

TOWN OF LYNDON
PLANNING COMMISSION
January 22, 2020 Meeting Minutes
Approved 3/11/20

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, Jack Harris

Press: Amy Nixon

Public: Wayne Fox, Darcie McCann, Steve Grey, Richard A. Petrie, Hillary Adams, Cheryl Chandler, Kurt Nygren, Louis J. Buzzi, bob Howland, Glenn LaPlant, Mark Nurenberg, Kathryn Lawler, Tennyson Marceau, Samantha Davis, Dan Guest, Nancy Blankenship, Nate Sicard, Jake Simpson, Matthew Bryant, Roni Leach, Andre Poginy, Jelena Gervais, Greg Gervais, Curtis Carpenter, Mark Bean, Sarah Lafferty, Kevin Calkins, Wayne Comeau, Pete H. Blair, Ken Burchesky, Chad Bigelow, Keith Johnson, Kurt Hansbury, Derek Blankenship, Kathleen Iselin, Jay Iselin, Tim Sturm, Pauline Harris, Gerard Gingue, Heidi Kalb.

Sean McFeeley chaired the meeting, which was called to order at 6:03 p.m.

Sean McFeeley made a **motion to approve the minutes of January 8, 2020**. Ken Mason **seconded the motion**. The Commission **voted 7-0**.

Sean McFeeley opened the **PUBLIC HEARING** on the proposed 2020 Municipal Plan and reviewed the guidelines for public participation. The Planning Commission heard testimony from the public on the following chapters of the Plan: Economic Development, Transportation, Community Services & Facilities, Housing, Energy, Health & Recreation, and Flood Resilience (see attached public comment). No public testimony was offered on the Historic Resources or Land Use chapters. Mr. McFeeley opened the floor to additional comments on the Plan and, hearing none, Sylvia Dodge made a **motion to close the public hearing**. Sean McFeeley **seconded the motion**. The Commission **voted 7-0**.

The Commission discussed how best to review and incorporate public comment into the Plan and decided to submit notes to Ms. McLean to incorporate into a draft for review at a special Meeting on Wednesday, January 29, 2020. Ms. Mclean reviewed the process for adoption of the Municipal Plan and discussion about public perception of the adoption process for the Plan and transparency and public outreach followed.

The next Planning Commission meeting is scheduled for January 29, 2020 at 6:00 p.m.

The meeting adjourned at 7:41 p.m.

Respectfully submitted by: AMclean

PUBLIC COMMENT

- Sarah Lafferty
 - Economic Development
 - Pop up permit - expansion to include street fair and other short-term events?
 - Transportation
 - Be mindful of one-way traffic scenarios, which can especially impact delivery/freight routes that supply local businesses in the Village Center. Agreed with Chris Thompson's comments on Broad Street Reconstruction Project.
 - Energy
 - Does Lyndon Electric allow for (can we encourage) opportunities for business to take advantage/purchase of renewable energy (solar) generated off-premise?
 - Housing
 - Parking - parking ban forces residents in the town to park in White's parking lot. Adjusting parking ban time/schedule, e.g. ending ban at 6:00 a.m., might partially solve the issue.
- Chris Thompson
 - Economic Development - Redevelopment and continued environmental cleanup of the Kennametal property should be an action item and objective.
 - Transportation
 - Encourage VTrans to minimize impact on businesses during future Broad Street Reconstruction Project and have the construction happen at night when possible.
 - Community Services & Facilities
 - Mention recent study of regionalization of fire and emergency services, equipment sharing could benefit the Town.
 - Housing
 - Continue to allow for short term rentals in Town, aka AirBnB, which are an important source income generation for residents.
 - Flood Resilience
 - Add number of businesses located in floodplain.
 - Add language noting that the primary transportation corridor is located within the 100-year floodplain.
- Nate Sicard
 - Transportation
 - Provide for "safe" ...flooding of transportation corridors has a direct impact on the safety of the roads.
 - VTrans impact fees fund Broad St. project.
 - Additional *written testimony (attached)*.
 - Recreation
 - Fenton Chester arena isn't in great shape, reflect it accurately in order to better position for future grant funding. Also, Lyndon Institute (LI) only has 1.5 years left in their management contract, so what is the future plan for the facility?
 - Flood Resilience
 - Revert to the old Town Plan format/ language. New document is completely foreign document that looks great but is a complete re-write. It is abrasive to rewrite on short notice and biased to planners not business community.

- Flood Resilience section should include protection of highways.
 - Buyouts are not appropriate for everyone.
 - The flood hazard regulations should be reviewed and modified by working towards a compromise.
- Housing
 - Housing stock continues to depreciate every single year.
 - Village and Town have different tax rates. The Plan should address equality between Town and Village and assess cost sharing of resources.
- Dan Daley
 - VTrans reconstruction schedule for 2023, not 2025
- Curtis Carpenter
 - Community Services & Facilities
 - Action 4.3 should reference access to zoning maps on the Town Website.
 - Flood Resilience
 - Is the language around 500-year flood plain setting the stage for further regulation?
 - State River Corridor program is not based on sound science, if the River Corridor continues to be regulated lessen restrictions of-n development, e.g. use State model language allowing infill development.
 - Policy 9.1 “guide development to areas outside of the floodplain’ should identify areas where development should be directed.
- Darcy McCann
 - Flood Resilience
 - Clearly outline the strategies for handling flood hazards and have specific strategies from the Hazard Mitigation Plan reflected in the Municipal Plan.
 - Can we get an expert in to look at this issue, hire a hydrologist?
 - Objectives 9.1 and 9.2 seem contradictory.
- Gerard Gingue
 - Flood Resilience
 - Look Vail Dam and how it could mitigate flooding and increase LED electricity output and research other technical solutions mitigate flooding.
 - Can we look at other ways to use the water to generate renewable energy? Use State of Vermont green energy funding?
 - Concerned about loss of tax base.
 - Can we put in exceptions for individual properties? Can we have developers provide engineered plan showing the effect on the floods? Can we have a measurable guideline for that?
- Mark Bean
 - Flood Resilience
 - The Town should speak with a hydraulic engineer before adopting stringent floodplain regulations.
 - Review 2006 Gomez and Sullivan Study: Dry bridge that was taken out added over 1 foot of water in the floodplain – study recommends replacing dry bridge.
- Pauline Harris
 - Flood Resilience
 - Water gets redirected by fill and development and creates problems for other properties in the floodplain, including residential properties.

- The Plan shouldn't only say we should not develop here, because the Town needs development, but should also indicate where development would be appropriate.
 - Need to consider the river in all parts of town, not just in the north section.
 - Additional *written testimony (attached)*.
- Jay Iselin
 - Consider how we use the words “envision” and “resilience”.
 - People in town are not willing to come to these meetings because decisions have already been made. Fill on one property will not necessarily affect other properties. Business need to be permitted to protect themselves from flooding.
- Holly Taylor (*written testimony*)
 - *Written testimony only (attached)*.
- Wendy Beattie
 - *Written testimony only (attached)*.

Nathan P. Sicard
PO Box 111
Lyndon Center, VT 05850

January 15, 2020

Town of Lyndon Selectboard
Town of Lyndon Planning Commission
PO Box 167
Lyndonville, VT 05851

Re: Draft Town Plan

Dear Selectboard/PC,

I have attached comments regarding the Draft Town Plan for public comment based on the discussion that occurred at the public hearing last week. I have developed these comments with my expertise as a water resources civil engineer who has over 15 years' experience working in the Lyndon community. I've gained this experience working on numerous local projects along with my personal experience. I was first interested in exploring Lyndon flooding after moving back after college and watching flood waters fill around an apartment that I was renting on Center St. which turned out to be in the flood plain. Following that I purchased a dwelling on Center St abutting the flood plain where I watched many flood events pass through. I am always thoughtful of our impacts to the River and I'm always very concerned when flood events continue to create situations that close Route 5 and both ends of Center St. I no longer live at my building on Center St. but I am always concerned about the safety of the tenants, both in trying to drive or walk through the flooded roads or if the fire department cannot reach the building.

I hope that these comments and the comments that I worked on with business owners last spring will get a second look as they relate very much to essential components to the Town Plan. If not I hope at minimum the goal of studying the effect of the railroad fill is removed as a 5 minute conversation would explain the concern and our tax dollar should not be spend on the issue. Approving the current version of the proposed Town Plan does not reflect the support that we saw from the recent petitions that have passed through the community.

Sincerely,
Nate

Nathan P. Sicard, P.E.,
Water Resources Civil Engineer and Certified Professional in Erosion and Sediment Control

Enc.

The proposed Flood Resiliency Chapter cannot be adopted at a time when the business community has expressed frustration with the current Town Zoning bylaws. Development of the bylaws are guided by the Town Plan thus the issue leads back to the Town Plan. The Planning Commission has expressed that they wanted to focus on rewriting bylaws after work was completed on the Town plan, however, accepting the Town Plan as proposed would directly conflict with the majority of Broad St. businesses looking for a change and would conflict with language in the Town Plan. The Commission should delegate a work group of interested parties if this component of the Town Plan is not a priority to the current Commission even though the Selectboard requested that the flood plain development be a priority.

THEREFORE

Delete the proposed Flood Resiliency Chapter and restore the existing Flood Resiliency Chapter of the Town Plan to the current version with the following three section modifications.

1. INTRODUCTION

The Town of Lyndon needs primary goals for flood resiliency and should not be led by the State's Statutory Goals identified in State Statute. The Town should develop specific goals that relate to the Town of Lyndon and not Montpelier driven planning. Montpelier Planning Goals should be listed as a reference.

Primary Goal #1.

Increase Lyndon's Resiliency during Flood Events by supporting the elevation of U.S. Route 5, Vermont Route 122, Route 122Alt (Center St.), VT Route 114. These Highways are classified as Major Collectors.

These highways should not be redeveloped without removing them from the floodplain. These Major Collector highways are the backbone of traffic movement for town residents and half of the communities in Caledonia Co and into Essex Co. Disruption of these highways has been increasing during the past decade not only creates traffic hazards but severely impacts Emergency Services movement.

These highways also create hazards that put people at risk of being swept into the rivers. Examples include the low water crossing at the Millers Run Covered Bridge, the culvert crossing near the Center St. bridge that is submerged during a flood event and the culvert design at the Route 5 Bridge that doesn't accurately account for debris flow or ice jams. Restrictions to these structures in the floodways impacts the Rivers ability to pass the floods and puts upstream residents at risk or which can alter river flow to move through the Rte 5/122/114 intersection or could push water creating a channel through Nicks Gas and Go and across the street to residential homes.

Primary Goal #2

Increase Lyndon's Resiliency during Flood Events by supporting the business community and property owners to redevelop existing developments along the Major Collectors in Lyndon such that they are better protected from future flooding. Positive planning toward redevelopment may increase the rate of redevelopment reducing future flood loss claims.

Primary Goal #3

Maintain communication with qualified individuals that understand future threats to the Town of Lyndon. This may include local, state, federal or private firms.

These include;

- a. Threats from increases in watershed precipitation as has been observed that USGS East Haven River Gauge (01133000) and has been observed in Lyndon with a high frequency of highway flooding during recent years.
- b. Threats from changing regional activity. Lyndon planning and zoning only controls 15% of the watershed therefor has little ability to have any meaningful effect on mitigation efforts. Therefor conservation efforts will have less effect on attenuating floods.
- c. Threats from changing land use. Lyndonville is at the confluence of many smaller steeper fast-moving rivers and streams. Water slows significantly when it reaches Lyndonville resulting in a large floodway. Much of this floodway has historically been agricultural land and changing this land to shrub land or forest will block flood flow and cause flood elevations to rise.
- d. Support tracking loss damage to developments that have been removed and the ever increase cost of flood insurance that businesses pay annually.

2. ISSUES AND CONCERNS

- a. The issues and concerns in the current Town Plan remain the same and should not be removed. Town operations have moved from the Town garage site but the structures all remain.

3. STRATEGIES

- a. Awareness
 - i. Conservation workshops should be a component of education and not the primary strategy for awareness. Conservation will conflict with economic redevelopment if efforts are not coordinated with the business community. This measure should always be planned with sensitivity.
 - ii. The VT Agency of Transportation should be periodically provided flood event data to built a case that a Federally funded projects is a priority to elevate highways or improve crossings.
 - iii. Work with agricultural landowners to maintain a knowledge base of mowing or grazing activity in the detailed floodway. Changing the characteristics of the floodplain back to denser vegetation will improve flood attenuation for downstream communities but it will cause new areas to flood or result in deeper flood depths.

b. Protection

- i. Maintain the Town Flood Hazard Regulations to meet the minimum FEMA requirements as those requirements continue to change.
- ii. Strategies in the current Town Plan should be tied to the proposed goals of actual flood threats not generic conservation efforts such as minimizing the amount of clearing and impervious. Businesses developing over 1 acre are required to comply with separate State stormwater regulations that address quality and quantity of runoff.
- iii. Amend the Towns Flood Hazard Regulations to adopt portions of the ANR's River Corridor planning. ANR's River corridor was developed to exclude critical infrastructure such as railroads and state highways as those structures will generally not be moved to accommodate the free movement of the river. The community has key areas of importance such as existing developed commercial property adjacent to highways. Communities in NH employ strategies that include areas for conservation and areas for development.
- iv. Engagement of upstream Towns should be done when Engineering reports provide evidence that communities such as Sheffield, Wheelock, Burke or East Haven could employ conservation and restoration as a strategy that has a measurable impact on the Town of Lyndon. For example, the flood study of the Connecticut River at Lebanon, NH states that the Union Village Dam on the Ompompanoosuc (6 miles upstream of the CT River) reduces flood depth by 6-inches to 12-inches in Lebanon.

c. Cost Control

- i. Monitor costs of flood insurance for the property owners in the flood plain.

Property owners that currently don't have flood insurance may be unable to sell if potential buyers can't afford flood insurance. Survey businesses to understand annual costs. These costs should be evaluated along with the data that is used to show loss claims. The Town should work with an individual that has insurance experience.

Town of Lyndon
Selectboard and Planning Commission
Box 167
Lyndonville VT 05851-0167

Pauline Harris
267 Harris Hill
Lyndonville VT 05851

Dear Selectboard Members and Planning Commission Members,

Please do not roll back the current flood regulations. The current regulations keep the town in compliance with FEMA allowing for the availability of flood insurance. Flood damage assistance is crucial to Lyndon as a town and its residents located in the Passumpsic River valley.

The town should be considering measures to rectify the issues that have been raised in over a decade of numerous studies and public input. Studies suggest restoring and keeping flood plains accessible, assessing the elevation of dams that may hold back or raise flood waters, development of bridges that provide adequate elevation and flow during storm and seasonal events. Many changes due to development over the years have contributed to the restriction of flood plain availability. The natural changes in the shape and course of the waterways need to be considered. Engineering and development that only addresses the developed parcel may increase water level to other properties. If water level is minimally increased, another concern is redirection of flood waters. Redirection of flood water can be as detrimental as the water level.

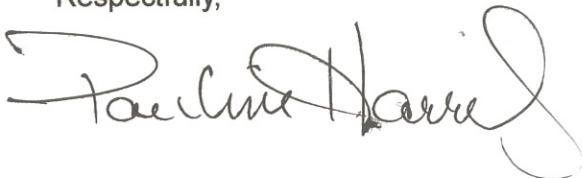
Increasing development will always create change. All individual property owners have a right to protect their property value. Town regulations should not be changed hastily and specifically to accommodate property purchased for development knowingly under the existing current bylaws. That is a dangerous precedent.

For many existing established properties it is not feasible financially and/or due to infrastructure to increase the their elevation. Raising elevation may put their neighbor at risk as well. Existing owners should not be in a position that they would have to continually redevelop their property to protect it.

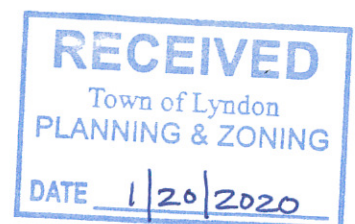
Change should have positive impact on our town as a whole as well as protecting individual's rights. Change should support our existing values and work toward our established goals as a town and community. Businesses and property owners need consistency in planning and regulations.

Completion of the Town Plan is crucial to our continuing economic development. The Town Plan should not be delayed by this issue. Further investigation into solutions to mitigate and alleviate the risk of flooding in our community is imperative. Any regulation changes need to follow careful thoughtful study with input from all just as the current regulations did.

Respectfully,



Pauline Harris



Annie McLean

From: Holly Taylor <htaylor@beanshomes.com>
Sent: Tuesday, January 21, 2020 3:45 PM
To: Annie McLean
Subject: Town Plan

Hi Annie,

I had a few comments on the Town plan draft to be discussed tomorrow night. I won't be able to attend the meeting so I wanted to email them to you in the hopes you would pass them along.

1. There has been quite a bit of talk about the college and the difficulties they are facing. I see the college mentioned but no objective or action item around helping to work with them to have a community college students want to be a part of. If the college were to close it would be devastating to this community for many reasons. The college is a source of employment, education, recreation and many LI students take classes there to jump start their college education. The Town needs to make the college a priority and work together with them. I would like to see more mention and direct objectives in the Town plan regarding this.

2. I have questions about the new Economic position proposed. Who would this person report to? What would their job description be? What would their salary be? I had thought there was a committee working on the storefront vacancies already? The select board strongly denied a Rec Department position last year that was supported by the community because they couldn't justify raising taxes are they going to support this new position which will also raise taxes? Would this position work beyond the village storefronts into the commercial district? Business owners have been voicing concerns for over a year now about regulations is this position going to work with these concerns? What is the time frame for this position to be created? I am concerned that the public came asking for a position for a Rec department and that was denied and the PC created a different position that the community has not asked for. I believe this is an item that would need to be voted on at Town Meeting. Also could a person serve on the Planning commission and be hired for this position?

Thank you.

Best,

Holly Taylor
Bean's Homes
PO Box 1375
Lyndonville, VT 05851
802-626-8686

Annie McLean

From: Wendy W. Beattie <wyndybird@charter.net>
Sent: Wednesday, January 22, 2020 3:15 PM
To: Annie McLean
Subject: Town Plan – Flood Zone

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Annie,

I hope you get this before you leave for the day. Unfortunately, I will be manning the kitchen at the Outing Club for it's first opening night, but I wanted to let you know that I am in favor of KEEPING the FLOOD Plan as is. Please DO NOT repeal it.

As a long-time Lyndonville resident (56-79 and 94-to present) I have seen many flooded roadways over the year and can remember several significant floods, and many of the people who want now to repeal it, I know have lived through these events too.

I am also concerned about the prospect of gas tanks (I know they're buried and contained.... but I also know they develop leaks and problems) being located so near the Passumpsic River.

Also, what happens to the flood insurance people have if we repeal this plan?

Thank you for your time.

Best,

Wendy Wakefield Beattie