

## DRB Hearing October 30, 2024

### Meeting Minutes

**Board Members:** Sam Stone, Jack Schneider, John Peterson and Ralph Either

**Others in Attendance:** Frank James, Amy Laporte-James, Bill Moore, Seth Hopkins, Hillary Knapp (Clerk) and Larry Stevens, Zoning Administrator.

1. Meeting was called to order at 6:57pm (Motion by Jack Schneider/John Peterson. Motion passed unanimously)
2. Motion by Jack Schneider/John Peterson to approve the minutes from the September/October DRB hearing (passed unanimously, Ralph Either abstained.)
3. Hearing opened at 7:00pm. The warning was read by the DRB Clerk. Larry Stevens, Bill Moore, Seth Hopkins, Amy Laporte-James and Frank James were sworn in. No interested party status for the hearing was needed.

**Frank:** On going issue with flooding on Newton Road, now that High Pond Woodwork is slated to be torn down, we are quite concerned that we are now in ground 0 for any flooding that comes down through. We have all been impacted with previous flooding events, with the building being removed, if nothing is done to mitigate the flooding, the water is going to come down through and head straight for our house and the rest of that side of the road. In 1998, the State mandated that we put a swale in and that has helped with some of the smaller floods, but the larger floods we have flooded. We have talked to the Town and one of the ideas we had brought up was to talk to the State or River Management and possible building a swale in the vicinity and put it with the existing one on our property. Exhibit A (pictures of the flooding of Newton Road) were placed into evidence.

**Larry:** From the Zoning perspective as far as removing this building this has very little that is required in the BLUO, it just states that a permit is needed. There was no reason to deny the permit request when applied for.

**Bill:** I have overseen Hazard Mitigation since the previous Town Manager left. My greater point is that there is nothing within the BLUO that compels a landowner to maintain a building when they want to remove it. There is no mechanism to appeal or just cause for anyone to maintain a building on their property. I understand the concerns that Frank and Amy have regarding flooding, since Irene we have taken part in the Vermont Economic Resiliency Initiative and as a part of that one of the things that we needed to do was on Newton Road, due to the damage from Irene. The Feds and the State are putting money into having people leave the flood plain and buyout the properties on the road. Frank and Amy are also looking into flood proofing the property and elevating the home. The Town is following what has been prescribed as the best Hazard Mitigation. Bill entered into record Exhibit B (approval of the project to remove the building from the State). Have looked at other land use ordinance around the area and the only places that there is anything to maintain properties is with Historical landmarks and buildings.

**Sam:** What is the plan once the building is removed?

**Bill:** The bid has been awarded to a Contractor and waiting for the DRB decision and the land will be bought back to the original grade of the land. No other pieces of the property, including trees are not

allowed to be removed. The road can be ditched to protect the road but only allowed to go back to the grade/contour the land.

**Sam:** You are not doing anything additional to protect the neighbors?

**Bill:** No, FEMA does not allow us to build a swale or a berm on the land, it needs to be brought to grade. After the last flood, the riverbed had risen due to stone being pushed down, that rock had to be removed as we are not allowed to build up only dig down. This building is 4,080 where the water is being displaced and the rest of the water is being moved around and onto other places on Newton Road.

**Sam:** In the BLUO, that there is nothing that says a landowner cannot take down his building, the only thing I want to say, while that might be true local government, is to help certain externalities that happen within the community. If the only plan is everybody takes the buyout and those who don't suffer the consequences that does not sound like a good plan.

**Bill:** I understand that viewpoint, we are following a closely developed tried and true plan with Vermont Emergency Management and getting people out of harms way. The water comes out of the mountain and Tubbs was built to use that water for electricity and houses should not have been built on Newton Road and the water is creating more problems. We are trying to help out as best as we can. We did reach out to ask about the swale and we were told by FEMA that we could not do that. We are helping the James to elevate the property but the best thing to do would be to have all the buildings bought out.

**Seth:** The Town does not want to be doing things that are in opposition to community members. The concept that FEMA and that Vermont has, is to restore flood plain capacity. It does feel like we are taking some protections away from the community, the concept is that if we get the building out of the way, when the water comes over the banks it will race towards the corn, it may still race West, but the plan is for it to move to the South first.

**James:** When we moved in the State wanted us to place the swale and it was mandated that it was put in and I don't understand why it seems that the State/FED does not want to allow the swale to go in and have the water go wherever it is supposed to go. I think that with all respect, that the Town needs to put their foot down or really do what they can do or need to do to make sure that just our house, but all the neighbor's home are going to have some sort of protection and not just let the building get torn down and put a ditch in and call it good. I don't find it acceptable. The building does offer protection, the water blew through the road, and damaged the building, 90 to 95 percent of the force of the water hit the building and was forced around. If that building had not been there, we would not have had a house to live in.

**Sam:** It does sound like the Town is trying to work with you.

**Bill:** It would be to help to build these houses up or to bring back the flood plain. Since the house was built, they have updated what their recommendations are for Flood Plains and back then swales were recommended, and the State has said that a swale cannot be placed on the Town property.

**Seth:** What the State envisioned happening is that if the houses are built up on the property, the water is going to go South earlier and going into the corn behind the houses and along the road. The building currently forces the water into the front of the house, removing the building will allow this to go South and not come into the front of the houses.

**Jack:** The North side of Newton Road, there seems to be a double berm, can that be built up? If that was built up to divert the water?

**Bill:** In 2023, the contractor was leaving the stone there at the bend. The State has said that it cannot stay there it had to be removed. There was another shoot built on the other side of the road for water to go back behind that house. The State is not allowing for any swales or berms or shoots to be built on the river. These items will not be allowed by the State to be built on the river corridors.

**Jack:** Can something be done temporarily until the house has been flood proofed?

**Bill:** We have not asked about a temporary fix, but we can ask but the State is very specific on what they are allowing.

**Sam:** I think it does sound like the Town and the James are in constant communication and that is a good thing.

**Seth:** If this building is mandated to stay there, the Town would have a derelict property and the Town would need to have insurance on the building and there would be some Health and Safety concerns.

Hearing closed at 7:35pm

4. No public comment was made.
5. Board went into deliberative session at 7:40pm

Respectfully submitted,

Hillary Knapp, DRB Clerk