

# Richmond Planning Commission

Richmond Free Library Community Room

Wednesday, September 4, 2013

## *Approved Minutes*

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**Members Present:** Mark Fausel (Chair), Bruce LaBounty (Vice-Chair), Sean Foley, Marc Hughes, Lauck Parke, Brian Tellstone

**Members Absent:** Ann Cousins

**Others Present:** Cathleen Gent (Town Planner/Staff to the DRB), *[see sign in sheet]*

**7:04 PM** Fausel opened the meeting, which is focused on upcoming changes to the National Flood Insurance Program Room as well as FEMA Community Rating System (CRS) program and state regulations encouraging flood damage reduction strategies. He asked participants to keep their questions focused on the meeting topics.

Ned Swanberg from Vermont DEC spoke first about the National Flood Insurance Program and new statewide efforts to help communities become more flood-resilient. With respect to flood insurance this year, Swanberg made the following points: rates are rising significantly to meet the actual costs of insurance; premiums on current insurance policies will rise at 20-25% each year until the rates meet the actuarial cost; Elevation Certificates will be required for all structures after October 1<sup>st</sup>; making structures safer will reduce the risk of damage and the cost of insurance. Swanberg showed a map of Richmond with structures in the FEMA Special Flood Hazard Area. There are a total of 162 structures in that area, with 62 single family homes, 58 mobile homes, and other structures. Only about 16% of the structures have flood insurance. Swanberg noted that there is some indication from FEMA that the Richmond DFIRMs are expected to become official by next spring, in light of the fact that FEMA is reviewing Richmond's appeal maps at this time.

Swanberg discussed community opportunities for reducing the flood hazard risk: getting and using hazard area data; preventing the loss of current river corridors and floodplain functions; identifying priorities for municipal investments, public safety, and mitigating flood prone structures; planning for future flooding to avoid misery; supporting access to flood insurance; continuing to reduce the current risks. Swanberg also provided a history of the National Flood Insurance Program. He discussed the reasons for getting flood insurance, including the fact that flood insurance is not covered by homeowners' insurance policies. A residential structure can be covered up to \$250,000 (non-residence up to \$500,000). Contents can be insured up to \$100,000, including renters. In Vermont, in 2011, the average policy in a Zone A or AE was \$1,400 per year for \$170,000 in coverage. Swanberg said it's better to have flood insurance than wait for federal disaster relief because a federal disaster declaration is given to only half of the requests and individual assistance does not cover damage that should have been addressed by flood insurance. The maximum grant available through the individual assistance program was \$30,200 for Tropical Storm Irene and the average grant was \$6,732.

Swanberg showed the current (1982) FIRM for Richmond, which is difficult to use. The new DFIRM for Richmond is a digital map that can be presented in many different ways, which will be much easier for the public to use. He also showed examples of changes in river corridors and the natural river processes. Floodplains provide benefits for agriculture, ground water recharge, water quality protection, soil development, habitat and biodiversity, community recreational uses, etc. Swanberg then showed an illustration of the Base Flood Elevation in relation to a stream channel. In Richmond, there are zones A and AE for the Special Flood Hazard Area, which shows the 1% annual chance of a flood occurring. The National Flood Insurance Program (NFIP) focuses on the elevation of the base flood. For every foot higher a structure is than the base flood elevation, the structure has less risk and the insurance rates are lower. For older houses, the new requirement for an elevation certificate will provide information about the base flood elevations.

Swanberg then discussed the new Biggert-Waters Act of 2012. Congress is asking people in the NFIP to cover their own costs due to the structural inability of the program to cover all the costs of claims. Any subsidies will be eliminated (e.g., pre FIRM structures with lower rates). If someone is buying an older home, that person will pay the full cost for a pre-FIRM structure and existing policy costs will rise each year about 20-25%. In response to a question, Swanberg discussed the grandfathering provision. When the new maps for Richmond are adopted, there is a period of time when owners are available for grandfathering, which will treat the insurance policy as a Zone X policy, not a Zone A or AE policy, thus lowering the rates for three years for new policies. Swanberg noted that, when the new maps are scheduled to be effective, there will be a separate meeting about the grandfathering provision. Fausel

1 asked a question about the actuarial rates and Swanberg said that the goal of the Biggert-Waters Act is  
2 for all insurance policies to be paying the actual risk. All the structures, even older structures, will be  
3 rated as to the risk of the structure. He recommended that people have insurance on 80% of the value  
4 of the structure. Elevation certificates are required for renewals after October 1<sup>st</sup>. Depending on the  
5 actual risk to the structure, the elevation certificates might result in a cheaper policy. Swanberg  
6 answered several questions about elevation certificates, including the fact that a surveyor has to  
7 complete the elevation certificate. Letters of Map Amendments (LOMA) also require the same  
8 information. A LOMA can remove the requirement for flood insurance if the structure is above the Base  
9 Flood Elevation.

10  
11 Swanberg also discussed river corridor studies, Act 138, and ERAF. There are benefits for towns that  
12 adopt river corridor standards. He mentioned that there is a new requirement for new town plans to  
13 have a section regarding flood resiliency with goals and elements. There was a question about whether  
14 the town of Richmond participates in the NFIP. Town manager Geoff Urbanik said the town has pooled  
15 insurance through the Vermont League of Cities and Towns. Swanberg said that Congress has heard  
16 about many concerns regarding the affordability of keeping flood insurance and there might be  
17 additional changes in the future. For now, owners are required to pay 100% of the new NFIP insurance  
18 costs. For people who own their houses outright, flood insurance isn't required. Mortgage companies  
19 require owners to have flood insurance.

20  
21 Rebecca Pfeiffer from DEC spoke next regarding the FEMA Community Rating System (CRS) program.  
22 She began by discussing the fact that the northeast US has experienced a significant increase in heavy  
23 precipitation storms. That fact has ramifications for inundation flooding and erosion-related flooding.  
24 The CRS program allows for towns to take steps to reduce the risk for flooding, resulting in reduced  
25 insurance costs and flood exposure. CRS participation that prohibits new structures &/or adopts a river  
26 corridor plan could also qualify the T/V for ERAF incentives (in addition to other measures). Pfeiffer  
27 reviewed the community responsibilities for the CRS program: designating a CRS coordinator;  
28 cooperating with the ISO/ CRS specialist and verification procedures; doing annual recertification to  
29 implement activities; keeping elevation certificates, old FIRMs, and flood insurance studies, and the  
30 records associated with the CRS activities; and ensuring that flood protection projects are compliant  
31 with federal requirements. Only three towns in Vermont participate in the CRS program – Brattleboro,  
32 Bennington, and Montpelier, and all are at a Class 9 (where Class 1 is the highest). She said there are  
33 four recognized CRS categories: public information activities; mapping and regulations; flood damage  
34 reduction activities; and warning and response. Pfeiffer added that Richmond would probably be able to  
35 come up with activities across the four categories and discussed the activities that Richmond is already  
36 doing, for instance, prohibiting new structures, requiring freeboard, etc. in the zoning bylaws.

37  
38 Pfeiffer recommended that Richmond establish an ad hoc committee to look into what Richmond would  
39 have to do to fit the CRS program and said, if the town is interested, the first step is to do an initial  
40 assessment with FEMA and ISO. There is no cost for joining the CRS program. Bob Fischer asked  
41 about whether FEMA has any recommended bylaws and Pfeiffer said FEMA does not have  
42 recommended bylaws. He then asked about the DEC model bylaws. Pfeiffer said those are  
43 recommended for communities and those have not been updated since 2008. One participant  
44 suggested that the state or railroad companies should look at making structures such as bridges more  
45 beneficial for the movement of flood waters, for instance, the Williston railroad bridge along River Road.  
46 Pfeiffer said that requiring those changes would be difficult, except in the case where federal dollars are  
47 used.

48  
49 Pfeiffer said that many communities fall into the Class 7 range and that, the more a community can  
50 build in regulatory standards into the bylaws, the higher the class that can be achieved. Pfeiffer has  
51 done an analysis of the state model ordinances in terms of the CRS points that could be obtained.  
52 However, the CRS manual has been revised and she has not re-analyzed the number of points yet  
53 (perhaps will finish that this fall). Pfeiffer said the state is working on a state floodplain permit to help  
54 update the existing models, and an analysis of the CRS points for that new permit won't be ready for  
55 awhile. Cara LaBounty asked if the state has an interim bylaw to help during a flood emergency. Pfeiffer  
56 said that exists, but most towns after Tropical Storm Irene prepared their own interim bylaws. Pfeiffer  
57 also said it takes about a year to get the full application ready for FEMA.

1 Marcy Harding said Richmond needs to do some soul searching in terms of whether we want to take  
2 this step for the CRS program. She said that there has been recent discussion about rolling back our  
3 standards to meet only the FEMA minimum standards. At the same time, the town has been interested  
4 in the past in protecting floodplains and residents. After discussion, Pfeiffer suggested that she would  
5 be willing to help the town with doing a preliminary assessment of CRS points, after the town decides it  
6 is interested in taking the first step in moving forward with the CRS program. She reiterated the idea of  
7 an ad hoc committee to review the process of CRS enrollment and to make recommendations about  
8 bylaw changes to support enrollment.

9  
10 There was further discussion about elevation certificates. Jon Kart recommended Chris Haggerty from  
11 Button Land Surveyors, as he has done a number of elevation certificates and surveys in Richmond.

12  
13 Fausel thanked everyone for coming to the meeting.

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16 **Adjournment**

17 Fausel adjourned the meeting at 9:25 PM.

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20 Respectfully submitted by Cathleen Gent, Town Planner/Staff to the DRB

Richmond Planning Commission  
Changes to National Flood Insurance Program & State Regulations

Meeting – September 4, 2013

Richmond Free Library

Sign-in Sheet

PLEASE PRINT

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