

JOHNSON PLANNING COMMISSION

MINUTES

Regular Meeting: THURS, 11 APR, 6:30PM EDT

In person at Butternut Mountain Farm Store, 31 Main St., Johnson

Members (P=Present; A=Absent)

Adrienne Stevson	P	Kim Cotnoir	P	Paul Warden	P
Charles Gallanter	P	Kyley Hill	P	<i>Vacant Seat</i>	
David Butler	P	Rob Rodriguez	P	<i>Vacant Seat</i>	

Other Attendees:

- Meghan Rodier and Alberto Della Torre, LCPC

CALL TO ORDER 6:31pm

Agenda Changes & Public Comment - None

Roll call - Above

Housekeeping

- Approval of Minutes from 14 MAR 2024 meeting – Rob moved, Kylie seconded, passed with Adrienne abstaining (was absent).
- Mail – Charlie reported there was no new mail.

Chair / Member Updates

- Lamoille FiberNet – No substantive update, progressing as planned. Charlie reported that he received a sign up mailer from Fidium Fiber.
- Rail Trail Committee – Adrienne reported the RTC has a number of activities underway:
 - o looking into the potential use of Holmes Meadow for camping in association with the Rail Trail.
 - o studying the implementation of safe and secure parking areas within Johnson for Rail Trail visitors.
 - o waiting for \$40k awarded from the VOREC Grant
 - o waiting to hear regarding the AARP grant. If we don't get that full grant we got verbal confirmation that Vermont Community Fund Grant will bridge the gap in funds for the benches, bike racks, and the e bike charging station we want to get for the town.
- Adrienne also reported on discussion at the Selectboard meeting about grants – seems available grants are spurring ideas, rather than having a plan and prioritizing which grants to pursue. Adrienne suggested committees submit grants of interest to the JPC to be prioritized and make sure we don't have two entities chasing the same grant money. Would also allow prioritization of limited grant writing time. Left unresolved, unclear if the Selectboard (or other committees) want JPC to prioritize. Rob comments that the Municipal Plan should set the priorities.

Review Energy & Equity insert for Municipal Plan

- Discussion centered around seeking clarity about the insert proposed by LCPC. Meghan said for compliance with state requirements, there needs to be an equity component in the energy chapter; she and Alberto took language from other energy chapters and tried to tailor them to Johnson.
- After discussion, Meghan also clarified that the insert is suggestions of equity considerations for energy planning – there are no mandates or requirements included. Paul suggested edits to the last sentence in the first paragraph to clarify; proposing the following:

“The framework below was utilized to discuss equity and energy planning in the State’s Comprehensive Energy Plan and can serve as considerations for Johnson’s energy planning.”
- Meghan read some minor equity related edits she had made to the Energy Chapter Implementation Recommendations. No objections.

MOTION: David moved to accept the proposed edits to paragraph one and the Recommendations, Kim seconded, passed unanimously.
- MOTION: Kylie moved to accept the revised Equity & Energy Planning insert, Charlie seconded.

Passed: 5 yes, 1 no (Rob), 1 abstaining (David)

Draft new Flood Hazard Bylaw for Johnson

- Meghan reported that a new bill S.213 has passed the Senate and been sent to the House (not yet voted on or passed) that would mandate river corridors throughout the state and (it appears) put flood hazard regulations under state control – would render moot any recommendation that JPC might make re new Flood Hazard Bylaws (particularly as our current consideration does not River Corridors at all for Johnson.
- MOTION: Charles moved to table the discussion, Rob seconded. Voted failed: 4 (no: Adrienne, Kim, Kylie, Paul) – 3 (yes: Charles, David, Rob). Further discussion ensued.
- Meghan will see if LCPC can have someone directly involved in this effort attend either the May or June JPC meeting.
- Questions Meghan will research: What is the State timeline for passage? Is there a deadline for the Town to have new bylaws in place? What are the 5 and 10 year storm levels referred to in testimony?

Draft revision to Form Based Code to allow waivers for flood resiliency, per Selectboard’s request.

- Paul had proposed language for Section Article II Section 2.08 Variance and Article III DRB Approval Procedures (see attachment at end)
- Charles objected to revising FBC on the grounds that it is currently not being enforced (example: apparent reduced glazing in Sterling Market and Post Office) and that there are other aspects of FBC that should be revisited, such as outbuilding requirements (CHARLIE PLEASE REVIEW)
- David agreed, saying that revising a bylaw is an involved and time consuming process - we should not attempt to revise FBC piece by piece, if necessary we should review it in its entirety.
- Rob objected to the revision on the grounds that making it easier to put the market back where it was just sets Johnson up for being even another flooding and then we have to start all over again.
- Paul said it is easy for all of us to shop in Morrisville or Jericho as we are all mobile but that is not true of all Johnson citizens, not having a store in town is a real hardship for some.

- Charles mentioned his understanding that the new grant the Selectboard is trying to get (EDA funding?) requires a tenant and that we were essentially told we can get the grant IF we have a tenant - Pomerleau could be that tenant if we were to swap properties.
- Paul recalled that Ernie Pomerleau had said rebuilding in place is the only “quick” solution, building elsewhere would require ~5 years to find and buy land, permitting, etc., and thought we should make it easy as possible to get a market back in town and then look long term.
- Rob argued that once it is built, there is no incentive to look elsewhere and we will be back in the same situation after the next flood.
- Kylie said that as a Planning Commission, we should be focused what is best for Johnson in the long term, not short-term fixes and mentioned that the new bill might negate local waiver decisions.
- Kim said she does not think the market should be rebuilt in the same place; Adrienne agreed.
- MOTION: Charles moved that we approve the drafted revisions to FBC, David seconded. More discussion as above. Vote: Failed, 7 votes no. The Chair thanked everyone for the vigorous discussion.

Next Regular Meeting 09 MAY 2024 – Public Hearing on draft Municipal Plan at NVU-Johnson (Ellsworth Room, upstairs in the Willey Library Building).

Adjourn 8:45

Article II Permits and Appeals.

Section 2.08 Variance:

A landowner may request a variance of this Regulation from the DRB using the same procedure as with appeals from the decision of an Administrative Officer. A variance will only be granted if facts are found that satisfy the criteria in Title 24 V.S.A. § 4469(a) with respect to the District where the property is located *and with reference to the items in Article III, Section 3.02*. In addition, variances in the Flood Hazard District will only be granted after complying with the criteria and insurance notice requirements of Section 60.6 (a) of the National Flood Insurance Program Floodplain Management Regulations (<http://www.gpo.gov/fdsys/pkg/CFR-2010-title44-vol1/pdf/CFR-2010-title44-vol1-sec60-6.pdf>).

Article III DRB Review/Approval:

Section 3.02 DBR Approval Procedures (pg 12)

G. In considering an application, the DRB shall be limited to the following:

1. The criteria specified for the District where the property is located.
2. Requirements described on the BES that are applicable to the proposed development
3. Enforcement of the requirements and conditions of the Permit and whether a bonding and financing agreement is necessary.
4. *Waivers requested for the specific and demonstrated purpose of flood resiliency. The DBR should consider the public good as well as potential negative impacts to other property and may require offsets (e.g., compensatory flood water storage).*

Note: Prior to the defeat of this motion, Charles had suggested:

Waivers requested for the specific and demonstrated purpose of flood resiliency. The DBR ~~MUST~~ should consider the public good AND ~~as well as~~ potential negative impacts to other property and ~~MUST~~ may require offsets (e.g., compensatory flood water storage).