



Kristen Leahy <zoning.administrator@hardwickvt.gov>

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## Conditional Use Request for 206 VT Route 14 South

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Pealer, Sacha <Sacha.Pealer@vermont.gov>

Wed, Jun 11, 2025 at 1:57 PM

To: Kristen Leahy <zoning.administrator@hardwickvt.gov>

Cc: "Nevins, Alexis" <Alexis.Nevins@vermont.gov>, "glaser@luckysap.com" <glaser@luckysap.com>

Dear Kristen Leahy:

Thank you for sending the zoning application for change of use and new solar panels at 206 Route 14 South.

It looks like the project has two distinct parts: 1) improvements to the existing commercial building and 2) new solar array construction.

Assuming there is no other work proposed, I have comments for each of the two parts:

1. Improvements to building: I see there is a Letter of Map Amendment (LOMA) for the building. The LOMA removes the building itself from the FEMA floodplain (also called "Special Flood Hazard Area" or "Zone AE"). The LOMA only changes the FEMA floodplain map for the current building footprint. The LOMA does not change the Special Flood Hazard Area around the building. **The LOMA means that work on the building itself does not need to meet the flood hazard regulations, as long as the work does not enlarge the building footprint.** A change in footprint could put the building back in the floodplain.

To be clear, having a LOMA does not mean a building can't flood. FEMA issues a LOMA when the lowest ground touching the building (lowest adjacent grade) is above the base flood elevation. The base flood is sometimes called the "100-year flood" and historically has had at least 1% chance of occurring in any year. In recent years, large, damaging floods are happening more often. Also, floods can go higher than base flood or take different paths than what the FEMA maps show. Although not required, I recommend the applicant consider using flood protection strategies in the building work, such as use of flood damage resistant materials and elevating utilities such as electrical outlets. For a list of flood resistant building materials, see Tables 1 and 2 in FEMA's [Technical Bulletin 2: Flood Damage Resistant Materials Requirements](#) (2025) – this is a more up-to-date version. Even small steps can help the building come through a flood with less damage. The owner may also want to think about getting a flood insurance policy for the building (see [floodsmart.gov](https://www.floodsmart.gov)).

2. Solar arrays: Regardless of the LOMA, the proposed solar arrays are in the floodplain (Special Flood Hazard Area) but outside the floodway for Cooper Brook. Based on lidar terrain data, it looks like the spot for the arrays may be under about 1.5 foot or less of water during the base flood. Where the solar project extends below base flood elevation, it will need flood protection measures.

In terms of floodplain permitting, solar projects that need a Certificate of Public Good (are regulated as a public utility) are exempt from municipal regulation under [24 V.S.A. §4413 \(b\)](#): "A bylaw under this chapter shall not regulate electric generation facilities, energy storage facilities, and transmission facilities regulated under 30 V.S.A. § 248 or subject to regulation under 30 V.S.A. § 8011." So, it looks like **the town's flood hazard regulations do not apply to the solar arrays, even though they are in the Special Flood Hazard Area. Instead, the solar project must apply for a state Flood Hazard Area and River Corridor permit.** The applicant can go to this link to fill out a [REGISTRATION FORM](#) for the state permit. The application will need to show that the solar panels, meters, and control boxes are at least 1 foot above the base flood elevation, that floodwater is not going to be displaced by fill or the arrays, and that the arrays are well anchored to keep them from moving during a flood. I'm happy to help the applicant with any questions.

I offer this email as state flood hazard review comments under 24 V.S.A. §4424. Please let me know if you have any questions. I'm out of the office frequently this month, so if you are unable to reach me, you can also reach out to Alexis Nevins, a new floodplain manager in Vermont DEC Rivers Program, copied here.

Best wishes,



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**Sacha Pealer** (she, her), CFM|Northeastern River Scientist & Floodplain Manager  
Vermont Agency of Natural Resources | Department of Environmental Conservation  
Watershed Management Division, Rivers Program  
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<https://dec.vermont.gov/watershed/rivers>

[ANR After the Flood Resources Page](#)  
<https://floodready.vermont.gov/help-after-flooding>

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**From:** Kristen Leahy <[zoning.administrator@hardwickvt.gov](mailto:zoning.administrator@hardwickvt.gov)>  
**Sent:** Wednesday, May 28, 2025 2:45 PM  
**To:** Pealer, Sacha <[Sacha.Pealer@vermont.gov](mailto:Sacha.Pealer@vermont.gov)>  
**Subject:** Conditional Use Request for 206 VT Route 14 South

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Good Afternoon,

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