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APPROVED

Huntington Planning Commission

Minutes

November 28, 2016

PRESENT: Everett Marshall, Terry Ryan, Joe Segale, Shayne Jaquith, Mark Smith

ABSENT:

MINUTES: Heidi Racht

AGENDA

- 7 pm Public Comment
 - Mail
 - Minutes of November 14, 2016
- 7:15 Regulations Update – Flood Hazard Regs
- 8:30 Member Business
- 8:40 Adjourn

The meeting began at 7:04 pm; chaired by Everett Marshall.

PUBLIC COMMENT: No public present

MAIL: none

MINUTES OF NOVEMBER 14, 2016: Terry Ryan moved to approve with changes; second by Shayne Jaquith. Approved with Ryan abstaining.

REGULATIONS: Everett Marshall said that he would ask Regina Mahony for an up-to-date draft of the regulations by the end of the week.

Mark Smith asked for guidance on how to approach the document. Segale suggested reading it and being prepared to talk about it. Marshall proposed focusing on the new work that Mahony has done since the last meeting. Smith asked about track changes; he said the changes were confusing. Ryan responded that the track changes could be turned off in order to review the document.

Marshall turned the discussion, led by Shayne Jaquith, on river corridor issues. Throughout the discussion, the flood maps were consulted.

Jaquith reviewed “what remains to be done:”

1. The State Rivers Program needs to revise Huntington’s map, based on data that Arrowwood [Engineering; Dori Barton and Aaron Worthley] collected, also known as field data. This will improve the accuracy of the map. Jaquith said he hopes this is completed by February. The maps are key to the presentation of this portion of the revisions of the regulations, and he stated, “We need to have

things far enough along so people can see the maps,” noting that these are “science-based changes to the map.”

2. Municipal Policy Changes need to be examined and implemented in the regulations put forth for a public presentation.

Some topics for consideration in the near future:

1. Removing areas of dense development from the river corridor by means of making the river corridor smaller – changes the boundary to accommodate the village [Lower Village];
2. Leave river corridor where it is and have the regulations allow development with Conditional Use Review;

Jaquith commented that Gretchen Alexander of the State Rivers Program had expressed a preference for the latter. One potential benefit is the Vermont Rivers Program is lobbying for FEMA to allow properties in the river corridor the opportunity to go through CU Review. He then went on to say that the FEMA preference is to have the Special Flood Hazard Area have nothing else built beyond what is already here. “FEMA buyouts can be the only means of making things whole after flooding out.”

Back to policy changes:

3. Move the river corridor to respect town roads; three channel widths (150 feet) on each side. However, don’t apply this change to roads that cross the river. Establishment of the “valley wall” is the first step in this policy;

The discussion then went on to shadowed accessory structures, which need to be defined in the document.

Segale asked if there are parcels that become undevelopable because of having too much river corridor. “That’s a total taking,” he declared. How are they [property owners] compensated? Marshall responded that, from a development point of view, “you wouldn’t want to develop.” Jaquith added that the intent is to “protect people. People are getting put in situations where they are getting burned.” The discussion then went on to highlight the flooding situations in Huntington Acres, with a special mention being made about Josef and Irina Hladik’s septic system as the river and tributary (Huntington River and Texas Brook) have shifted.

Jaquith said that the State of Vermont DEC (acronym?? – help!!) has looked at the takings issue. Segale asked if property owners were compensated. Jaquith responded that there was discussion on how this would impact and how it would be defended. Marshall noted that Huntington has a more advanced rivers map in the Town Plan and that the town was being

encouraged to adopt a less accurate map. Jaquith disagreed, stating that Arrowwood's data will be in the state maps by February.

Smith asked what would happen if the town doesn't adopt the river corridors regulation. Jaquith replied that if the status quo were maintained, the town would lose eligibility for ERAF (acronym?? help!). Marshall stated that the real reason is to stop development where it shouldn't happen. Jaquith said, "ERAF appeals to some people." He talked about his flood experience and how a non-reparable, total loss affects people. He went on, "IF it's such a bad idea, why do people do it? Lack of information." Segale said that specific cases needed to be discussed because "we need to have an answer" to questions and concerns about limiting development on properties in the river corridor.

Ryan said that the larger description of variance is part of the discussion since the hardship [ownership of property and buildings in the river corridor] is not caused by the individual. Segale asked if the DRB has the authority to make the decision. Smith added that he was "more comfortable with the DRB making the decision at the local level" than having the state make it. Jaquith said he interpreted the language around regulations to mean, "the state can make the call."

Ryan quoted Section 2.08: "Specifically exclude flood unless it complies with this..." Jaquith commented that there's a "potential pathway there that can't condemn a property." Marshall said, if the river is going to move, "they'll just say no" to proposed development on a property.

Segale asked if the public could comment on the state's model flood regs. He noted that a broader discussion needs to be held at the town level. If the river corridor language is taken out, the town is at risk for losing funding. Everyone will pay more – as opposed to the individual property owner – if the town loses funding. This also includes funding for town-owned roads and bridges.

Ryan said that he had made comments and suggestions for verbiage to be removed and Mahony had not made the changes. Smith proposed to "leave it where we have it. It is important to me that the town has a better understanding. This issue is for the town; we need to educate about the risk."

Marshall summarized:

1. River corridor boundaries will respect the roads;
2. Shadow language is in the document;
3. Stick with Conditional Use in the villages to allow for more flexibility.

Back to discussion on the CCRPC assistance, Jaquith responded to Ryan that one could be guilty of not reading through the regs and see where the river corridor language is redundant. Ryan responded that some of the language is covered elsewhere - where do we want to have it? Jaquith replied that CCRPC will "look to the Rivers Program for language." Segale added that CCRPC is providing technical assistance. Jaquith said the regs might opt to keep Certificate of Occupancy in both sections. Ryan concluded, "They need to be consistent."

MEMBER BUSINESS:

1. Recap on next meeting's work on regs.
ACTION ITEM: Marshall will ask Regina Mahony (CCRPC) for up to date draft by the end of the week.
2. Smith reported that he is submitting a building permit application for Huntington's first railroad station.
3. Jaquith talked about plow berms on roads that create runoff/drainage issues. This starts in winter with plowing and then continues into the summer. The Commission discussed the all-season water on the roads issue and concluded that this is an issue for planning. Segale stated that it was better to have the roads be narrower; talked about the apex of Taft Road.

NEXT MEETING: December 12 with majority of meeting to be spent on regs.

ADJOURNMENT: Segale moved to adjourn; Ryan second. Adjourned at 8:34 pm.

UNAPPROVED DRAFT ON WEBSITE: December 1, 2016

UNAPPROVED TO HPC: December 2, 2016

MINUTES APPROVED: December 12, 2016

APPROVED MINUTES SUBMITTED TO TOWN CLERK: December 13, 2016