

Brandon Select Board Hearing
Flood Hazard and River Corridor Amendments to BLUO
June 22, 2020

Board Members Present: Tim Guiles, Seth Hopkins, Doug Bailey, Tracy Wyman, Brian Coolidge

Others Present: Sue Gage, Michael Shank, Dave Atherton, Bill Moore, Ralph Ethier, Allie Breyer

1. Call to order

Seth Hopkins, Chair, opened the hearing at 6:30PM.

2. Public Comments

Michael Shank, Chair of the Brandon Planning Commission provided a presentation on the flood hazard and river corridor amendments to the Brandon Land Use Ordinance. (See attached) This is the second hearing of the proposed amendments, with the first hearing held by the Brandon Planning Commission.

Mr. Shank noted the purpose of the changes to Article VIII of the Brandon Land Use Ordinance are to:

- (a) Implement the goals, policies, and recommendations in the current municipal plan.
- (b) Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion.
- (c) Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair stream equilibrium, flood plain services, or the stream corridor.
- (d) Manage all flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 § 753, the municipal hazard mitigation plan.
- (e) Make the Town of Brandon, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds, as may be available.

Mr. Shank stated the reason for the changes are to make room for the rivers, as they can do a lot of damage and to make sure the Town is compliant with the State's regulations to assure the Town is as resilient as it can be. The purpose is to allow the river to move along in the slowest way and least erosive way possible. A winding river can fluctuate over time and it needs to create an ebb and flow for the least amount of erosion. The Town needs to make sure that new construction does not affect the river. The update is needed as New England has seen a 74% increase in heavy downpours that will create more flooding and erosion. If the Town does not do any of the updates and decides that we are not going to adhere to the State's regulations, there will be a loss in funding. Currently the Town only has to cover 7.5% of funding for disasters due to the Town remaining updated with the State's regulations. The river corridor is the corridor where the river ebbs and flows and changes over time. The Town needs to be mindful of the corridor and the flood hazard area. Mr. Shank provided a visual of the river corridors and flood hazard areas around Brandon. Mr. Shank stated we want to make sure we manage the water and slow it down. Additional information on the flood hazard areas can be viewed at floodready.vt.gov. The Town has been staying up to date on regulations to receive the highest reimbursement after a water-related disaster. Mr. Shank noted the core functions of floodplains are flood water storage and flood water movement, agriculture, forestry and reliable waterpower, groundwater recharge, water quality protection,

solid development, wildlife and fish habitat and community recreation and beauty. The difference in this plan is to allow for a 50-foot buffer to allow the corridor the river resides in to move to alleviate damage. Jeff Biasuzzi and the Town Manager will be handling this process. It was suggested with existing infrastructure that those structures could be opened so that the water can move about in the event of flooding and building utilities could also be elevated. We want to make sure the river is not moving straight towards the Town and assure that there is a buffer for the river to move.

Seth Hopkins thanked Mr. Shank and the Planning Commission for the work they have done on the plan. Mr. Hopkins understood the criteria and questioned if this was developed from the State's resources. Michael Shank stated the updates were provided from State resources and the plan was developed in consultation with the Rutland Regional Planning Commission. Mr. Shank stated the language was provided by the experts. Mr. Hopkins stated the questions will be if someone's property would be included or excluded in the overlay district. Mr. Hopkins asked if the Agency of Natural Resources is the body that designates what the overlay district is for the river corridor. Mr. Shank did not know if ANR will be mapping out every stream. He stated there is a stream that runs through his property that he assumes is subject to Item 2 and he made sure that construction was far off the river corridor, assuming this item applies. In terms of enforcement, when the Town gets an application, it was questioned if they will check with ANR. Dave Atherton stated if the structure is in the floodway, the Town has to go to the State Floodplain Manager. Mr. Atherton advised one can go to the ANR atlas that shows where the river corridor is. The Town has established strict rules and regulations for floodplain and as an example Newton Road is an area where the river meanders the most. The Town has already been doing what the river corridor is requiring, through floodplain and hazard mitigation. Mr. Hopkins is pleased that ANR has done a preemptive mapping exercise and the parts where ANR have not done that, there is guidance on how many feet construction has to be from the river. It is well written protection for property owners and the Town. Mr. Atherton stated the Town has regulations in place already and this is an assurance piece of what is already in place. Doug Bailey thanked the Planning Commission for the work they did on the plan. Bill Moore stated drilling down on the ANR maps on their site is a little difficult and suggested pulling out the data that is specific to Brandon to provide easy access for people to view. Mr. Shank agreed and suggested the Planning Commission could also host a virtual workshop on this subject for those who are interested.

Seth Hopkins stated this was the Select Board's hearing that is a part of the ordinance process and the minutes of the hearing will be submitted for the next part of the process.

The hearing closed at 6:54PM.

Respectfully submitted,

Charlene Bryant
Recording Secretary