



Town of Bolton  
3045 Theodore Roosevelt Highway  
Bolton VT 05676  
802-434-5075

### **Planning Commission Meeting Minutes**

December 7, 2009  
6 – 8 p.m.  
Bolton Town Office

Planning Commission members present: Linda Baker, Chair, Jim Bralich, Steve Barner, Rodney Pingree

Planning Commission members absent: None

Also present: Sharon Murray

Clerk: Amy Grover

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#### **Agenda**

1. Public Comment
2. Review ~ Preliminary Digital Flood Insurance Rate Maps (Preliminary DFIRMs) and Flood Hazard Area Bylaw Amendments
3. Minutes ~ November 10, 2009
4. Other communications/mail
5. Any other business
6. Adjournment

#### **Call to Order**

Linda Baker, Chair, called the meeting to order at 6:05 p.m.

#### **Agenda Item #1 ~ Public Comment**

Linda Baker opened the floor to general public comment. There was none.

#### **Agenda Item #2 ~ Review ~ Preliminary Digital Flood Insurance Rate Maps (Preliminary DFIRMs) and Flood Hazard Area Bylaw Amendments**

The group continued review of the “Proposed Flood Hazard Area Bylaw Amendments” drafted by Sharon Murray. Discussion included and/or it was noted that:

- The majority of the amendments continue to be clarifications, new federal/state requirements, and updates.
- Only the minimum state requirements will continue to be incorporated.
- Definition of substantially damaged – more than 50% of market value.
- Addressing nonconforming structures.
- Ponds regulated under conditional use review.

- Investigate possibility of the “2 feet of freeboard” (watertight below two feet above the base flood elevation) as an option, not required. Possibility of reducing flood rates for property owners who choose to make structures watertight to those specifications.
- Variances – eliminate dollar numbers, if not required. Add language that a variance issued to construct a structure below the base flood elevation could result in a significant increase to insurance rates or insurance denial.
- Variance language has been tweaked by the state to meet state and federal requirements.
- Zoning Administrator duties are all federal requirements.
- Subdivision applications require identification of flood base elevations.
- Subdivision applications within the FHA are referred to the state, and a certificate of compliance is a federal requirement.
- Section 7.3 – Floodplains are removed from B., and new section; C. Flood Hazard Areas, has been added, which combines current and federal requirements, and state recommendations.
- De minimus impact exemptions are not exempted within the FHA.
- Submission of a state project review sheet would reflect whether the applicant has or has not received all necessary permits and approvals.
- Flood Hazard Area Violations are new, and are consistent with federal requirements. The state suggests that enforcement should become more dependent on the town to manage.
- There are significant changes within the definitions section. Definitions solely reflecting the FHA have been removed from Section 10.2, General Definitions, and a new section, Section 10.3 has been added. The definitions in Section 10.3 are solely specific to the FHA regulations, federal definitions, the state models, and can differ from the definitions in section 10.2. Which definition applies has been clarified.

Sharon will finalize the draft of the Flood Hazard Area Bylaw Amendments and will forward a copy, as required, to Ned Swanberg, State of VT. The PC will hold a warned public hearing in January 2010. A 15 day hearing notice, PC report, and notification to the state and neighboring towns are all required.

#### **Agenda Item #3 – Minutes November 10, 2009 Meeting**

Steve Barner made a motion to accept the minutes of November 10, 2009. Jim Bralich seconded the motion. All were in favor, motion carried.

#### **Agenda Item #4 - Other communications/mail**

- Notification from Town Clerk Deb Lariviere that the 2010-2011 PC budget will be level funded at 3K, with the additional \$800 unused for zoning bylaw amendments this current fiscal year rolled over for a total budget of \$3800.
- Notification from SOUL (Stewardship of the Urban Landscape) of an upcoming tree steward course for volunteers interested in promoting trees in their community, to be held February 2010 through April 2010.

- Notification from the town of Duxbury of proposed zoning amendments and update of flood zoning.

**Agenda Item #6 ~ Any other business**

- One open seat remains on the PC. A vacancy notice will continue to be posted on the town website and in the Bolton Gazette until the seat is filled.
- Deb Lariviere noted the concern of the town regarding the DFIRMs and those landowners affected along the Winooski River corridor. Amy will work with town staff to notify landowners of changes in floodway, 100 year flood, and 500 year flood boundaries. It was noted that some landowners who were not within the boundaries now are, and that boundary changes have also affected lots which were previously only partially within either boundary (100 year or 500 year), which are now completely within the boundaries. Concern is regarding insurance for those properties and making sure landowners are aware of the changes. It was noted that a meeting between the Select Board and those affected landowners might be helpful.
- It was noted that a meeting in conjunction with the DRB early in 2010 would be helpful to both boards – date TBD.
- The next meeting of the PC will be held January 21, 2010, 6:30 – 8 p.m. at the Town Office. The regular monthly PC meeting will be held from 6:30 – 7 p.m., to be followed by a public hearing from 7 – 8 p.m. on the Proposed Flood Hazard Area Bylaw Amendments.

**Agenda Item #7 – Adjournment**

The meeting was adjourned at 7:30 p.m.

Amy Grover  
Clerk, Planning Commission

*These minutes are unofficial until accepted.*

These minutes were read and accepted by the Planning Commission on:

January 21, 2010



Linda Baker, Chair