

Shaftsbury Planning Commission

September 25, 2018

The meeting came to order at 7:03 p.m. Present were commissioners Chris Williams (chair), Michael Cichanowski, Naomi Miller, and Michael Foley; guest John Broker-Campbell, Regional Floodplain Manager from VT ANR; Select Board chair Tim Scoggins; and zoning administrator Shelly Stiles.

Mr. Broker-Campbell said his purview is anything flood-related adjacent to a river. That floodplain functions to reduce flashiness, dissipate energy, and help rivers achieve and maintain dynamic equilibrium. The traditional approach to protecting from flood hazards targets inundation. But in Vermont, stream-caused erosion is the larger cause of damage to life and property. **Protecting river corridors** is a response to that erosion.

He explained the channel evolution model, in which investments are placed in the floodplain adjacent to the river; those banks are hardened in order to protect the investment; as a result of the channelization the river downcuts and further destabilizes the bank; in a flood event, the banks fall in and a new floodplain is established; and on and on.

The river corridor is the space or ground where the river “wants to go” over time. It is much wider than the channel. (VT defines it on the basis of stream type and channel width.) Protecting the corridor is an avoidance strategy that is cost effective, accommodates river processes related to habitat, and acknowledges the likelihood of increased heavy rainfall events and therefore more flooding.

The VT Emergency Relief and Assistance Fund (ERAF) provides incentives to towns to adopt flood hazard regulations, including river corridor bylaws, in return for higher state reimbursement costs incurred by the town (not landowners) following federally declared emergencies. (As an aside, very few landowners nationally hold flood insurance. Those that do can be reimbursed for replacement costs by FEMA; those that don't are eligible for a maximum payment from FEMA of \$33K.)

Mr. Broker-Campbell used the VT ANR Atlas to illustrate where the river corridors are in Shaftsbury. He noted that the corridors aren't applied in Village centers; that infill is permitted if it is outside a certain distance from the river; and development “in the shadow” of existing buildings is sometimes permitted. These and other elements are included in model river corridor bylaw language prepared by ANR and available on their website. Mr. Broker-Campbell noted that corridor boundaries can be changed upon citizen complaint and river scientist investigation.

Questions about “taking” arose. Mr. Broker-Campbell described a precedent set in the late 1990s in the Woodford Packer case in Bennington, in which a permit to build an assisted living facility in the floodplain of the Roaring Branch was denied because it was in a fluvial erosion zone. He suggested the PC might ask Jim Henderson at the BCRC to query in ArcGIS which parcels would be located in the river corridor zone. Usually relatively few are entirely in the zone. Some communities have expressed concern at the corridor bylaw's impact on the Grand List. The town will need to weigh the public benefit, in terms of higher ERAF reimbursement and costs avoided in the future, against private reductions in property values.

Mr. Cichanowski moved to approve the September 11, 2018 minutes. Mr. Foley seconded the motion, which passed 3-0-0.

Mr. Williams welcomed Naomi Miller, who said she is interested in all things related to planning in communities, and the intersection of public benefit and private interests.

Commissioners turned to reviewing **Town Plan chapters 10 and 11.**

Education

- The school table must be updated. It is curious that enrollment grew over the five years captured in the table. Present trends will be explored.
- It was agreed to address Act 46, though it applies only to school boards, not school structures. Mr. Cichanowski wondered if the sustainability of the Village School should be addressed. He said enrollment is falling there. Mr. Scoggins noted that statute grandfathered all school district boundaries. District 1 could only be dissolved if North Bennington residents so voted.
- Describe the changes made to the SEM facility in recent years.
- Get information re day care costs.
- A question re the tuitioning policy at SEM was asked.
- Mr. Williams noted that the Plan might address the lower-than-average performance of MAUHS students.

Recreation

- Update the description of Howard Park.
- Mr. Scoggins said East Road is a prime candidate for bike shoulders.
- Describe efforts to monetize town forest and environment generally.
- It was noted that GMNF owns a high point of land next to the town forest. It has been cleared and may be an excellent viewing point.

It was agreed that Mr. Williams will **interview** Jim McGinnis and Brian Lent; Mr. Foley Andrew Knafel and T&M; Mr. Cichanowski the school board and principal and the road foreman; and Ms. Miller Gerry Mattison and Joe Vadakan. Goal: understand their situations, what actions would help their industries. Commissioners were urged to take complete notes and to complete the tasks by the October 23 meeting.

Mr. Scoggins will arrange to have the **PC placed on the Select Board agenda** within the next month.

The meeting adjourned by acclamation at 9:10 p.m.

Notes by ZA Stiles.