

R I C H M O N D S E L E C T B O A R D
R E G U L A R M E E T I N G
S e p t e m b e r 8 , 2 0 1 5 M I N U T E S

Members Present: David Sander; Ellen Kane; Bard Hill; Lincoln Bressor; Taylor Yeates

Absent: None

Others Present: Geoffrey Urbanik, Town Manager; Ian Bender; Josi Kytile, Buttermilk LLC; Chris Granda; Mary Houle; Bruce LaBounty; Cara LaBounty; Libby Parke; Lauck Parke; Denise Noble; Tom Levesque, Fire Chief; Alan Buck, Police Chief; Joe Greenough; Bob Stafford; Christy Witters; Doug Goulette; Patricia Gilbert; and others; and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

David Sander called the meeting to order at 7:05 PM.

1. Welcome and Public Comment

Mr. Sander asked if the board would consider adding to the agenda an item III d, approval of a State Revolving Loan Fund application for East Main Street water lines. The board approved the addition to the agenda.

Mr. Sander asked if there were any comments from the public, but there were none.

2. Items for Presentation with Those Present

Amendments to Interim Zoning

Mr. Sander read the proposed changes to the Interim Zoning, summarized as follows:

At the Selectboard meeting on August 17th, the Selectboard heard a request from Buttermilk, LLC (Brendan O'Reilly and John Lupien, with Josi Kytile) to amend the Jolina Court interim zoning to allow for increased residential density and some relaxing of the parking standards. The Selectboard reactivated the Interim Zoning committee to publicly vet these suggestions and provide a recommendation to the Selectboard. Those on the committee are: Wright Preston, Christy Witters, Marshal Paulsen, Bruce LaBounty and Heidi Bormann, with Selectboard ex-officio members Lincoln Bressor and Ellen Kane.

The committee met twice, on August 24th and September 1st. Both meetings were attended by several members of the public, and taped and rebroadcast by MMCTV 15. The core of the discussion focused on residential density: what was appropriate for the site and for the village; what could we compare this to; what did we not want to see and how to ensure that any developer would not take advantage of mixed use to negative consequences to the town. Some discussion on parking was had, but determined that the guidelines provided sufficient room to accommodate the existing request.

The Interim Zoning committee was aware it was not judging an application and stuck to the merits of interim zoning. It was helpful to have people involved from 2014 involved on the committee this time.

1 At their September 1st meeting, the committee made the following recommendation to amend the
2 Jolina Court interim zoning document, which passed 4-1 with Mr. LaBounty voting against (ostensibly
3 because he wanted to see a way for more dense residential in the proposal) as follows:
4

5 **IV.B Residential Density**

6 Maximum Residential Density = ~~5 units per acre~~ 15 units per acre

7
8 Residential Density Bonus – this section will be struck from the
9 regulation
10

11
12
13 **V Uses (B) (mistakenly labeled as IV)**

14 Mixed use development is an allowable use. All mixed use proposals
15 shall include uses which are compatible. All mixed use projects shall
16 ~~provide at a minimum 50% non-residential gross floor area per the total~~
17 ~~residential gross floor area~~ a residential to commercial floor area ratio of
18 40% residential to 60% commercial. In the case of a multi-structure
19 development, this ration shall be calculated for the development site as a
20 whole rather than for each structure individually.
21
22
23

24 It was determined that the parking regulations included in the interim zoning document were
25 suggestions and that the Selectboard was made to determine whether not a development proposal had
26 adequate parking allowances. While the Interim Zoning committee voted to recommend that 30% of
27 the parking be held in reserve, the Manager believes this is a component of an application and the
28 regulations would allow such a request to be approved.
29

30 Ms. Kane provided a synopsis of their conversations, and it centered on changing the maximum
31 residential mix from 50/50 to 40/60 but allowing more units that would be smaller and more
32 affordable.
33

34 Bruce LaBounty and Christy Witters discussed the reasoning for the changes in residential density and
35 agreed that more commercial business on the site would require housing for workers who might not be
36 able to afford a single family home. Mr. LaBounty said he only wanted to see more density than what
37 was proposed.
38

39 Lincoln Bressor disagreed with Ms. Kane and felt that the original interim zoning proposal was fully
40 vetted and set goals that shouldn't easily be changed, and not for any specific developer.
41

42 Bruce LaBounty agreed if there was competition for the site, but even after a year of interim zoning
43 there was only one serious offer, and sometimes we had to make concessions.
44

45 Mr. LaBounty also noted that the developer had asked for a 30% reduction in the amount of parking,
46 to be held in reserve only to be constructed in the even that conditions warrant the full amount. Ms.
47 LaBounty suggested that parking could be done in phases, also.
48

49 Mr. Yeates offered a motion to hold a public hearing on the proposed amendments to the Jolina Court
50 Interim Zoning regarding increasing residential density from 5 units per acre to 15 units per acre and

1 eliminating the density bonus and making the residential to commercial ratio 40% to 60%. The public
2 hearing will be held on Monday, September 28th at 7:00 pm in the Town Center meeting room. Mr.
3 Hill seconded the motion.

4
5 Mr. Bressor asked if other amendments could be made or proposed, and the Manager replied that yes,
6 other amendments can be proposed outside of what has been spoken of so far.

7
8 Mr. Bressor didn't like the increased residential density and said that it should be tied to senior
9 housing (age restricted housing) and Mr. Yeates disagreed.

10
11 Ms. Kane said she wasn't sure how the town could do that. Mr. Yeates suggested the density could
12 then be 15 units, or 20 units per acre with age restrictions.

13
14 Mr. Hill said there may be a market for senior housing but the question was do we have to have it here
15 or need to create it with this zoning? Should it be tied to a senior center?

16
17 Mr. Bressor said this should not contain a bonus, the developer originally said only 40 units total.

18
19 Ms. Kytile spoke to the senior center and said that it could be in the concept but there was no
20 development plan yet and more market research needed to be done.

21
22 Mr. Yeates called the question, and the motion carried 4-0-1 with Mr. Bressor abstaining.

23 24 Discussion of Palmer Lane

25
26 The Manager provided an overview of the issue. Since the primary issues of access and maintenance
27 should be clear, the only new information was the relevance of the name of the road. Since at least
28 2005 Hinesburg has called their end of the road Palmer Road, and at that time Richmond referred to
29 their 300 foot section as Palmer Lane. The official road name schedule of the town refers to it as
30 Palmer Lane. The various Richmond residents and landowners have had a private maintenance
31 agreement for Palmer Lane since then which was renewed in 2008 after Donald Palmer's subdivision.
32 Patricia Gilbert feels that this road maintenance agreement now refers only to the undeveloped part of
33 the Class 4 road, and that the improved 300-foot portion is Palmer Road. She wants the additional 150
34 feet of improved road called for in her subdivision to also be recognized as Palmer Road.

35
36 In my opinion the road name matters more to Patricia Gilbert than anyone on staff. I don't know if
37 this matters to the other members of the road maintenance agreement, or if this has any effect on
38 enforcement of that agreement in the future.

39
40 Mr. Goulette's memo presented their requests at the end. The Manager recommended that Winter
41 maintenance should be formalized with Hinesburg at some point. Hinesburg has been plowing the 300
42 foot section because the road is narrow in Hinesburg and there is nowhere for the plow to turn around
43 in their town. They have been using a part of the Palmer Lane ROW on the Gilbert's side for many
44 years to turn around, thus plowing that 300 foot section in order to do so. Ms. Gilbert and her engineer
45 are also asking for the improved part of the road to be considered a Class 3, or for the town to improve
46 the road by widening it and then name it a Class 3. The Manager spoke against the town having to do
47 additional work here now, but at some point if the road were properly widened it could be treated as a
48 Class 3 highway – but it does not have a full 60 foot right of way, only a 49.5 foot ROW.

49

1 The Manager's recommendation for the board is that from a policy standpoint if the land owners are
2 not willing to widen the road then it should remain a Class 4 with no regular maintenance expected
3 from Richmond, except for extraordinary events which make the road impassable such as erosion from
4 flooding during extreme rainstorms. This keeps with how the road has been traditionally maintained
5 for the past 20 years.

6
7 Keep in mind that there are now three residences using this road, with others having some access to
8 unimproved property. Following Ms. Gilbert's subdivision there will then be seven residences, with
9 possibility for at least three more with little difficulty by the owners. At some point in the future there
10 will be 10 or more residences on this substandard road and it will become an issue for the town.

11
12 Mr. Goulette wanted to clarify the road/lane issue, and stated that the lane was a private driveway for
13 Donald Palmer, with some lots using it as access. He felt that Palmer Road was the improved portion
14 of the Class 4 roadway, and needed to be labeled as such. There was significant discussion regarding
15 the name of the road, the history of the road, subdivisions in the area and the current subdivision by
16 Ms. Gilbert. One issue was could the road be improved to meet the Rural Road policy adopted by the
17 Selectboard and if not, what next?

18
19 Lauck Park suggested that a school bus would need adequate room to turn around. Mr. Sander said
20 that in some sections of town, notably Kenyon Road near his home, offered no bus service but children
21 could be dropped at a stop nearby.

22
23 With questions of width of travel lanes and rights of way pending, the Selectboard requested that staff
24 simplify its request of the developer, and coordinate with the developer's engineer. Mr. Yeates
25 offered a motion to table this discussion until September 21st and was seconded by Ms. Kane and the
26 motion carried 5-0.

27 28 Net Metered Solar Proposals

29
30 Chris Granda presented the two proposals received in response to the town's request for net-metered
31 projects. The goal of this project was to sign a contract with a solar developer to be an "off-taker" of
32 the power generated by their solar project, in forms of credits, sold to Green Mountain Power. This
33 power purchase agreement would save money for the town and also make all of the power purchased
34 by the town sourced from a renewable energy plant.

35
36 Mr. Granda provided a slide show explaining the background and methodology, as well as the
37 comparison of proposals from Green Lantern Group of Waterbury and Sun Edison Corp which is a
38 national organization not based in Vermont.

39
40 Sun Edison was building a 4Mw facility on a landfill in Milton and needed more off-takers for the
41 energy and was large enough to take all of the town's requirements. Green Lantern Group's facility
42 was a 150kW facility in Bennington and would only supply part of the town's energy consumption.
43 The proposals were slightly different in mechanics but the Sun Edison proposal appeared to offer the
44 best financial option due to its size, and would save the town perhaps \$9,500 a year.

45
46 Ms. Kane asked if there were any up front costs to the town, and Mr. Granda said only in contract
47 review. There were more questions on the details, and explanations from Mr. Granda.

48
49 The Selectboard agreed that a potential contract with Sun Edison should be sent to the Town Attorney
50 for review.

1
2 Mary Houle suggested that Gary Beckwith review this. Mr. Granda said that Jeff Forward could offer
3 a second opinion. The Town’s energy coordinator originally recused himself from the process because
4 he might be a potential bidder, but since he did not submit or work with anyone who submitted a
5 response then he no longer has a conflict. The Selectboard agreed that they would also like to see Mr.
6 Forward’s analysis of the proposals.

7
8 **3. Other Business**

9
10 **Public Safety Building**

11
12 Mr. Yeates provided a slide show on current town facilities for police, fire and rescue. Mr. Yeates
13 highlighted deficiencies and safety concerns inherent in these facilities and said that the only way to
14 solve many of these issues was to build new facilities. The police department was the most inadequate
15 and was prone to being damaged by prisoners and had insufficient storage and other inadequacies.
16 The fire house was also mentioned as obsolete and the rescue building was shown to be insufficient for
17 the current needs of Richmond Rescue.

18
19 Mr. Yeates suggested that all three services could be housed in the same building, and requested some
20 monies from last year’s budget be transferred into the Rainy Day Fund, and then utilized by the board
21 to hire an architect to develop a basic assessment of needs and what a building and site might look
22 like, where it would be, how large would it need to be and finally what a range of costs would look
23 like.

24
25 There was discussion on this item centering around multiple stations, coverage of town and regional
26 services.

27
28 Mary Houle suggested that the station should be in the Gateway and Mr. Yeates agreed. Cara
29 LaBounty asked if anyone else put all three services together in one building and Mr. Yeates said that
30 Stowe currently does this.

31
32 Bob Stafford suggested adding new town offices also. There was some discussion on this, and that the
33 vacancy created by the police would create more space for administrative offices.

34
35 Ms. Kane offered a motion to approve a resolution authorizing the transfer of surplus funds into the
36 Rainy Day Fund as of June 30, 2015:

37
38 Relevant Surplus Revenues FY2015:

39
40 Uniform Traffic Tickets: \$14,492 over anticipated

41
42 Relevant Unspent Expenditures FY2015:

43
44 Various underspent lines across Fire Department: \$8,733

45
46 Total: \$23,225

47
48 BE IT FURTHER RESOLVED as follows:
49

- 1) The Town of Richmond hereby authorizes and approves an appropriation not to exceed \$20,000 from the Rainy Day Fund in fiscal year 2016 for the purposes of exploring a Public Safety Building.

Mr. Hill seconded the motion.

Mr. Bressor asked if this should be a project the taxpayers vote on. Mr. Yeates said that at town meeting in 2014 there was an advisory resolution approved to explore this concept.

The motion carried 4-0-1 with Mr. Yeates abstaining.

Mr. Yeates also asked for approval to develop and submit an RFP for architectural services to get started.

Ms. Kane offered a motion to authorize the development and issuance of an RFP for architectural services for the development of an emergency services building concept and was seconded by Mr. Hill, not to exceed \$20,000. The motion carried 4-0-1 with Mr. Yeates abstaining.

Traffic Ordinance discussion

Mr. Sander explained where the board was with the suggested changes. There were found to be many roads in town with no speed limit set and no signage. The Manager was concerned that signs for all of the roads could exceed \$3,500 and asked if it was necessary to establish a limit on all roads, especially the short dead-end roads that wouldn't cause an issue. There was some discussion and the board concluded that all roads one tenth of a mile or less and were dead-ends did not need speed limits established. The Manager noted that if there were problems, then negligent operation tickets could be issued.

Mr. Bressor asked if the town could just pass a blanket ordinance and sign the town stating "All roads speed limits 25 miles per hour unless otherwise indicated" or something to that effect. The Manager was directed to look into this.

Update on Flood Damaged Roads

The Manager explained the progress. We had our official "kickoff" meeting with our FEMA rep (Roland Luxenberg) on Monday, August 31st. Following the meeting we toured the damage sites, and questioned Mr. Luxenberg on what we could do for the remaining unrepaired sites. Mr. Luxenberg repeatedly said that he wanted us to stay within the right-of-way for repairs and anything outside of that would need approval from higher-ups and he felt they may not approve work on private property.

For starters, Highway has fully repaired Cochran Road, including the final pavement restoration. Dugway Road has been restored, and one 24" culvert replaced. The slope in one section is nearly vertical, but is stabilized with a large stone retaining wall and fabric and appears durable (while Pete Gosselin constructed this retaining wall, he feels confident that nothing more needs to be done to stabilize that section of road). Other slopes in that area require seeding and matting and probably 250 feet of guardrail. Pete is concerned that a large tree downslope is unsupported and could cause a further slope failure and to that end we will attempt to get FEMA to pay for additional stone armoring of the bank in the outfall area of the new culvert.

1 Wes White Hill repairs are nearly complete, with the most significant work remaining to stabilize a
2 slope failure just at the end of the guardrail going up the steep section of the paved road. In many
3 ways this failure is similar to that of the Greystone Drive failure but a fraction of the size. It does need
4 to be addressed before Winter.

5
6 Greystone Drive is of course the largest project. Given that we're strongly guided towards ROW work
7 only, Mr. Luxenberg suggested we relocate the paved road to the South (shifting to the left as you
8 travel uphill) in the area of the slide to be able to fit some sort of engineered retaining solution into the
9 ROW and build vertically from there. This does not seem so unreasonable – we have about five feet
10 of shoulder between the paved road and the guardrail and about three feet of unused shoulder on the
11 south side of the road. We should be able to relocate the paved road and narrow the shoulders here
12 and get several feet of ROW to work with. Utilities will need to be modified and Mr. Kennedy's
13 septic will need to be addressed somehow, also. The Manager spoke with our engineer about this and
14 he has his parameters.

15
16 The elephant in the road on Greystone Drive is the storm water. We still do not know if the final
17 solution is wholly public or private or a combination and we will continue to explore this with the
18 homeowners association. Also, we do not yet have an idea on how much this would cost. A large
19 project under FEMA's definitions costs \$120,000 or more and Mr. Luxenberg was hesitant to suggest
20 that this would meet that threshold.

21
22 There was some discussion by the board but everyone was anticipating a design and timeline for full
23 restoration of Greystone Drive.

24 25 Reports from Selectboard and Town Manager

26 27 Economic Development

28
29 The Manager mentioned that Western Slopes Business Association breakfast from that morning, and
30 that there had been no recent meetings. Ms. Kane explained that some members wanted to move the
31 date and time and were trying to get agreement. She said that members had shown great interest in the
32 changes to interim zoning.

33
34 The Manager noted the Works in Progress and the Police Report. The Manager also reported that
35 Health Officer Wright Preston was due for reappointment in October and he indicated he was
36 interested in reappointment, however, if the board wanted to select someone else he did not object.
37 Mr. Sander stated he felt that Mr. Preston had done well and cared about the town and he said the
38 board should reappoint him. Mr. Bressor and Mr. Yeates agreed that he should be reappointed.

39
40 Mr. Bressor offered a motion to reappoint Wright Preston to a new term as Health Officer and was
41 seconded by Ms. Kane and the motion carried 5-0.

42
43 The Manager also said that Mark Aridgides, the Town Treasurer, requested a reduction in his stipend
44 of \$50 per month since he no longer needed to sign checks for Richmond Elementary. The new
45 modified union school district had its own treasurer to sign.

46
47 Mr. Bressor offered a motion to change the Treasurer's stipend from \$300 per month to \$250 per
48 month and was seconded by Mr. Hill and the motion carried 5-0.

49

1 Regional Services: South Burlington is conducting a study to see if regional services such as fire
2 services, storm water maintenance and others (but not police). Nothing has been finalized yet, and
3 while some towns are interested, others have not agreed to participate in the study. While the BFP
4 news article is intriguing it is probably premature in hyping results. Many towns in our area have been
5 seeking some sort of consolidation for this or that but to little effect. The Home Rule thought process
6 is difficult to overcome, although many towns cooperate and share in ways that are not appealing to
7 headlines. I'm having a short conversation with Kevin Dorn, South Burlington's City manager, on
8 this.

9
10 The Town Plan Steering Committee is having a Vision Event where we solidify our vision for the
11 town, to provide the basis for the update. This vision will take the information gathered from the
12 surveys as well as input from the public on September 12th from 9 to noon at Camels Hump Middle
13 School. The committee is preparing quite a bit of public notice for this vision event.

14
15 Chris Granda has announced that the public input meetings for use of the Cochran Road property will
16 be on September 12th (with the vision event) and September 15th, at the Richmond Free Library,
17 although he is trying to change the latter date to the 17th.

18
19 The Manager also explained that on September 24th at 7:00 PM in Town Center, the Public Service
20 Board would hold a public hearing on the Green Mountain Power solar project.

21 Approval of Warrants

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24 The warrants were reviewed and approved.

25 Approval of Minutes

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27
28 Mr. Hill offered a motion to approve the minutes of August 17, 2015 and was seconded by Ms. Kane
29 and the motion carried 5-0.

30 Approval of Purchase Orders

31
32
33 The Manager explained that this year we should approve a purchase order for audit services that
34 includes a \$4,000 for a single audit. Due to the work we're doing on revolving loan funds, single
35 audits were probably necessary for at least the next two years.

36
37 Mr. Bressor offered a motion to approve Purchase Order 2566 to Sullivan Powers & Co for audit
38 services relating to the FY2015 audit in the amount of \$21,200 and was seconded by Mr. Yeates. The
39 motion carried 5-0.

40
41 Mr. Yeates offered a motion to approve a street closure for Baker Street on August 19th with a rain
42 date of August 26th for an annual neighborhood party, from noon to 5pm and was seconded by Ms.
43 Kane and the motion carried 5-0.

44
45 The Manager explained that the repayment schedule for planning loan WPL-170 was up for repayment
46 this year and the State requested we sign an agreement modifying that repayment schedule. The
47 Manager explained that this loan would be paid off with the East Main Street bond, but the state
48 wanted this anyway. There was discussion by the board, and they wondered why the State needed
49 this. The board indicated they would consider a modified repayment schedule if it included a statement
50 that the town intended to pay this in full following approval of the East Main Street loan.

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State Revolving Loan Fund Application for East Main Street

The Manager explained that this was the application for a state loan for the East Main Water line work, for \$1,200,000. The Water Commission has approved this, and request that the Selectboard approve also, since the Selectboard is the only body authorized to sign debt instruments.

Mr. Hill offered a motion to approve the State Revolving Loan Fund application for East Main and was seconded by Mr. Yeates and the motion carried 5-0.

There was some discussion about adjourning the executive session to the next meeting, or to finalize the Manager's evaluation. The board agreed to hold an executive session at the beginning of the meeting on the 21st.

4. Adjourn

Motion by Mr. Yeates to adjourn the meeting at 10:35 p.m. Seconded by Mr. Bressor. So voted.