

Wilmington Planning Commission
Meeting Minutes
Monday, April 22, 2019
Meeting Time: 4:00 P.M.

Open meeting

Cheryl opened the meeting at 4:14 PM

In attendance: Cheryl LaFlamme, chair, Tom Consolino, Meg Staloff, Angela Yakovleff

Scott Tucker, Town Manager

Sarah Fisher (4:38) Select Board Liason

Visitors:

Gene Clark

Ken Spicer

Janet Boyd

Daniel J. Boyd

Alex Struzinski

Chris Medina

Eric Silverstein

Bill Adams

Possible additions to the agenda

No additions

Motion to approve minutes from 4/8/19

Meg made a motion to approve the minutes of April 22, 2019 meeting. Tom seconded.

In Favor: Cheryl, Tom, Meg, Angela

Opposed: none

Public comment

None

Discuss and vote on Proposed Flood and Fluvial Hazard Regulations

Cheryl shared comments John Lebron submitted in writing concerning the public hearing and thoughts on moving forward.

He is not sure we (Planning Commission) clearly communicated the purpose of the public hearing. The crowd steered the conversation in directions other than river corridors. "We needed to be clear that this would be good for all residents and that there would be pain for some but for the good of all we needed to do something and not just for the money. We as a whole did not do that." He feels that the result was townspeople in attendance saw no benefit, only restrictions on their own properties.

He thinks this is a good idea and if the entire town voiced opinion it would be for the change. Cheryl shared statistics on the number of towns in the state that have already put ordinances on river corridors in place. She noted that the State will eventually mandate river corridors. Locally the Deerfield River is mapped. Beaver Brook hasn't been mapped by Wilmington, but has been mapped by ANR.

Wilmington presently has a flood ordinance in place.

Tom had concerns about answering questions that were raised at the Public Hearing. He suggested going to ANR to get written answers to those. Cheryl noted we do have FAQ, many of which were raised at the hearing, on the Town web-site. They were also available at Town Meeting.

A question was raised as to whether or not roads were boundaries to river corridors. (They are.) Townspeople are encouraged to contact ANR to refer to individual situations.

Tom had a discussion with Craig after the hearing about concerns expressed. He wondered if we should be concerned about sending out postcards even though there was no money available for a mailing.

Cheryl responded the Planning Commission has gone above and beyond what is legally necessary. The Select Board didn't think it was necessary. She expressed regrets there was no member of the press at the public hearing. There was misinformation printed in the Brattleboro Reformer.

Meg wonders if Townspeople were able to read through the document. She suggested meeting with the public to do a "flip through". The initial document was longer and less user friendly. The proposed document was written to address the needs of Wilmington. The document is not as bad as it seems, She thinks a closer look at the ordinance will help in understanding what is mandated by the government and what the planning commission is proposing.

Janet Boyd wondered about flood insurance requirements. (None is required for properties falling only in river corridors.)

Cheryl reviewed statistics of properties affected. There is a total of 521 parcels that fall in the special flood hazard and/or river corridors out of 3,000+.

A question was raised concerning the affect on the historic district. (Nothing changes. If the building can't be elevated, the utilities must be.)

There is a FEMA regulation for two foot BFE (base flood elevation) on all commercial buildings and those that fall under Act 250 regulations. We're bringing residential buildings to the same regulations.

There are 187 parcels in the river corridor. There are building options on most properties. Substandard sized lots may not be buildable. Zoning regulations may already prevent future building. Residents may apply to ANR for a change in designation. John Broker-Campbell and Shannon Pytlik handle these. They may also talk to Craig.

Some visitors expressed concern that not all affected residents had been notified. They felt it can't be assumed that marketing will notify all property owners.

Ken Spicer said he will notify Chimney Hill owners of the proposed ordinance. He is willing to support sending postcards with a monetary donation.

Eric Silverstein also said he is willing to give a monetary donation to help cover cost of postage to send postcards. He thinks this ordinance is very serious for some residents by placing limits on their ability to develop their property or changing property values.

Cheryl noted that erosion control is the main focus. Someone felt the ordinance is reactive, not proactive.

Different watershed areas have different issues.

The suggestion was made to change wording from 'protection' to 'maintenance.'

Bill Adams was concerned that he had not yet been contacted by John Broker-Campbell to review his property. Cheryl will get in touch with John with Bill's contact information.

Eric Silverstein feels there is no upside.

Cheryl responded that property owners may be able to build on the downstream and will not be impacted.

Ken Spicer noted there has been a lot of misinformation. In many instances zoning is more restrictive.

Someone asked, "What is the upside?"

Cheryl answered the focus is to protect the Town and property owners. There will be more discussion on this at our next meeting.

An attendee encouraged the committee to notify the affected homeowners.

Cheryl noted our focus is the entire town.

Sarah Fisher asked how many properties fall into ACT 250. This may be an extra layer for people wanting to develop. There is lots of review. It's an expensive process.

A question about septic was asked.

Ken asked what the benefits are. (erosion control and infrastructure)

ANR says if streams wander in recreational areas they can be put back.

Cheryl asked for a motion that, "The Planning Commission hereby votes to submit to the Select Board, for adoption, the proposed Town of Wilmington Flood and Fluvial Erosion Hazard Regulations to replace the current Article VI Flood Hazard District-An Overlay District regulation in the Town Zoning Ordinance."

Tom asked for an explanation of the procedure to ultimately getting this approved. (Document is sent to the Select Board. They decide if they want changes. The Select Board holds a public hearing then it is brought to a vote.

Tom made a motion stating the same.

Angela seconded.

Discussion: This precludes notification. Meg suggested a read through for understanding.

Tom made a motion to amend the main motion adding, "and recommend the Select Board send postcards to affected property owners."

Meg seconded.

Sarah Fisher noted the Planning Commission is more knowledgeable than the Select Board.

Tom called the question.

In favor: Tom, Angela

Opposed: Cheryl, Meg

Cheryl suggested another meeting discussing the ordinance. She will ask Alyssa Sabetto to code the document so Townspeople know what parts are state regulations. She will also request a comparison of the current flood regulations and the proposed document.

Angela suggested inviting the Select Board to the meeting to become better educated on the document.

Scott Tucker suggested a decision be made to vote it up or down. He could send information out with the tax bills. He expressed some concern that the Planning Commission is raising obligations to another level. Legal obligations have been met.

The Select Board will hold the next Public Hearing once the Planning Commission has sent it to them and they have reviewed it.

Tom made a motion to adjourn at 6:02 PM. Angela seconded.

In Favor: Cheryl, Meg, Tom, Angela

Opposed: None

Respectfully submitted,
Angela Yakovleff, Scribe

Next meeting: May 13, 2019

Agenda items: Flood and Fluvial Erosion Hazard Regulations

Select Board will be asked to join the meeting.

4:00PM