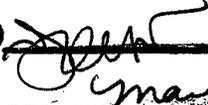


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DATE


 May 27, 2010

APPROVED

**Huntington Planning Commission
MINUTES
May 10, 2010**

Commissioners Attending: Gordon Miller, Tom Bailey, Heidi Weston, Everett Marshall

Commissioners Absent: Beverly Little Thunder

Others Present: Dean Menke, Patti Delaney, Dori Barton, Mark Wisnioski, Margaret Cole, Phil Cote, Mack Riddick, Teddie Brace, Joe Spence, Les Hunton, Betty Wheeler, Jim Brennan, Larry Haskins Sr., Mark Cavic, Ginger Lubkowitz, Larry Haskins Jr., Rosemarie LaCoursiere, Jay Centerbar, James Fecteau

Minutes: Heidi Racht

7 pm Minutes of April 26, 2010

Mail

7:10 pm Public Comment

7:15 pm Bill White informal discussion regarding subdivision

7:30 pm Flood Hazard Regulations, including wording of warning

8:15 pm Subdivision/Zoning Regs updates

9 pm Member Business

9:15 pm Adjourn

Once a quorum was reached with the arrival of Tom Bailey and Heidi Weston, the meeting was called to order at 7:15 pm, chaired by Everett Marshall.

Items for Discussion	Discussion	Action
Agenda Order Change	The meeting began when four members of the Commission were at the meeting. Since it was after 7:15 pm, the agenda was shifted to accommodate the public at the meeting.	
Public Comment	<p>After a brief discussion with a couple of the members of the public, Everett Marshall explained that the meeting was a regular working meeting and not a public hearing. As a result, there is an agenda item for public comment and then the public is welcome to observe the discussion of the Commission.</p> <p>Joe Spence indicated that he was seeking information concerning the flood regulations and that the public was there to discuss the flood regulations as well.</p> <p>Les Hunton asked if there was another public hearing where the regs were open to debate. Marshall explained the process, which would include a public hearing by the Planning Commission and a later one by the Selectboard; the public would have at least two opportunities to discuss the document.</p> <p>Hunton asked how the current regs stacked up against the minimum FEMA regs. Marshall replied, "some stronger, some the same."</p>	

Items for Discussion	Discussion	Action
	<p>Tom Bailey said that the regs weren't in final form and that the meeting could not be turned into a debate – that's why there's a public hearing. Nothing was decided.</p> <p>Teddie Brace how the regs related to the footage from the center of the river. "Does FEMA have the right to walk on your property?"</p> <p>Heidi Weston began passing our papers. Everett Marshall expressed frustration about the disruption in the process of the meeting and asked that the papers be returned so the members of the Planning Commission see the document. Weston explained that the information compares Model 5 and the FEMA minimum standards to "solidify questions."</p> <p>Hunton inquired about the Special Flood Hazard and Floodway – he noted that without the map, it was hard to see.</p> <p>Teddi Brace suggested that a better space was needed to meetings and it was noted that the school was requested for a hearing scheduled for June 28. Hunton said that the church annex was available if the meeting got too big tonight.</p> <p>Patti Delaney said that Dean Menke had something to say and Menke produced a petition signed by eleven residents on Bridge Street and one resident of the Main Road requesting that the Town of Huntington adopt only the minimum requirements to qualify for the National Flood Insurance Program as specified in 44 CFR Section 60.3.</p> <p>Heidi Weston read a letter from Nellie Jaques asking for the FEMA minimum requirements only.</p> <p>Marshall then said that the HPC would continue with the agenda.</p>	
<p>Bill White informal discussion regarding subdivision</p>	<p>Bill White was not at the meeting.</p> <p>The issue is that White was in Final Subdivision Review, which was continued in April 2004, so White could have more time to prepare. The hearing was never closed, so there is no statutory limit on the amount of time to continue the hearing. Now, White has contacted the HPC to continue his project. He has also indicated that the project may change.</p> <p>Marshall said that he had contacted the Vermont League of Cities and Towns (VLCT) and they had recommended warning and closing the</p>	

Items for Discussion	Discussion	Action
	<p>hearing.</p> <p>There was concern about the open hearing and the cost of warning the hearing to then close it.</p> <p>After some discussion, it was decided to write a letter to Bill explaining that the HPC was aware of the concern about the open hearing and was assuming that he is starting a new project. The Commission wants to close the hearing unless he wants to continue with the exact same project.</p>	<p>Heidi Racht will contact Bill White on behalf of the Commission and explain that he needs to reapply for Subdivision Review.</p>
<p>Flood Hazard Regulations</p>	<p>The Commission discussed the latest draft of the Flood regs (April 18).</p> <p>Tom Bailey said that there was no action taken on this draft at the April 26 meeting.</p> <p>Heidi Weston said that the draft was not on the same track as the townspeople who have attended the hearing. Marshall said, "We've had this draft for a very long time."</p> <p>There was some discussion about the deadline for passing the FHOD regs since the town had received notification of an extension. It was explained that the deadline had been extended an additional year until September, 2011. Marshall said that work should continue, "We don't want this to drag on."</p> <p>Copies were made of a version of the April 16 document with proposed edits by Heidi Weston. The Commission then went over the changes, which encompassed Sections A through D (summary table).</p> <p>Discussion about additions to Section 3.5.A.6, which suggest that the town pay for errors made by the zoning administrator where a LOMA might not be necessary. Marshall said that the town can't assume that this would be done [mistakes by the zoning administrator]. Bailey added that this opens the door for a LOMA amendment to come in "for every claim they've got." He proposed deleting the whole thing.</p> <p>Weston asked, "What's to protect the landowner?"</p> <p>Bailey said he thought this was not the place to put in this language.</p> <p>Marshall said, "People who hire consultants pay for the work." He added that the FEMA regs were federal, not local. Bailey argued to delete the section.</p>	

Items for Discussion	Discussion	Action
	<p>Gordon Miller said that this would be a form of questioning FEMA's judgment and the town doesn't have the responsibility to get money from the "Feds" – there was not much chance.</p> <p>The discussion then centered on Section A.8, which was a new item proposed by Weston, stating that no portion of the regulation shall be valid if it is more restrictive or prohibitive than the FEMA minimum.</p> <p>Marshall noted that there was a fairly rigorous regulatory process in administering the FEMA minimum. Bailey added that he was concerned that this is a policy: "it's a goal" that should have regulations to meet it but couldn't be enforced as written. Marshall suggested no action be taken on this comment.</p> <p>Under the Section D (summary table), Marshall clarified that the difference between Flood Hazard area and Floodway, noting that the Floodway floods regularly. Changes suggested by Weston to reflect the FEMA minimum standards include permitted uses for all construction in the floodway with a No Rise No Impact Certificate. In Model 5, some of these uses (open space, recreation, forestry, agriculture) are allowable uses in the FHOD and Floodway.</p> <p>Marshall said that the Model 5 Summary Table allows for improvements to existing structures, but does not allow construction of accessory buildings.</p> <p>At this point, Tom Bailey suggested a proposal, "in terms of moving forward," that the Commission go into the hearing with two drafts. Marshall argued against the proposal for two different drafts, saying that the hearing had to have something to review. Bailey replied that he wanted to see "how townspeople would feel about the two documents" when comparing them in a hearing.</p> <p>Mark Cavic asked to make comments. Marshall reiterated on the public hearing's purpose and that this evening was a working meeting of the Commission and not a hearing.</p> <p>Bailey said he was in favor of not including language changes proposed by Weston in A6 and A8.</p> <p>He pointed out that there had been an opportunity for Weston to make changes to the regs and this hadn't been done. What was proposed weren't changes. He asked about D4 in the summary table and asked what was new. Bailey then said again that he would like to bring two drafts of the regs to the hearing. Marshall argued against it saying that it needed to be clear to the public what was being discussed and having</p>	

Items for Discussion	Discussion	Action
	<p>two documents would be confusing.</p> <p>Weston said “if we do a draft that’s not the minimum, it would be the same hearing [as the last one].”</p> <p>Marshall said that Model 5 allows accessory structures, additions/improvements to existing structures, and storage. He said, “It makes sense to decide what to do and then take comments.”</p> <p>Gordon Miller said he thought the two proposals would “give people the opportunity to debate both proposals.” He said that the Commission could go with the April 18 document and “we won’t have a document or go with the minimum and that’s it.” Marshall said “it’s not going to change a lot what you can do in the Flood Zone. Water has to pass through a raised structure. He then said, “We can look to the minimum.” Bailey then noted that if people want to pay experts and pay astronomical insurance rates, then they can build in the flood area.</p> <p>Bailey suggested allowing the public at the meeting to comment, noting that “we have a subset of the public here. It is different at a public hearing.”</p> <p>After some discussion about the process, Marshall asked everyone in the room to comment. He instructed the Commission to listen to the comments and not try to answer.</p> <p>Betty Wheeler said that she was concerned about pre-existing building rebuilding in the FHOD.</p> <p>Les Hunton stated that he had a pre-existing residence in the FHOD and that it was “crazy not to get the minimum” standards proposed.</p> <p>Joe Spence noted that he is a ZBA member (over 20 years), and that group had a situation where someone wanted to do an improvement in the FHOD. “FEMA and everyone’s involved and there were hurdles to get it done. It can be done and they were ok with it.”</p> <p>Teddie Brace said he wanted the FEMA minimum. People should be able to build on their property and “they can have the cheaper rate if the building is away from the river.” He also said to give incentives to encourage property owners to try not to be in a wet area. “Make it easier to put it up high. Regs don’t make it easy for people to work with the person.”</p> <p>Mark Cavic said he had a concern that enough people had shown up wanting the minimum. He also commented that “no one knows the minimum.” He then volunteered to help out.</p>	<p>Heidi Weston moved that the Commission should take additional public comment for 10 Minutes. Tom Bailey seconded the motion which was unanimously approved.</p>

Items for Discussion	Discussion	Action
	<p>Rosemarie LaCoursiere said that she had writing experience and would help with the draft.</p> <p>Marge Cole, who does not live in the FHOD, said she was there looking for information.</p> <p>Larry Haskins Junior said that a lot of people in town are not affected by FEMA and don't care about insurance. He felt that the people who were affected by these regulations "should have more say."</p> <p>Larry Haskins Senior said he agreed with his son.</p> <p>Jay Centerbar said he wanted the FEMA minimum standards.</p> <p>Patti Delaney said she wanted only the FEMA minimum and "every neighbor on Bridge Street agrees." She went on, "It is difficult when you aren't personally affected like the folks on the river."</p> <p>Ginger Lubkowitz encouraged passing the minimum, noting that it might lead to another reg. She said she wanted to see the one proposal that said "this is the minimum."</p> <p>Dori Barton, identifying herself as a resident on Bert White Road, commented that the river is "a resource for all. Everyone should have a say. All have a vested interested." She also pointed out that the HPC could not warn two drafts. People can't go to a public information meeting to discuss two drafts. She encouraged the Commission to consider instead a public information session.</p> <p>Lubkowitz asked if the Conservation Commission had weighed in and suggested that this be done.</p> <p>Brace said that too much of what everyone does people don't hear about, especially if they don't have a computer [internet access]. It's at meeting where people hear things. He then spoke briefly about property rights.</p> <p>Barton pointed out to Brace that she had just recommended public meetings instead of a hearing.</p> <p>Everett Marshall suggested that Heidi Weston redraft the document. Once the Commission has a working draft, it can make a decision on the next step.</p> <p>Tom Bailey said, "We have a pretty good idea of the FEMA minimum."</p>	

Items for Discussion	Discussion	Action
	<p>Weston said she would support the minimum and then noted that the four sections of the document that she had submitted with comments “isn’t a complete draft.”</p> <p>Bailey talked about the Bolton regs, which had a couple of different zones, because of the various bodies of water in that town.</p> <p>Bailey then said he wanted the complete draft. “We’re here tonight, last meeting and the other meeting (working meeting on May 5). We’re doing the same damn thing” at each meeting. He asked Weston to finish the draft for May 20 and she said she would aim for this date. He then said that he was not going to do the next draft.</p> <p>Dori Barton suggested contracting a consultant to draft the document and suggested that the HPC find out what it would cost. After consulting the Town Report, it was determined that there was no money in the budget for consultants. Everett Marshall said that he would ask to get on the Selectboard agenda to talk about the budget.</p> <p>Bailey said he thought this was a symbolic issue: “people want the FEMA minimum [standards] even if they don’t know what they are.”</p> <p>Teddie Brace and Betty Wheeler at this point were the only members of the public still at the meeting. Brace said that people want to know where the line is. It is easier to understand.</p> <p>Marshall said that Gordon Miller should review the next draft, commenting, “Tom has put in enough time.”</p> <p>Weston suggested postponing the discussion. Bailey offered to contact Sharon Murray, who had written the Bolton regs.</p>	<p>Heidi Weston will finish the draft of the FEMA minimum regs and distribute it to the Commission on May 20.</p> <p>Everett Marshall will talk with the Selectboard about funds for help with the FHOD draft.</p> <p>Tom Bailey will contact Sharon Murray about her work on the Bolton FHOD regs.</p>
Minutes of April 26, 2010	Tom Bailey moved to approve the minutes of April 26, 2010 with corrections; seconded by Heidi Weston. The minutes were passed with minor changes, with Everett Marshall abstaining.	The Commission approved the minutes with changes.
Mail	ANR letter to Barbara Mayo, dated May 6, 2010, about the Stormwater Permitting Determination for her three- lot development on Economou Road.	No action needed.
Subdivision Regs Update	The Commission decided to focus on the Zoning Regs revisions next time. A couple of small comments were made about this.	Members should read and provide comments at the next meeting.
Member	Marshall brought up protocol asking the Commission members to	Members will

Items for Discussion	Discussion	Action
Business	<p>“please arrive on time.” Heidi Racht added that it put the chair at a disadvantage for running a meeting when he had to apologize for 15 minutes to the public and had to say that he wasn’t sure if there was going to be a meeting due to a lack of quorum.</p> <p>At the end of the discussion, Teddie Brace thanked the HPC members for their work and shook everyone’s hand before leaving the room.</p>	come on time to the meetings.

Adjournment	Tom Bailey moved to adjourn; seconded by Everett Marshall and unanimously adopted. Meeting adjourned at 9:36 pm.
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Date UNAPPROVED minutes submitted to HPC: May 18, 2010
Date minutes APPROVED by the HPC: May 24, 2010
Date Approved Minutes submitted to Town Clerk: May 25, 2010