

**TOWN OF LYNDON**  
**PLANNING COMMISSION**  
**January 8, 2020 Meeting Minutes**  
*Approved 1/22/20*

**Planning Commissioners:** Sean McFeeley, Sylvia Dodge, Evan Carlson, Susan Hanus, Emily Irwin, Ken Mason, Tammy Martel

**Public Official(s):** Annie McLean, Chris Thompson, Dan Daley

**Press:** Amy Nixon

**Public:** Holly Taylor, Nate Sicard, Joe Buzzzi, Kurt Nygren, Bob Howland, Jacob Simpson, Tina Simpson, Karl Armstrong, Mark Bean, John Gould, Peter Blair, Cathy Boykin, Walter Morris, Matt Bryant, Keith Johnson, Glenn LaPlant, Roni Leach, Pauline Harris, Jay Iselin, Kathy Iselin

Sean McFeeley chaired the meeting, which was called to order at 6:05 p.m.

It was noted that the date of the next Planning Commission meeting was listed incorrectly in the December 18, 2019 minutes and should be changed to January 8, 2020. Sean McFeeley made a **motion to approve the minutes of December 18, 2019 as amended**. Evan Carlson **seconded the motion**. The Commission **voted 7-0**.

Sean McFeeley opened the **PUBLIC HEARING** on the proposed repeal of the existing Article XI Flood Hazard Regulations in the Town Zoning Bylaws along with the replacement of said regulations with the Article XI Flood Hazard Regulations from version of the Bylaws adopted on June 10, 2013 and read the notice of public hearing. Mr. McFeeley explained the 24 V.S.A. § 4441 process for the preparation of bylaw amendments/repeals, noting as the proposed repeal/amendment was supported by a petition signed five percent of the voters the Commission cannot make changes to the proposed repeal/amendment except to correct technical deficiencies. Mr. McFeeley then opened the floor to public comment.

Holly Taylor raised questions about the development process of the current Flood Hazard Regulations.

Nate Sicard noted that any flood hazard regulations should meet the minimum NFIP requirements therefore the Town cannot just go back to the old regulations. He urged the Commission not rush the process and take time to work with the community, and specifically community members that signed the petition, to address real flooding concerns in different areas of Town.

Mark Bean asked about the Selectboard public hearing on the repeal of the flood regulations on February 3, 2020 and

Kurt Nygren asked who determined NFIP compliance. Annie McLean answered that FEMA ultimately determined compliance and that the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources (ANR) reviewed regulations for compliance. Mr. Nygren asked for a copy of the NFIP checklist provided by ANR and Ms. McLean stated that she would email all materials reviewed at the December 11, 2019 meeting and tonight's public hearing to everyone that provided an email address on the meeting sign-in sheet.

Nate Sicard asked if the changes Curtis Carpenter had made to the pre-2016 Flood Hazard Regulations could be considered technical deficiencies. Evan Carlson answered that these changes were substantive and went above and beyond technical deficiencies as defined by 24 V.S.A. § 4303(28).

Kurt Nygren said that it seemed backwards to write the Town Plan prior to the land use regulations.

Jay Iselin commented that the Town should not overregulate the floodplain and that the current regulations did not allow owners of flood prone properties to protect their properties. Mr., Iselin urged the Commission to recommend the proposed repeal/amendment to the Selectboard.

Cathy Boykin stated that the petition to roll back the regulations to 2015 makes no sense and there are other ways to go about revisions to the current regulations.

Pauline Harris introduced herself stating that she was the former owner of Nick's Gas and Go and that she has served on the Development Review Board (DRB) since the early 2000s. Ms. Harris state that both the Planning Commission and Selectboard had reviewed professional studies and considered public input over many years to arrive at the flood resiliency language in the current Town Plan and the adopt the current Flood Hazard Regulations. Ms. Harris state that the cumulative effects of placing fill in the floodplain over time around the Nick's property had increased flood levels on the property.

Holly Taylor noted that property owners should be able to protect their properties from flood damage by filling.

Keith Johnson suggested that the regulations be rolled back in order to allow the Town time to decide what types of regulations are reasonable. Discussion followed concerning the impacts of existing bridges and culverts and flood resiliency recommendations in the 2016 Gomez and Sullivan Passumpsic River Flood Mitigation Study.

Pauline Harris mentioned the high cost of flood insurance.

Chris Thompson noted that the first public hearing on the DRAFT Town Plan would be held on January 22, 2020 and that was the time and place for public input on the Flood Resiliency chapter. Nate Sicard clarified the relationship between the land use regulations (Bylaws) and the Town Plan, noting that Town Plan provided guidance for the development of the Flood Hazard Regulations. Emily Irwin added that the Town Plan was not a regulatory Document. Annie McLean noted that changes to the Town's land use regulations must be consistent with the goals of the Town Plan. Discussion about the Town Plan and its relationship to the land use regulations continued.

Kathleen Iselin shared a handout titled "What's Wrong with Sustainable Development".

Joe Buzzi explained that his intent was not to permanently roll back the regulations but rather to roll them back to allow time to work on them. Mark Bean added this would be like a reset.

Matt Bryant stated flooding has been an issue in Lyndon for years and that we need to move forward not back.

Ken Mason clarified the timeline for the adoption of the Town Plan and invited comments for the Janray 22<sup>nd</sup> public hearing, noting that written comments submitted prior to the hearing would be helpful to the Commission. Annie McLean explained the impacts of not having a confirmed planning process and adopted Town Plan, specifically ineligibility for economic development, planning, and transportation grant funding programs through the State.

Hearing no further testimony from the public, Sean McFeeley made a **motion to close the public hearing**. Ken Mason **seconded the motion**. The Commission **voted 7-0**.

The Commission discussed the format for the Town Plan public hearing and the best ways to revive public comment. Ms. McLean reminded Commission members to vote for the cover photo from the Envision Lyndon Photo Contest entries.

The next Planning Commission meeting is scheduled for January 22, 2020 at 6:00 p.m.

The meeting adjourned at 7:40 p.m.

*Respectfully submitted by: AMclean*