

TOWN OF LYNDON
PLANNING COMMISSION
March 11, 2020 Meeting Minutes
Approved May 13, 2020

Planning Commissioners: Sylvia Dodge, Emily Finnegan, Ken Mason, Tammy Martel

Selectboard Members: Dan Daley, Chris Thompson, Fred Gorham

Other Public Official(s): Annie McLean

Press: Hailey Morgan – News 7

Public: Louis Joe Buzzi, Kurt Nygren, Curtis Carpenter, Larry Willey, Darcie McCann, Chad Bigelow, Jake Simpson, Bob Howland, Mark Bean, Nancy Blankenship

Sylvia Dodge chaired the meeting, which was called to order at 6:00 p.m.

Ken Mason made a **motion to approve the minutes of January 22, 2020 and February 26, 2020.** Tammy Martel **seconded the motion.** The Commission **voted 4-0.**

Dan Daley chaired the Selectboard meeting, which was called to order at 6:01 p.m. and thanked the Planning Commission for inviting the Selectboard to participate in a joint meeting. Mr. Daley outlined his take on the review process for reviewing the Flood Hazard Regulations going forward stating that the amendments made by the Selectboard to the petition language on February 3, 2020, a.k.a. Curtis Carpenter's amendments, should act as a starting point. Once reviewed by the Vermont Agency of Natural Resources (VT ANR) for compliance with the National Flood Insurance Program (NFIP) the regulations should go to a work group to review as a basis for developing additional changes. Once the work group has reached a consensus the draft regulations will return to the Selectboard for two public hearings prior to any final decision by the Selectboard.

Fred Gorham asked for clarification of how the greenspace project at the former Town Highway Garage site fit into the bigger picture of the Flood Hazard Regulations.

Chris Thompson said that he had heard many legitimate, valid opinions on the Flood Hazard Regulations over the past year. He feels that the current system isn't working for everyone. When he hears that there is a lack of trust, he believes it. Mr. Thompson introduced his idea for the makeup of a work group, which would not be subject to open meeting law and this could meet quickly at the convenience of members or even work remotely. Mr. Thompson noted the Town is willing to pay for independent engineering assistance if requested by the work group and approved by the Selectboard. He added that in order to move forward the work group members must be honest with their neighbors across the table and be specific about what they don't like about the regulations and what they feel like can't under the current regulations. Mr. Thompson suggested a seven-member work group consisting of two Planning Commission members, Town Development Review Board (DRB) members, and three community members. As the Planning Director Annie McLean would serve as an eighth non-voting member. Mr. Thompson suggested Ken Mason and Sylvia Dodge from the Planning Commission and Curtis Carpenter and Pauline Harris from the DRB.

Sylvia Dodge and Ken Mason raised concerns about only selecting the work group members from the

pool of people currently in the room. Emily Finnegan added that there are people not here that can contribute. Ms. Dodge advocated for a news story to inform the Community about the process going forward and to open up the pool of potential work group members. Mr. Mason suggested that the four working group members from Town commissions/Boards select the remaining members. Ms. Finnegan stressed the importance of making sure the Community understands what is happening and how the process is different from the process undertaken in 2016. Mr. Mason mentioned that the Selectboard cannot hold additional public hearings on proposed bylaw amendments until the 2020 Town Plan is adopted. Ms. Dodge asked about process for the work group to utilize engineering assistance and Mr. Mason asked about the process to seek legal assistance. Annie McLean noted that the ANR's 2018 model flood hazard regulations met both NFIP standards and other requirements laid out in State Statute and that she, along with assistance from ANR, would be able to assist with legal language. Mr. Mason asked the Selectboard if they has compared the proposed amendments to the current Flood Hazard Regulations – All three Selectboard Members answered no. Mr. Mason state that that was a necessary step and that starting from the currently proposed language did not effectively illustrate the rationale for proposed changes. He asked for clarification on where the work group should start – revise the current regulations or start from the proposed amendments to the old regulations? Mr. Daley said that the Town could have proposed relaxing the current regulations or worked from the minimum NFIP requirements up. Mr. Mason explained that he had begun a side by side review of the current and proposed regulations and found major differences. Both Mr. Daley and Mr. Thompson agreed that the work group should decide where to start and where to finish. Mr. Mason agreed. It was noted that The Selectboard could not hold another public hearing on proposed changes to the Flood Hazard Regulations until a new Town Plan has been adopted and the Planning Commission has amended their Reporting Form for Municipal Bylaw Amendments in accordance with 24 V.S.A. §4441(c). Emily Finnegan encouraged an open and public process, clarifying that the work group would not need to make every work session public. Ken Mason asked that anyone with pertinent information, such as additional flood studies please share these with the work group.

Darcie McCann stated that the work group members need to be willing to compromise, listen to both sides, and put their integrity on the line. Nancy Blankenship agreed suggesting that the Town find people that are interested in the topic but don't necessarily have a history with it, i.e. interested but neutral, and settle on the work group membership and move forward. Mark Bean stated that the Town of St. Johnsbury is currently going through a process to make their flood hazard regulations more flexible and that the Town of Littleton, NH had done the same thing. Dan Daley said that he had still not heard a specific issue with the current regulations besides the opinion that they were too restrictive. Mr. Bean said that there were several small things that needed adjustment but that the River Corridor is the big picture problem. Mr. Bean stated that he strongly opposes Ms. McLean being part of the work group. Mr. Thompson said that was necessary to have the person who manages amendments to the Town Bylaws involved. Curtis Carpenter stated that he is optimistic that the work group can come to a consensus and that is difficult to form usable opinions from public comment on these technical issues. Joe Buzzi stated that he did not think that Pauline Harris was a good fit for the work group as she was affiliated with commercial property in the floodplain. Nancy Blankenship offered to serve on the work group and noted that she had expressed her interest in being appointed to the Planning Commission, however she would prefer to serve on the Planning Commission given the choice. Darcie McCann also stated her interest in serving on the work group. Nancy suggested that defensible regulations should be the end goal.

Several community members were discussed as possible work group members including Dave Stahler, Marty Feltus, Darcie McCann, Nancy Blankenship, and Bob Howland. Annie McLean asked if anyone else presently in the room had an interest in being part of the work group. No one else expressed interest.

The Planning Commission reviewed the DRAFT 2020 Work Plan. Ken Mason made **a motion to approve 2020 Work Plan**. Emily Finnegan **seconded the motion**. The Commission **voted 4-0**.

Annie McLean stated that St. Johnsbury had shared their proposed bylaw changes with the Planning Commission and that she would distribute this info, including the notice of public hearing via email. Chris Thompson mentioned the ongoing Kingdom Trials Network Capacity Study Chris and the Lyndon officials has been invited to participate and share thoughts on ideal Welcome Center locations, parking, trail expansion and connection, safe traffic flow, pedestrian crossing, etc. Ms. McLean will share meeting details once a date has been set.

The next Planning Commission meeting is scheduled for March 25, 2020 at 6:00 p.m.

The meeting adjourned at 7:25 p.m.

Respectfully submitted by: AMclean