

**Lowell Town Plan Regional Approval Hearing
Lowell Town Offices, 2170, Vt. Route 100, Lowell
January 16, 2023, 5:30 p.m.**

Attending: Christy Pion, Town Clerk and Assistant Treasurer; Rebecca DiZazzo, Treasurer and Assistant Clerk; Sam Thurston and Jeff Parsons, Planning Commission; Jennifer Blay and Wayne Richardson, Lowell Selectboard; Darren Pion, Selectboard Chair; Calvin Allen, Road Commissioner; Paul Brouha, Justin Barton-Caplin, and Bobbi Magoon, NVDA Town Plan approval committee (by Zoom); Alison Low, Kyle Dwyer, and Jesse Noone, NVDA Staff (by Zoom)

The hearing opened at 5:38 p.m. Alison explained the purpose of the hearing, which is to hear public comment on request for regional approval of the Lowell Town Plan (which was adopted by the Town on August 29th). The town plan approval committee voted to appoint Paul as the chair of the meeting.

Paul posed the following questions:

- A. Is the plan a minor or major update OR is it an entirely new plan?
- B. If a major update, what has changed?
- C. What was the motivating factor to update or write the plan?
- D. What does the town hope to achieve by adopting a local plan? (e.g. amend zoning, apply for grants, influence Act 250 or Section 248 hearings)
- E. How can NVDA help your community in the future?

Sam replied by noting that the plan is a minor update, and that the purpose of the plan update (an update to data and statistics) was “timeliness” imposed by the statutory limit on the planning cycle, since the town plan will expire in eight years from its adoption date unless readopted or amended. He also noted that the Planning Commission (referred to in Lowell as the “Zoning Board”) and the Selectboard have talked about doing another plan and possibly making changes to zoning. However, he also noted that the Town is very cautious about approaching change.

The committee wanted to know if there were plans to do a new community survey in the immediate future, and it was noted that there is no ETA on that.

Jeff Parsons noted that a plan update or amendment would address recommendations in the staff review prepared by Nicole Gratton. He noted that she had not checked the box for “trails,” for example, in the transportation section. Alison noted that this was not a deficiency that would prevent regional approval. Rather, it was a way to make the transportation element more comprehensive.

As for influence on Act 250 and Section 248 hearings, it was noted by Jeff that there were no intentions to move priority habitat blocks into the regulatory realm (i.e. zoning), but that they had added this element to the plan to address a new requirement in statute.

Paul had a question about Kingdom Community Wind and the alignment with the regional plan. Alison noted that the regional plan has been written to receive “substantial deference” in Section 248 hearings. The new regional plan, which is now under development, would also be written to receive Substantial Deference. The current regional plan does not support additional utility scale wind development, it is expected that the new regional plan will adopt the same policy.

Justin suggested that a future update to the Lowell Plan contain a separate implementation chapter, a punch list of action items with costs, responsible parties, and resources available. As a statement of community intent, the action plan is an opportunity to establish an approach to implementation that allows Town officials to periodically check on progress. For example, Lowell's flood inventory and culverts could benefit from a separate action plan. Better Back Roads has limited funds, and this mechanism could help establish priorities for investment. Lowell officials responded that the Town does plan this activity every year, but doesn't put it in the plan. A goal of the Town is to bring all the culverts into compliance, and the Town has developed a culvert inventory and a road erosion inventory. For an eight-year plan, however, it's hard to keep up with annual activities and year to year changes in local leadership. Justin replied that the implementation plan doesn't have to be that granular.

It was noted by the Town Plan Approval committee that the flood resilience chapter in the plan was especially good, and the discussion of inundation and fluvial erosion was one of the better ones that they had seen. Alison noted that – as discussed in the plan -- FEMA is producing new maps for Orleans County, and draft maps should be available very soon. The maps will have significantly greater detail than the existing paper ones – they will also have orthophotos. The draft maps are overdue at this point, so they could be released at any time. Two years from the date the draft maps are released, FEMA's legal counsel will want to review Lowell's flood hazard regulations for compliance with 44 CFR (the program that regulates the National Flood Insurance Program.) FEMA's standards for determining compliance with 44 CFR have changed, so the Town can expect that they will be required to make changes to their flood hazard regulations if they want to continue to participate in the National Flood Insurance Program. Lowell participates in the National Flood Insurance Program because it enforces and administers flood hazard regulations.

There was a question about the National Flood Insurance Program and what it regulates – does it pertain to roads? Alison replied that it pertains to development in flood hazard areas.

Sam wanted to know about the timing of the review and revision of the flood hazard regulations: was it too early to start since FEMA has not released the draft maps? Alison's answer was no – considering that the Town will have only about two years to get their regulations up to date, it's definitely not too soon to start. Amending regulations can be a time-consuming process. Alison stated that she could set up a meeting with Ned Swanberg of the Agency of Natural Resources to discuss the FEMA map changes. It would be best to do this with Selectboard and Zoning Board, since both boards will need to be in concurrence on this. The meeting could be via Zoom. The Town indicated that they will discuss this after the hearing.

Paul stated that the review of the Lowell flood hazard regulations would be an excellent opportunity to improve flood resilience in the community, especially along the stretch of the Black River where there is tremendous capacity to absorb and reduce downstream flood flows, in contrast to larger culverts, which simply increase synchronous downstream flood flows.

At this point, Justin made a recommendation to recommend approval of the Lowell Town Plan by the full board of NVDA. Bobbi seconded the motion. The motion passed unanimously. The motion to adjourn the hearing was approved at 6:06 p.m.

Respectfully submitted,

Alison Low