roads which does not create a change. Adding materials, swapping culverts is an improvement. The idea is to try to "not give them a hard time when they are working day to day," but to get roads into compliance with rule of law. Sections 174.3 and 174.4 were reviewed. Swanberg said that Section 162 includes permitted uses. Accessory structures are allowed as long as they meet no rise in the Floodway. The proposed improvement has to meet everything exactly otherwise a Conditional Use permit needs to be obtained. Tom Bailey said that the question will probably come up about how close this document is to the FEMA minimum. Are there areas in this draft that are significantly above the FEMA minimum? Swanberg remarked that it was a "balancing act to maintain qualifications to get insurance." He explained that through Vermont Statute, certain things cannot be done by the AO, who is the prime gatekeeper for certain kinds of specific applications. He went on, SS 4448, Sec D states that the AO, whose powers are literal and does not have the power to set conditions, needs to act on a building permit application within 30 days; however, SS 4424 Sec D I states that "A copy of the application is mailed or delivered by the Administrative Officer or by the appropriate municipal panel to the Agency of Natural Resources," which has 30 days to comment and could mean that the first will not be met. If the AO refers to application to Conditional Use, s/he acts within 30 days and conditions can be put on it by the Zoning Board of Adjustment, a privilege that is not allowed	

	to the AO by law. In answer to a comment by Heidi Weston that "it obviously doesn't work," Swanberg said that it did. "A whole bunch of things that used to go to the State are cut out." In answer to a question from Brett Lindemuth about channel management, Swanberg said this was covered in Chapter 117: new structures, substantial improvements and the Floodway "should get technical scouting." Weston then asked about grain bins in the Special Flood Hazard Area. Swanberg replied that any development has to meet FEMA minimum standards: a permit for any development. It is intended to ask "What are you doing?" Farmers, however, have a broad exemption as long as it meets the water pollution standards. Any structure built by a legitimate farmer, as defined by State Statute, still needs to meet the criteria for the following guidelines: the farmer needs to go to the AO with the description. In the Floodway, it's not an Accepted Agricultural Practice unless the farmer receives a letter from the Secretary of the Vermont Agency of Agriculture. The building still needs to meet the setbacks. If there are any problems, there is a liability for the farmer. Tom Bailey asked if the Commission was ready to adopt the regs; Heidi Weston said she wasn't ready. Swanberg interjected: "if there's something close, you could make modifications." Lindemuth said he was less concerned getting the Zoning Regs in front of the voters in time for Town Meeting and more comfortable with the Selectboard making the decision in the near future. He then said he wanted a Model 5 chart added to Bailey's proposed draft of the Flood Regulations. Swanberg asked, "What does the community envision? What happens in flood areas?" He suggested asking the Fire Chief about his ability to	

	serve 15 structures in the floodway in the event of a flood. Bailey replied, "Maybe by a certain group of people." Most people think that when the Planning Commission makes a decision, it has thought out all the details and weighed all the options in the best interest of the community. Lindemuth said he was the "only person on Front Porch Forum who stated I wanted to adopt the minimum standards. A lot of people had something concrete to rely on [when they voted]. I have to be able to know that I've met this." Swanberg said that anything that is put before the Selectboard has a synopsis as to whether it meets the Town Plan. It's not all about minutiae. Lindemuth said, "The Town Plan is our guide. It's not a controlling document." Bailey cut in, "I'd like to see if we can move it to a hearing." Heidi Weston moved to postpone the decision to move forward; it was not seconded. The group was polled, which was inconclusive. Weston asked Swanberg to provide a chart as to whether it's a permit or a conditional use. Swanberg said he already had provided the chart.	
Member Business - Planning Grant	Tom Bailey discussed the Planning Grant application that he had written with Gordon Miller and Mariah Riggs. The grant is due on November 30. It needs to be approved by both the Planning Commission and the Selectboard. The Selectboard meets on November 29 and wants the document in advance of the meeting. He spoke about meeting with Sue Minter, who said that this may be the last year that these grants are funded since the State is looking at more budget cuts.	The Commission unanimously voted to recommend that the Municipal Planning Grant application to the Huntington Selectboard for approval.

	Gordon Miller moved to recommend that the Municipal Planning Grant application to the Huntington Selectboard for approval; seconded by Charlotte Barrowman. Heidi Weston proposed an amendment to review the document at a later date; there was no second. In discussion, Heather Pembrook said that there was limitation in the town due to septic and water. The grant would allow the town to look at options. Gordon Miller said that it was important to submit the grant application. He declared that the current zoning would mean the villages as they are developed now would not be allowed. Examples of empty buildings with severely limited or no allowable uses include Jaques Store in the Lower Village and the Huntington Town Hall in the Center. He said the town needs to take a long-term look at "what we can do to change to village centers and get rid of the dead zones." It was a chance to "study the opportunities to rebuild the community and the growth potential of the community."	
Other Business	Heidi Weston and Charlotte Barrowman left the meeting, when it adjourned at 10:28 pm. Ned Swanberg stayed and discussed flood regs with Heather Pembrook and Brett Lindemuth until 11 pm.	

Adjournment: Brett Lindemuth moved to adjourn the meeting; seconded by Charlotte Barrowman. The meeting adjourned at 10: 28 pm.

UNAPPROVED MINUTES TO THE HPC: November 28, 2010.
MINUTES APPROVED: November 29, 2010
APPROVED MINUTES TO THE TOWN CLERK: November 30, 2010
Amended Received: December 14, 2010