
Richmond Planning Commission
REGULAR MEETING MINUTES FOR December 16, 2020

Members Present: Chris Cole, Virginia Clarke, Chris Granda, Alison Anand, Brian Tellstone, Jake Kornfeld, Caitlin Littlefield
Members Absent: Mark Fausel, Joy Reap
Others Present: Ravi Venkataraman (Town Planner/Staff), Marshall Paulsen, David Sander, Katie Mather, Julie Follensbee, Cathleen Gent, Brad Elliott, Gary Holloway

1. Welcome and troubleshooting

Chris Cole called the meeting to order at 7:03 pm.

2. Adjustments to the Agenda

Ravi Venkataraman said that Tina Heath will not be attending the meeting to present to the commission, but in her place, District Wetland Ecologist Julie Follensbee will be attending the meeting and presenting the topics Heath intended to cover.

3. Public Comment for non-agenda items

Marshall Paulsen said he will be in attendance for a short period.

4. Approval of Minutes

Chris Granda moved to approve the November 18th, 2020 Planning Commission meeting minutes, seconded by Virginia Clarke. Voting: unanimous. Motion carried.

Granda moved to approve the December 2nd, 2020 Planning Commission meeting minutes, seconded by Jake Kornfeld. Voting: unanimous. Motion carried.

5. Presentation and Discussion on State Wetland Rules with District Wetland Ecologist Tina Heath

Cole provided a summary of recent discussions regarding wetlands regulations, and the reasons for inviting a representative from the state wetlands program. Julie Follensbee said that she and Heath have adapted their typically hour-long presentation to 30 minutes with enough time for questions after the presentation, and that the presentation has recent examples from projects in Richmond. Follensbee introduced herself, saying that she has been a District Wetlands Ecologist for 15 years, and has worked in Chittenden County as a District Wetlands Ecologist. Follensbee said her presentation will cover the basics of wetlands, state wetlands permitting, and recent example projects in Richmond. Follensbee said that her office determines wetlands based on the level of the water table (if the water table is 12 inches below the ground during the growing season), changes to the soils over time due to the level of the water table, and particular plant species in the vicinity. Follensbee said that the state protects 10 functions and values of significant wetlands, related to water, habitat, and social value (recreation), and that a wetland would be protected if it qualifies under one criteria. Follensbee said that the state has three classes of wetlands based on the functions, values and qualities present in the wetlands. Follensbee said that most wetlands in the state are Class 2 wetlands, and that the state only has 10 Class 1 wetlands because determining the merits of Class 1 wetlands is a rigorous process. Follensbee reviewed changes to the wetlands rules in 2010 that expanded the determination of significant wetlands. Follensbee said that not all wetlands are mapped, and wetlands mapping are based on desktop mapping from a national inventory that the state has mapped. Follensbee said that in their initial review,

they look at the wetlands maps that they have physically roughly identified, the wetlands advisory layer from the national wetlands basemaps, and the hydric soils maps. Follensbee said that the jurisdiction of the state and the Army Corps of Engineers tend to overlap and that both have permitting processes for development. Follensbee overviewed the permitting process, allowed uses, and the review process. Follensbee said that the office does 800 site visits per year, typically 10 percent of those site visits result in permits, and in most cases, the state works with property owners to avoid development within wetlands. Follensbee said that they work with property owners to minimize impacts to wetlands and to mitigate impacts if development within wetlands is unavoidable. Follensbee discussed permitting for a wetlands crossing. Alison Anand asked about wetlands mapping and LOMAs. Follensbee said even with mapping tools, to get an accurate location of the wetlands will require an in-person delineation; however, for small projects, the wetlands mapping tool would suffice. Caitlin Littlefield asked about when updates to the map occur, and the grandfathering of parcels. Follensbee said that such allowances are not in place; that since the 2010 rule change, all wetlands that fit the criteria for Class 2 wetlands--regardless of if it is mapped or not--will be recognized and protected as a Class 2 wetland; that not all protected wetlands are mapped; that when rules and maps are updated, there is a public notice process. Cole asked how the town enforces zoning for lots that may have wetlands but are not mapped. Venkataraman said that with the state permitting process, new developments would get a project review sheet, which would identify which state permits an applicant will need to obtain before construction, and that in initial consultations with applicants, he'll refer to the VSWI maps and word of mouth on possible wetlands. Follensbee said that project review sheets are provided after wastewater permits are issued, which may be late in the process, and that attorneys may find wetlands permitting requirements during closing. Cole asked about transportation and infrastructure exemptions. Follensbee said that the exemptions are narrow, and that it applies to existing stormwater ponds that were built in upland when it was built, and public highways built before 1990. Follensbee discussed general permits and culvert replacements. Virginia Clarke asked about reconstructing structures. Follensbee said that one-to-one structure replacement is allowed, but expanding the infrastructure would be outside the scope. Clarke asked about wetlands within floodplains. Follensbee said that even though the jurisdictions overlap, wetlands and floodplains will have separate permitting processes with different agencies. Follensbee reviewed the case studies. Clarke asked about the importance of flood storage for floodplains within the wetlands. Follensbee said that based on the qualities of the wetland, this wetland in the floodplain would be a Class 2 wetland based on its functions and qualities. Clarke asked about the goals of the state and approaches to local regulations within wetlands. Follensbee said that allowing access or infrastructure connections within wetlands is a negotiation between allowing reasonable use of the property with protection of the wetlands, and that certain properties are not suitable for particular projects due to wetlands. Cole asked if other municipalities have similar regulations to Richmond. Follensbee said Underhill and Westford may have similar regulations based on her experience. Cole asked about towns requiring ANR review with permitting and development. Follensbee said she was not sure of such regulations, but that certain towns reach out to ANR more than others. Katie Mather asked about statewide modeling for impacts to wetlands, similar to climate change expectation modeling. Follensbee said she was not aware of such a program currently, but that a person in her department conducts bio-assessments every summer at every wetland to get better understanding of the state and capacity of the wetlands. Follensbee added that the office is aware of the impacts of climate change, that it has been getting wetter per year, and that buffers are important to ever-shifting wetlands. Cole asked if buffers move over time. Follensbee said no, that the location of wetlands change over time, and that wetland delineations are only valid for five years. Brad Elliott spoke about his septic project at Snipe Ireland Road--one of the example projects Follensbee mentioned--and asked if any municipalities had restrictions similar to Richmond. Follensbee said she was not sure, and that in her experience, municipalities in Chittenden County tend to include wetlands regulations, compared to other parts of Vermont. Cole asked Elliott about how he received local permits. Elliott said that he would have to ask Justin Willis, his engineer, and that he doesn't recall any permitting conversations with the town.

6. Presentation and Discussion on State Designation Programs with Downtown Program Manager Gary Holloway

Gary Holloway introduced himself and the topics of discussion. Holloway overviewed the state

designation programs. Holloway reviewed the benefits of the Downtown Designation. Holloway said that the requirements for the programs is rooted in historic preservation, and that the programs are overseen by the Downtown Development Board. Holloway discussed oversight and training programs. Holloway that to qualify for the Downtown Designation, a downtown organization separate from the town doing work in revitalization, economic development, beautification, and events and promotions must be established with some financial backing from the town. Holloway reviewed the application process: the paperwork requirements and the review from the Downtown Designation Board. Holloway discussed the design control district requirements for the Downtown designation. Holloway discussed the financial benefits of the Downtown Designation: Downtown Transportation Fund, and tax credits. Anand asked about the source of funds. Holloway said funding can be from various grants administered by the Agency of Commerce and Community Development, including Community Development Block Grants, and the Bruhn grants. Cole said that he was not sure if property owners within the village knew that they were within the Village Center designation district. Holloway said that they could put together informational programs for property owners to be aware of the designation and its benefits, and that owners and developers should reach out to ACCD to see if they are eligible for grant funds for projects. Holloway discussed the Better Places Grant for quick-build projects.

7. Discussion on Community Outreach Work Plan

Cole introduced the topic as a debrief of the previous meeting discussion on the areas to be added to the Residential/Commercial District, and said that items that were of concern were: safety, and protection of backyards. Cole said that he asked Venkataraman to provide an analysis of lot size and lot coverage to determine developability. Clarke recommended moving this item to a later date for further discussion. Venkataraman recommended putting together subcommittees, and having the subcommittee reflect on the discussion for the Residential/Commercial District and lead discussions during the next open meeting next month. Cole asked for two volunteers for the subcommittee that will put together recommendations for regulations in the Residential/Commercial District. Clarke volunteered Kornfeld to the subcommittee. Kornfeld accepted. Anand volunteered to serve on the subcommittee.

8. Other Business, Correspondence, and Adjournment

Clarke made a motion to approve the 2021 Planning Commission meeting dates, seconded by Kornfeld. Voting: unanimous. Motion carried.

Venkataraman informed the Planning Commission that the Town received a Municipal Planning Grant to investigate zoning reform for housing. Venkataraman said that he will be working closely with the Housing Committee on the next steps of the grant.

Motion by Tellstone, seconded by Anand to adjourn the meeting. Voting: unanimous. Motion carried. The meeting adjourned at 9:10 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner