

CAPTURE, CLASSIFY, RESPOND: comments on the DRAFT 2008 THETFORD FLOOD HAZARD AREA REGULATIONS,
Version 2.0 April 8, 2008 (comments on Draft for Public Hearing, dated 15 January, 2008)

[NOTE: version, page numbering and section numbers may differ across drafts of the proposed regulation]

Key: **G** = general (applies to document); **R** = resolution
a-s = accept, substantive; a-n = accept, non-substantive; d = defer; r = reject; d-f = defer for future consideration; a-m = accept with modification; q = question; c = comment;

Sift Key – AP = apropos the Prohibition question, CI = request for clarification, TO = typo, easy wording change ORG = organization of reg, Add – request add'l (new) language or restriction, Ans= answer to a question

#	DATE	VENUE	PERSON /ORG	SEC.	PG.	SIFT	COMMENT	R	PC RESPONSE
20	1/26	doc	Cy Severance	12	9	CI	Should “critical facilities” be better defined or examples provided?	a	Suggest adding examples given in the FEMA “Floodplain Management Requirements” guide: hazardous waste facilities, nuclear power plants, hospitals, police and fire stations.
29	1/26	doc	Cy Severance	XIV	12	CI	I suggest a restatement of the definition of “Floodway Fringe Areas” as found in Section VII, B (Especially since, in fact, these would be the areas subject to most development proposals,)	a	Will add to definition.

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91			Kevin Geiger			Cl	The Thetford draft has "cumulative" substantial impact, which we were pushing at one point but have since become ambivalent about. This provision would have the town track improvements to a house until it met 50% of the value and then the substantial improvement standards would kick in. This logic is based in that you don't want someone doing repetitive 49% improvements and never coming up to code. However, one must distinguish improvements from routine repair and maintenance, one must track the improvements somehow, though zoning generally ignores interior renovations, and then you have to cost them out (is it summed up until 50% of the value?) and how is the value of the house arrived at? These dilemmas have now had us back off using the "cumulative" for practical reasons.	a	
28	1/26	doc	Cy Severance	XIV	12	Add	I suggest addition of a definition of "flood resistant materials" for benefit of those of us unfamiliar with the term.	a-m	Suggested response: Add reference to FEMA standard definition. FEMA-480 Feb. 2005
2	1/26	doc	Cy Severance	G		Cl	Scattered throughout the document, the term "community" is used, but I find this to be a rather amorphous term, which could have several different meanings depending upon context; suggest replace "community" with "township" to better reflect Vermont local government".	a-m	Add to definitions that in this regulation "community" refers to the Town of Thetford.
11	1/26	doc	Cy Severance	map text	2	Cl	it is unclear as to just how the Zoning Administrator uses "scaling" to determine uncertain flood hazard area boundaries. I assume the scale would be transferred to a survey or plat map, but that is not so stated.	a-m	We'll remove the first paragraph.

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13	1/26	doc	Cy Severance	V, F,d and 4,iii	4, 7	Cl	These sections seem to leave it unclear as to how and by whom these determinations are made. Does subsection d. only apply to 'public utilities' or also to 'privately owned' ones as well? [comment applies to both]	a-m	All subdivision requests go to the DRB; The ZA has jurisdiction over permits. Will delete the word "public" from the reference such that it applies to both public and private (V F d);
42	3/18	hearing	Claire Kelsey	VI C		Cl	no definition of "community"-- what is "community" comprised of? how would that affect the measurement	a-m	see response to # 2
26	1/26	doc	Cy Severance	XIV	11	To	<u>Basement</u> : Removal of the parentheses around the phrase "below ground level" makes more sense. Would use of "below grade" clarify the meaning? Should this definition also address buildings with so-called 'walk-out basements'?	a-m	We will remove the parenthesis. The relation to walk-out basements is per FEMA.
8	1/26	doc	Cy Severance	G		Cl	use consistent term for the ordinance: 'Thetford Flood Hazard Area Regulations', 'an ordinance for areas of special flood hazard' and 'floodplain management regulations'	a-n	Changed Ordinance and Regulation to By-law, except where the reference is intended to be more general.
9	1/26	doc	Cy Severance	IV	2	To	"Permitted Uses". It might be more clear to the reader if the word "below" were added to the "subsections 1-3" reference.	a-n	
10	1/26	doc	Cy Severance	map text	2	To	Shaded "Map Boundaries" appears to have a "typo" after the first word, "If" (i.e. [0]).	a-n	
22	1/26	doc	Cy Severance	para 1	11	TO	To be consistent with previous statutory citations, instead of the word "section" use the symbol- §.	a-n	
24	1/26	doc	Cy Severance	para 1	11	To	There appears to be a missing word in the third line and it would be clearer to change the word "part" at the end of the second sentence to "section".	a-n	See draft.
25	1/26	doc	Cy Severance	para 1	11	To	I suppose that the doubling of fines is allowed by state law, but think the statutory authority should be cited.	a-n	The citation is present.
27	1/26	doc	Cy Severance	XIV	12	To	first line of sentence continuing from 'Expansion to an existing manufactured home park' on p. 11, contains a typographical error i.e. 'Manufactured', not 'manufacturing'.	a-n	

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30	1/26	doc	Cy Severance	XIV	13	To	<u>Lowest Floor</u> definition. Add “of the National Flood Insurance Regulations” after the citation of 44CFR 60.3	a-n	
31	1/26	doc	Cy Severance	XIV	13	To	<u>Special Flood Hazard Area</u> . Typo in second line: Should be “designated <i>as</i> ” not “a”.	a-n	
34	1/26	doc	Cy Severance	XIV	14	To	<u>Structure</u> ; Referencing the 3 rd line of this paragraph, I have to say that I am not aware of any situation in which there exists a “wastewater <i>supply</i> system”! I believe you intended to refer to a “ <i>disposal</i> ” system.	a-n	
36	1/26	doc	Cy Severance	XIV	14	To	Subsection (b) of this section contains a repetitive term. I suggest deletion of the parenthetical “a manufactured home”.	a-n	Will delete the parenthetical clause.
37	1/26	doc	Cy Severance	XIV	15	To	Violation: After 44CFR 60.3, again add the reference to the National Flood Insurance Regulations to this source citation	a-n	
40	3/18	hearing	Stuart Blood	VI C	5	To	fix editorial errors in draft: add back in words “MORE THAN ONE FOOT”	a-n	inadvertent omission
85	3/18	hearing	Leif LaWhite	VII, 3, (a)	7	To	Add commas to read: “...elevated to at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that...”	a-n	

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94			Tara Bamford			To	I think the proposed regulations look great My only comment is that I was confused by the footnote on page 2 saying that the text in the shaded parts is not part of the regulations. Both the definition of development and the process for addressing floodplain boundary disputes are essential and important parts of a floodplain ordinance.. My recommendation is to omit the footnote and make sure the process for resolving disputes is clearly outlined in the appropriate section. If it is then repeated elsewhere in a shaded textbox, there is no need to have that footnote giving the impression that the information within is "not really part of the regulations."	a-n	Will leave footnote, because relates to FEMA compliance, but delete the gray around the development definition.
101	4/8	working group	Heather Carlos	IV		To	sb 1-4 in IV, not 1-3	a-n	
55	3/18	hearing	Ned Swanberg	VII B 2 a	6	Ans	If building getting big investment, 50% investment/replacement, then makes a good point to put it into compliance.	C	
65	3/18	hearing	Leif LaWhite			Ans	True, although it depends on how big the floodway is compared to your house. It can approach equilibrium; can a) not have a basement; b) elevate house, habitable area.	C	
39	3/17	email	Didi Pershouse			AP	Supports no new building;	C	
50	3/18	hearing	Li Shen			AP	If we agree that purpose is minimize loss of life, expenditures, etc, what Fire Chief stressed, doesn't it follow that would be in best interest to not have structures all over the flood plain? seems logical.	C	

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54	3/18	hearing	Li Shen			AP	We should consider the cost of insuring, underwriting flood insurance; if buildings more expensive, public has to underwrite greater insurance liability	C	
61	3/18	hearing	Sean Mullen			AP	Roses' situation: was a problem for DRB. Even if Fire Chief Fifield said they are not willing to go out there and save someone, we were uncomfortable that the Town would still be in a liability situation, if the effort not made. We are repeating a problem w/each subsequent house that is built. If 6+ houses built in different places on the flood plain, are we setting up liability issues?	C	
62	3/18	hearing/letter	Don Fifield (letter read by Wayne Parks)			AP	reads Fifield's letter	C	
68	3/18	hearing	Mary Daly			AP	Live on Fairlee, Thetford line; member of Sub-Committee of Connecticut River Joint Commission. I am in favor of the plan as written because the Joint Commission is in favor. I can't imagine building a house, a major asset, in the floodplain. I wouldn't want it to go down the river. If we do an exception for Jake, to build on a little bump, then, 10 miles later, someone else wants one, then another, then we fill in the flood plain and raise the flood level. We affect those who come after. The stronger the rule the better. The temptation is to let people do as they like, and that just creates a difficult situation, like No. Thetford	C	

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69	3/18	hearing	Sean Mullen			AP	in response to Jake, r.e. encroaching development -- deed restriction is not effective. We could consider an exception for ag use, not that much development pressure. If have large acreage requirement, would give appropriate guidance to DRB, could consider as conditional use. Would avoid the problem where its in the deed, which can change w/property owner. Not clear where I am w/that, however, it's a possibility. One of our concerns is that development pressure, most of the pressure is as a "bedroom community" to DHMC. The low lying parts of the Ct River are easy to develop, these are also the good ag land. The regulation needs some specific language. It should be as restrictive as possible, and yet allow that usage.	C	13, 14,16, 18
83	3/18	hearing	Ehrhard Frost			AP	I am speaking in support of the proposed regulation. The PC has done due diligence, in best interest of the Town. Things are changing, climate change not just about warm/cold. The amount of precipitation is changing. We don't know how will affect the 100 yr flood. There will be many changes w/in our lifetime.	C	.
90		Email	Scott Stokoe			AP	I am in favor of strict prohibition of the construction of new buildings in the flood hazard areas. It will protect the homeowners, the taxpayers and the best agricultural soils that New England has to offer!	C	

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92			Sean Mullen			AP	<p>"It is the purpose of this ordinance (sec 120 of zoning ord) to protect the public health, safety, and general welfare; to carry out local goals and objectives in order to foster orderly community development..."</p> <p>Section 120 continues with language that implies that we as DRB members have a duty to consider that property owners should have unhampered use of their property so long as it does not effect the health and safety of their neighbors. Also we should weigh the impact on providing essential town services.</p> <p>With these considerations and the allowances made for agricultural uses I support the Planning Commission's prohibition on new construction in the flood plain.</p> <p>I also believe that we should be clear as board members in our deliberations that we our able to back up our decisions with town services.</p> <p>Allowing building in the flood plain, even with conditions, does not seem a prudent action.</p>	C	

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93			Bob Walker			AP	I support your proposal to ban new housing development in Thetford's flood zone areas for two main reasons. First, I agree that placing new homes in these areas would exacerbate an already untenable situation in the case of a major flood for the Town's fire and emergency rescue squads. Second, I think it is critical to preserve these flood planes, some of the best agricultural soils in the state, for farming. I appreciate Jake Guest's concern for providing farm housing close to his fields, but there are other development opportunities close enough to these flood planes and out of harms way for future farmers to live. And prohibiting development on these lands will ensure their availability for future agriculture.	C	
95			Linda Matteson			AP	It is in the best interest of the Town, our land, and our streams, to adopt the proposed Flood Hazard Zoning Bylaws. Also, I urge you to heed the concerns of Chief Fifield, who is aware of and expressed his thoughts on the potential threat and danger to rescue workers that flood hazard area encroachment can cause.	C	

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96			Chris Levey and Barbara DeFelice			AP	We are owners of developable land including that listed as "100 year floodplain" in Thetford. We could thus be negatively affected by the proposed new zoning restrictions on such development, however we are writing to express our strong support of these proposed zoning regulations they represent sensible and prudent public planning from economic, life safety, and environmental standpoints. We also favor the proposed changes because they implement recommendations which have been a part of our town plan for many years. Perhaps most compelling for a town regulation (as opposed to a personal choice) are the potential economic and life safety impacts of unrestricted floodplain development.	C	
97			Scot Zens			AP	I support increasing the protection of agricultural land in the flood plain in Thetford by the restriction of building development on the flood plain. Good agricultural land is in short supply generally but especially in Thetford. Building development permanently removes land from production. Building development in good agricultural land often raises the market price. Many types of agriculture, including some of the most needed crops, do not require buildings to be built in direct proximity of the fields. For those types of agriculture that do require people to live adjacent to their crops, finding land that has some higher ground adjacent to the flood plain is strongly preferred.	C	

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98			David Fisk and Jennifer Davey			AP	Thetford should be able to regulate construction in floodplains, even to the extent of prohibiting it entirely. For your information, we own 4.9 acres in Post Mills, where a house can be built on a half-acre lot. Perhaps two of our potential house sites are in the floodplain of the East Branch of the Ompompanoosuc River. Because of the importance of preserving floodplains, we are perfectly willing to sacrifice the construction value of any floodplain building lots we own.	C	
99			Sherry Crossley			AP	. I think the Flood looks good although I do sympathize with farmers and think that is a good exception to building in the flood plain. However, there could be abuse where the farmer farms for a couple years and then doesn't and sells; bingo another house in the flood plain. So I would go with no construction as you have it written now - it's easier to enforce and I think the majority of people realize the dangers of building too close to water in regards to pollution, erosion, etc	C	
100			Bill Bridge			AP	I am writing, as a member of the Development Review Board, in full support of the proposed revisions of Thetford's Flood Hazard Regulations.	C	
78	3/18	hearing	Ned Swanberg			Q	Regarding replacing an existing culvert: mostly done when you need to put in a bigger one, so no problem from State because it allows better flow. (Tig: do you need a study?)	C	

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84	3/18	hearing	Ehrhard Frost			Q	A question to Jake: He farms now as an absentee, and wants to sell to owner/occupant. Is it necessary to live there to farm? Guest: Now I grow stuff that doesn't require constant attention, as would be required; on my own place in Norwich, I check constantly. In Thetford, grows sweet corn, pumpkins, not strawberries. Could be a farm for someone else.	C	
3	1/26	doc	Cy Severance	IV, other		Add	address protection and/or restoration of vegetated riparian buffer zones because of their influence on floodplain. (See document for full rationale; suggest revision to Section IV). [review language in TP; see Standards in DZ]	d	These are good all points but this is really a tough issue to deal with in the flood regs for several reasons. For one, we'd have to include modifications to riparian vegetation in the definition of "development", which might not be legally defensible. For another, it would seem to require a conditional use permit to restore a denuded riparian buffer to a more "natural" condition. That's something that some local farmers have gotten federal grants to do. Not sure how we would do this correctly. Will consider under general zoning and be sure to include appropriate definitions.
4	1/26	doc	Cy Severance	IV	2	Add	add to Permitted Uses: ""they do not require replacement, reduction or removal of existing riparian vegetation". (See document for full rationale) [review language on protection of riparian zones]	d	see above #3
6	1/26	doc	Cy Severance	IV	3	Add	"Conditional Uses" should require a permit if buffer zone vegetation or shore line modifications are proposed	d	see above #3

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88	4/1	PC meeting	Andrew Toler			Q	comment on process: will it be approved by SB, or Town? should maximize degree of discussion w/public.	d	We should have a good understanding between the SB and PC on all process and policy for responding to public comment.
72	3/18	hearing	Tig Tillinghast			AP	A couple of points about liability and the concerns of emergency services. <i>Force majeure</i> - is worth looking at. We should have properly equipped emergency services, right equipment, our liability should be minimal; shouldn't place concern on placing people in safe place.	Q	2, 3, 6
86	4/1	PC meeting	Doris LaMontagne			AP	I would like to build a garage and should be allowed to do so. Not clear if I would be permitted to do so. I can build on a current foundation, but not build the new one I need. This doesn't make sense. Ability to subdivide also important to me, as a financial fallback. Also, would not be able to take steps to sustain riverbank without permit. Ability to act is being restricted.	Q	There's no outright prohibition on building small accessory structures. A question of what fits under that category would be adjudicated by the DRB. Subdivision is still possible. Some actions to sustain the riverbank would be permissible such as riparian vegetation. Other actions, such as rip wrap, is under State jurisdiction.
87	4/1	PC meeting	Tom Gray			AP	same as Doris	Q	see response to comment #86
16	1/26	doc	Cy Severance	5a	8	Cl	This restrictive provision is all very well intended, but how is usage to be monitored after completion of construction? Are there any repercussions for non-compliance thereafter?	Q	It's valid question about enforcement. It applies equally to all permitting for zoning, and not just the flood bylaw.
18	1/26	doc	Cy Severance	10	9	Cl	I have <i>no</i> idea what an " <u>on-site waste disposal system</u> " is since it apparently does not refer to a septic system! Is the reference to dumpsters for household trash/garbage, a composting facility, farm manure lagoons/piles or what?	Q	It's a septic system, what Vermont calls a "wastewater system". The language comes directly from the FEMA regulations.

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19	1/26	doc	Cy Severance	12	9	Cl	Although it is not specifically stated, can one assume that the referred “ <u>access roads</u> ” do <i>not</i> include pre-existing public or private roadways?	Q	That’s correct.
35	1/26	doc	Cy Severance	XIV	14	Cl	<u>Structure</u> : I also assume that the reference to “ <i>built</i> ” gaseous or liquid storage tanks mainly concerns permanent or semi-permanent petroleum-based <i>fuel</i> tanks (including gasoline) but the term might also include tanks/lagoons containing liquid fertilizer (chemical or organic) or those that might contain water or other liquids used for fire suppression such as might be installed at fueling stations as well as various materials as might be used in manufacturing or power generation. Would this definition include ‘dry-stored’ materials that might be kept in covered bin-type facilities such as various types of silos?	Q	yes
38	1/26	doc	Cy Severance	XIV	15	Cl	ZA: Surely, there is a less innocuous and more specific definition! Within a Vermont municipality, there could be any number of “administrative officers” with vastly differing responsibilities. Because both are referred, if you attempt to summarize the responsibilities of this office, you should do similarly for the Development Review Board.	Q	24 VSA Ch 117 uses the term “administrative officer” instead of “zoning administrator”. The model bylaws also use the term “administrative officer”. In Thetford we refer to the zoning administrator, so that’s the term we used. To make it clear who we are talking about we defined the term to be the same as the legally preferred term.
76	3/18	hearing	Tig Tillinghast			Cl	What is the impact on roads? If we want to add a culvert, is the regulation too narrowly worded? We don’t want to need a study to improve roads.	Q	Culverts do not block flow, so on a State level, it does not require a study.
41	3/18	hearing	Tim Taylor			Q	mentioned that exceeds FEMA that would permit certain structures, please clarify; is FEMA saying “there can be no structures?”	q	no; FEMA minimum allow structures under conditions, elevate above base flood, 1 ft

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43	3/18	hearing	Leif LaWhite		2	Q	prohibited uses: all residential, except as in VII.B.7; entire Village of No. Thetford in floodplain, does this apply to the Village? Do all the other conditions apply, also to small accessory structures?	q	yes; other conditions apply to other structures
44	3/18	hearing	Doris Lamontagne			Q	can I put a garage on my house?	q	as conditional use
45	3/18	hearing	Doris Lamontagne			Q	how does it apply to subdivisions?	q	can subdivide, can't be built on
46	3/18	hearing	Leif LaWhite			Q	is there something special about the special flood	q	They are special because they are mapped.
47	3/18	hearing	Doris Lamontagne			Q	was it changed because of satellite imaging? The maps have changed; I was notified that I'm now in a flood zone; got FEMA letter saying had redone the maps; hired attorney, have they re-evaluated, by satellite? Now I have to pay flood insurance.	q	The maps were published in Dec 1999. [Note: it was later clarified that the letter came from a bank and related to the need for flood insurance to meet the terms of a mortgage reflecting a change in the mortgage terms, not a change in the map.]
48	3/18	hearing	Mary Dan Pomeroy			Q	are federal standards and what FEMA wants the same thing?	q	yes
51	3/18	hearing	Doris Lamontagne			Q	when was the last flood? "100 yr flood"	q	1936; believes high-water mark from that flood; one of the dams was already in; those are hydro dams, not flood control
56	3/18	hearing	Dennis Donahue	VII B 2 a		Q	Would the same restrictions apply if someone tears down a building (intentionally) and rebuilds?	q	Standards for accessory structure are different; may not be insurance for aux structures
57	3/18	hearing	Jake Guest			Q	I own 25 acres in Thetford, mostly in the flood plain. I understand that according to the State, agricultural uses permitted, including barns, if comply w/minimum NFIP: correct?	q	If agency of agriculture says meets criteria for agricultural practices, then exempt from local review, but Agency of Agriculture must enforce NFIP.

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63	3/18	hearing	Sean Mullen			Q	Is the Town at risk? Could the Fire chief even choose to ignore those in danger?	q	6
64	3/18	hearing	Dean Whitlock	XIV	14	Q	question: "substantial improve": If required to lift bottom floor, or need to build a mound -- is this like dropping a brick in the bathtub? Once you do that, you have to build the mound higher? This part of FEMA language, actually makes it more difficult, and makes it more difficult for the next person; seems it is impossible to do substantial improvement.	q	There is no need for fill to elevate a structure, it can be done with piers.
67	3/18	hearing	Claire Kelsey			Q	For education, on what did you base the slight variation from FEMA?: This has taken a long time -- is there a reason for this change? Is FEMA going in this direction? Are there precedents for no-building, such that whatever we did, if we ameliorate the harshness, will we have to come back because FEMA is moving that way? Did that factor into your decision making?	q	The current flood regs 30 years old; FEMA has changed in the meantime. No idea where FEMA is going, Katrina may change everything. Public safety big consideration.
73	3/18	hearing	Tig Tillinghas t	VII, 4, a	7	Q	(presents several cases for consideration): What would happen in a subdivision application? If greater than 50 lots or 5 acres; unclear.	Q	Bylaw simply states that the base flood elevation data must be provided and its available from the FIRM.
74	3/18	hearing	Tig Tillinghas t			Q	What are the considerations in a case where looking to ease land to Upper Valley Land Trust? If one needs to do hydro study...In another area, would have to do study to divide and give easement. Would subdivide w/out building or intent to build.	Q	Study is required for development, not subdivision or transfer of development rights.
75	3/18	hearing	Tig Tillinghas t			Q	Consider another case: what if someone donates \$20,000 to build a bench on the Ompomp. Is this considered an improvement? Would it force the Town to do a hydro study? I want to avoid unintended consequences.	Q	This falls under the jurisdiction of the FEMA minimum standard, over which we have no control.

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77	3/18	hearing	Alexis Jetter			Q	I just went through the issue of the flood plain. Current Thetford ordinance requires not building w/in 100 ft of outer boundary. This suggested change, while more stringent, actually drops that restriction. We had to figure out if we were w/in that 100 ft. In a section that is not mapped, maybe, maybe not in flood plain. What percent of the Ompomp is ruled by FEMA, w/out a map? Is our situation an exception? The uncertainty, was resolved and is okay, yet so much information is not available. Will the extra 100 ft be taken out?	q	100 ft clause has been removed from the draft regulation.
82	3/18	hearing	Jake Guest			Q	Doesn't FEMA prohibit obstruction anyway? (as in the access road)	Q	It would require a permit per FEMA.

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58	3/18	hearing	Jake Guest			AP	<p>I am very uncomfortable w/proposed regulations that go beyond FEMA minimum. In my situation, also other land that is similar, in position (supplies map that shows what part of land above 100 yr flood, above 400 ft.). Have a vegetable farm, retiring at some point; would like to pass on land, certified organic, would like to pass on for that purpose. With stricter regulation, I don't have a farm to sell. Even though some of the land above 100 year flood, the part near the road is steep, the knoll is gone, and is wet. The only site for a structure is 6 ft below the flood level. This is not untypical of land along the river. With interest in local, organic food (other than silage), a shame that regulation would prohibit transferring ownership of this ideal farm. It could be farmed, but it requires that farmer be on site (submits letter from V. Grubinger).</p> <p>W/minimum FEMA, would be possible to have a structure and agricultural animals. It would be a shame to prohibit that. The out washed terrace, because that's where the water slowed down, by definition, can't be part of the flood way.</p> <p>A study is quite an undertaking.</p> <p>If there is a flood that high, there will be higher priorities (W Leb, all of No. Thetford), emergency responders won't worry about this one house.</p>	R	13, 6, 2 (refer to Fifield's letter)
59	3/18	hearing	Jake Guest			AP	If conditional use, would develop just one 2-acre site, would put the rest in conservation. DRB should enforce that.	R	16, 18
60	3/18	hearing	Tim Taylor			AP	I think it (the regulation) is overbroad. The soils are good for agriculture; a farmer would have to be there, not be an absentee landlord.	r	13

#	DATE	VENUE	PERSON /ORG	SEC.	PG.	SIFT	COMMENT	R	PC RESPONSE
66	3/18	hearing	Kevin Channell			AP	I am starting farm, similar to Jake's situation. One of the biggest challenges is land access. We were working for other farmers, it is hard to find available land. We couldn't find land, finally some available in Ct River Valley. making land accessible to farm for next generation is noble. One thing we have done is put the land in conditional use. Building, but must stay in agricultural use. Consider language that would correspond [to the terms of conditional use]: if build, land must remain in ag use. This could prevent subdivision, and would make land available to young farmers who want a working landscape. We stand on the shoulders of Tim, Jake, and appreciate the vital economy.	R	13, 16
70	3/18	hearing	Jake Guest			AP	Does the Town of Thetford want to encourage this kind of agriculture, regardless of the flood plain? Would there be a consensus in favor? So, where can we be creative in helping that come about, given feeling about semi-out-of-control development? Can we incorporate that into the larger effort?	R	13, 15, 16, 19
71	3/18	hearing	Jake Guest			AP	Is FEMA stricter, because of Katrina? Everyone is nervous. Much arose because of the Roses, it's a mess, and I'm in the middle of it, I'm sorry its happening. Regardless of how that's dealt with, it's a wake-up call. Town should have a way to deal clearly w/situation like the Roses. We should be creative about ag land.	R	18

#	DATE	VENUE	PERSON /ORG	SEC.	PG.	SIFT	COMMENT	R	PC RESPONSE
79	3/18	hearing	Tig Tillinghast			AP	I would like to second the suggestion that instead of saying no structures in flood hazard area, throw it to the DRB; I would prefer that the DRB have the power to review and give guidance such as speaking to structures in the context of agriculture. Leave the DRB with the authority to make the decision.	R	18, 22
80	3/18	hearing	Leif LaWhite			AP	Why just prohibit development? It is important to know that I can put in an \$100k aerial tram. It is better than not considering the option to build. It is better than a brick wall [against building].	r	14, 18, 19, 22
81	3/18	hearing	Tim Taylor			AP	There may be benefits that outweigh the risks. We permit driveways that have no fire truck access. We can't legislate against all risk. An isolated house lot w/farming, not a sudden, unforeseen risk. There will be warning. It seems a large blanket prohibition. It is very difficult to farm as absentee.	r	1-7, 14
89	3/	Email	Didi Pershouse			AP	Should allow reasonable expansion of existing houses/businesses (see email comments for rationale).	R	There is no prohibition on changing the footprint of an existing structure. The 50% on improvements is a FEMA standard.
102	3/18	hearing	Vern Grubinger			AP	letter in support of Jake Guest's position	r	10-13
5	1/26	doc	Cy Severance	IV	3	CI	clarify that the prohibition on grading would preclude any modification of existing shorelines.	r	There is no prohibition on grading. Any grading requires a conditional use permit. We do not feel we can tie this to shoreline modification because we do not address shoreline modification and do not define it.

#	DATE	VENUE	PERSON /ORG	SEC.	PG.	SIFT	COMMENT	R	PC RESPONSE
7	1/26	doc	Cy Severance	IV	2-3	Cl	Section IV is self-contradictory because some of the permitted uses would result in prohibited actions. Suggest that some of the permitted recreational uses be made Conditional. (See document for full rationale)	R	I think the current wording actually may address Cy's concern: Recreation is a permitted rather than conditional use only if conditions a - h are met. So for example, if a parking area for recreation requires grading, or if it might increase offsite flood damage potential, then it becomes a conditional use.
12	1/26	doc	Cy Severance	D	4	Cl	"Adjacent communities" is an amorphous term that could apply to municipalities/townships many miles distant and/or not even sharing a common watercourse. Suggest substitution of "adjoining" or "abutting".	R	The common meaning of adjacent is "next to".
14	1/26	doc	Cy Severance	E	4	Cl	How is "adequate drainage" to be determined and where is the drainage to go?	R	All subdivision requests go to the DRB; The ZA has jurisdiction over permits. This would be difficult to define in regulation and is site-specific.
15	1/26	doc	Cy Severance	3a, line 5	7	Cl	Due to possible confusion with the term "substantial improvement", I suggest that a different term be substituted for 'substantially impermeable' in regards water tightness of walls below base flood elevation.	R	The language in this section is taken essentially verbatim from the FEMA regs, which define the minimum standard. We can't substitute terms without risking non-compliance and there seems little room for confusion on this point.

#	DATE	VENUE	PERSON /ORG	SEC.	PG.	SIFT	COMMENT	R	PC RESPONSE
17	1/26	doc	Cy Severance	7	8	Cl	<u>Accessory Structures</u> . I believe the adjectives “small” and “minimal” need to be more specifically delineated to avoid problems of interpretation. (What is ‘small’ or ‘minimal’ to me may have quite a different meaning to another person!)	R	The PC discussed this at some length at our Jan 15 meeting. The language that Cy refers to is taken from the VT model bylaw, which, presumably, was drafted with reference to the FEMA’s “Floodplain Management Requirements”. That document is a guide for local officials. These terms aren’t defined in the bylaw, but the FEMA guide should help the DRB determine what “small” and “minimal” means for Thetford.
21	1/26	doc	Cy Severance	XI	10	Cl	I’m being facetious, but is there such a thing as an “incompetent court” as compared to a “competent” one? I think the better terminology might be “a state or federal court having proper jurisdiction”	r	This language is in the VT model bylaw. It was drafted by a lawyer.
23	1/26	doc	Cy Severance	para 1	11	Cl	The wording seems to “assume” that at some point the town of Thetford will bring suit against a non-compliant violator, but it is unclear as to how/when that will occur and in what court.	r	Will vary by type of violation and will be determined by the Select board and/or DRB.
32	1/26	doc	Cy Severance	XIV	13	Cl	<u>New Construction</u> . For the second reference to floodplain management regulations, it might be an improvement to use “special flood hazard area ordinance adopted by a municipality”.	r	Needs to stay general covering actions under this reg, previous or future regs.

#	DATE	VENUE	PERSON /ORG	SEC.	PG.	SIFT	COMMENT	R	PC RESPONSE
33	1/26	doc	Cy Severance	XIV	14	Cl	<u>Substantial Damage & Substantial Improvement:</u> It is not stated by whom the “ <i>fair</i> market values” are to be determined nor how long previous to damage and/or start of construction the valuation should have been established. During a period of volatile real estate values, “market values” are subject to great changeability and all kinds of subjective interpretation! Additionally, how and by whom the costs of restoration and improvements are to be determined is left open to interpretation.	r	The PC has discussed these and other potential holes. We understand that the bylaw is not bullet proof and that fuzzy areas like this require interpretation by the DRB and needs to be interpreted on a case by case basis.
52	3/18	hearing	Leif LaWhite			Cl	existing structures: what about replacing an existing structure? Suggest rewording “substantial improvement” in plain language. What happens if an existing structure burns down or is torn down?	R	In terms of what would happen, it would require approval by DRB under conditional use. Current definition of “substantial improvement” includes “reconstruction, rehabilitation, addition, or other improvement of a structure” which we feel is sufficiently clear.
53	3/18	hearing	Kevin Geiger			Cl	The regulation could clarify that if a structure is lost or dismantled, then any replacement should be considered a “substantial improvement”.	R	Covered under the current definition of “substantial improvement”.
1	1/26	doc	Cy Severance	G		Org	put definitions before substantive sections	r	address by adding table of contents
49	3/18	hearing	Mary Dan Pomeroy			AP	why should we be more stringent than FEMA minimum?	r	1-22