

1 **Richmond Planning Commission**

2 **Public Hearing**

3 **January 4, 2012**

4 ***Approved Minutes***

---

5  
6 **Members Present:** Gary Bressor (Chair), Lou Borie (Vice-Chair), Mark Fausel, Gary Holman, Joe McHugh,  
7 Dan Renaud, Christy Witters

8 **Members Absent:** None

9 **Others Present:** Cathleen Gent (Town Planner); See attached list

10  
11 **7:05 PM** The chair opened the public hearing to receive public comments regarding the proposed Richmond  
12 Zoning and Subdivision Regulations. Members of the Planning Commission and the Town Planner/Staff to the  
13 DRB introduced themselves.

14  
15 **Planning Commission Presentation**

16 Bressor presented an overview of the proposed Richmond Zoning and Subdivision Regulations. Bressor  
17 covered the following topics:

- 18 - The 2007 Richmond Town Plan forms the basis for the new proposed zoning and subdivision bylaws.
- 19 - The process undertaken by the Planning Commission, beginning in 2008 with a planning consultant,  
20 to create the bylaws, including four town-wide and seven neighborhood meetings.
- 21 - Density-based zoning is used to determine the number of residential dwellings allowed in a given  
22 zoning district. Bressor provided illustrations of how the process works and the mechanism of how the  
23 number of parcels will be tracked.
- 24 - Highlights regarding each zoning district: Village Business (VB); Village Mixed (VM); Village  
25 Residential North (VRN); Village Residential South (VRS); Jonesville Mixed (JM); Jonesville  
26 Residential (JR); Gateway (G); General Business (GB); Rural 3 (R-3); Rural 10 (R-10); Mobile Home  
27 Park (MHP). Bressor also presented examples of the types of development the Planning Commission  
28 is encouraging and discouraging.
- 29 - Proposed changes for the Flood Hazard Overlay District for a streamlined permitting process and  
30 expanded exemptions from municipal permitting; Eliminating the requirement that a jurisdictional  
31 determination is needed for development within 100 feet of the FEMA Special Flood Hazard Area;  
32 Planning Commission perspective that the development of new residential and non-residential  
33 principal structures should continue to be prohibited.
- 34 - The size and numbers of permitted signs has expanded.
- 35 - Density bonuses are allowed for Planned Unit Development (PUD) in which land conservation is done  
36 or affordable, accessible, or elderly housing units are provided on a permanent basis.
- 37 - The new regulations expand the use of accessory dwellings.
- 38 - The unified zoning and subdivision bylaw clarifies the standards and review process for zoning  
39 permits and DRB subdivision and other approvals.

40  
41  
42 **Public Hearing Comments**

43 At 7:40 PM, the public began offering comments regarding the proposed Richmond Zoning and Subdivision  
44 Regulations.

45 Chip Spillane – He said he owns a commercial property in Jonesville (the old Jonesville Country Store). He is  
46 having a tough time finding a commercial tenant for the space. The new General Business zoning district  
47 prohibits residential use in the second floor. For his building, allowing for a residential use in the second floor  
48 would be ideal, in particular so that the owner can live above the business. He suggested either extending the  
49 Jonesville Mixed zoning district to include his property or allow for a residential use in the second floor for the  
50 General Business district.

51  
52 Justin Willis – On the whole, the new bylaws have a lot to offer. Concern with several provisions related to  
53 property owned by his family:

- 54 - Gateway zoning district – Section 2.8.1.a)iii. – provision that signs and lighting shall be prohibited for  
55 areas highly visible from I89, the interchange or Route 2. For properties in the R-3 district across the  
56 road are allowed to have signs facing Route 2, which seems unfair. The signs will be nonconforming  
57 for several businesses including Mobil, the Crate Escape, etc. He recommends changing that section.
- 58 - He has spoken with a traffic engineer and now Willis thinks that the reference to maximum trip ends in  
59 each zoning district should be removed. Limiting what can be done on a property should be based on

1 the use. For instance, based on trip ends, the Richmond grocery store could be only a 600 square foot  
2 store. Only South Burlington uses trip ends for districts, and that was based on detailed traffic studies.  
3 In summary, the regulations should dictate the intensity of traffic through the allowed uses.  
4

5 David Sunshine – noted that the regulations do not include administrative subdivisions and he does not agree  
6 with that change. He does not think the administrative subdivision provisions have been abused and think it is  
7 a good way for land owners to carve off a lot for children. If the Planning Commission is concerned about  
8 abuse, the administrative provisions can be strengthened in the regulations. Bressor explained that the  
9 reasons the administrative subdivision provision is removed is that going to the DRB for a subdivision  
10 approval is not an onerous process and that the current system is not fair to everyone in that a 25-acre parcel  
11 doesn't warrant a special easier process. Also there is no notification to neighbors. Sunshine agreed that a  
12 process for notification could be added and that zoning itself arbitrarily establishes lines for every zoning  
13 district. Bressor noted that the process for the administrative subdivision is different.  
14

15 Fran Thomas said that the footprints for accessory dwellings seem large. Bressor explained that Richmond is  
16 allowing for a maximum of 800 square feet for accessory dwellings. Thomas said that accessory structures  
17 should still be subordinate to the principal structure, but the maximum footprints will allow for very large  
18 accessory structures. Bressor said that there is no requirement that an accessory structure be subordinate in  
19 size to the principal structure and that an accessory dwelling must be subordinate. Thomas said she is  
20 concerned about the potential large sizes of accessory structures.  
21

22 Willis asked if the accessory dwelling is counted toward the density calculation and Bressor said that it is not.  
23

24 Willis then discussed the PUD thresholds levels which are triggered by acreage in certain zoning districts  
25 including the Gateway. He said that only certain large parcels are targeted and must go through PUD when  
26 smaller parcels do not. He added that it seems impractical, if someone has 3 acres for instance, that open  
27 space would have to be reserved.  
28

29 Willis also brought up one technical point. In most of the zoning districts, if the front line is not known, the  
30 regulations allow the use of the road centerline for determining the front setback. On most roads (Route 2 and  
31 Jericho Road for instance), the front property line is easy to find. Bressor responded that the Planning  
32 Commission was attempting to keep down the cost of doing development by not requiring surveys. Willis said  
33 that having surveys done would keep property owners out of trouble for new or future development. He  
34 recommended removing all the standards, If the front setback is not known, use the road centerline.  
35

36 Ed Wells from Cochran Road noted that, for his property, the zone is changing from 1 acre to ½ acre. He  
37 asked whether the Planning Commission has studied quality of life issues, such as air or noise pollution. He  
38 said that he sees potential effects compared to what he and his family have today. Bressor responded that the  
39 Planning Commission did consider those types of issues and that the directive in the town plan is to make the  
40 village the center of residential and commercial activity. It's hard to do that without reducing the building lot  
41 size.  
42

43 David Sunshine brought up a point regarding Section 4.2.3, Boundary Adjustments. He noted that the new  
44 bylaws allow someone to submit a site plan, not a plat. It's difficult if survey has been done and then a  
45 boundary adjustment is allowed with simply a site plan. He urged the Planning Commission to require a  
46 survey for a boundary adjustment.  
47

48 David Raphael then spoke. Raphael said that he is representing Craig Caswell, who owns the creamery  
49 parcel and that he has written a letter to the Planning Commission, with comment regarding the proposed  
50 bylaws. He spoke briefly to re-emphasize Caswell's specific concerns with a number of issues:

- 51 - Density and commercial development – based on the proposed regulations, Caswell may build up to  
52 18 residential units and must have 18,000 square feet of commercial space and have a minimum of  
53 54 parking spaces.
- 54 - Developers have expressed interest in the residential component. The deal breaker is the specific  
55 commercial requirement. In concept, the commercial requirement is good and it makes sense.  
56 Caswell is appealing to the Planning Commission about how that requirement could be met. The  
57 parcel has very little frontage, therefore, there is no likely retail use. Of the other uses, the office  
58 market is weak.

- 1 - Over next few years, having the non-residential requirement is a real tough requirement.
- 2 - With respect to the density (land capability) requirement, it's good public policy to remove lands from
- 3 density calculation, however, in the village area, you want to have higher density. For the creamery
- 4 parcel, we have to remove 20% for floodplains and wetlands. In traditional village setting, that does
- 5 not make sense.
- 6 - Building heights are limited to 35 feet yet the purpose statement for the Village Mixed district calls for
- 7 multi-story buildings to maximize the use of vertical space.

8  
9 Bressor responded that the 35 foot maximum height is because the town would have to purchase a \$900,000  
10 ladder for taller buildings. He said his opinion is that 18 residential units plus 18,000 square feet of non-  
11 residential is a lot and that Dan Noyes has done well with retail which is not directly on Bridge Street. He also  
12 pointed out that the senior center being discussed for the creamery parcel would be considered as non-  
13 residential and would be allowed.

14  
15 Lauke Parke asked about the approval process for the bylaws. Bressor said that the Planning Commission  
16 will have one hearing, make changes, and then move the bylaws forward to the Selectboard. The Selectboard  
17 will have a hearing and decide whether to adopt the ordinance. If there is a public petition, the bylaws would  
18 go to a public vote.

19  
20 Parke asked if there was a glossary of terms. He is concerned about the meaning of quality of life, prudent  
21 use, efficient use of land, working landscape and how those terms will be interpreted. He also raised a  
22 question about Section 3.2 in terms of affiliated ownership. He said that, in his case, by going to a larger  
23 minimum lot size, any parcel he sets aside for his children will be considered as affiliated. Bressor responded  
24 that the Richmond bylaws reflect state statute and that the Planning Commission will discuss that further.

25  
26 Parke also asked if the Planning commission has thought about the big winners and big losers. Huge money  
27 is at stake. In his case, he has gone from 16 lots to 5 lots for his 60-acre parcel which affects the value of his  
28 land. Fausel responded that the potential natural resource constraints are important determinants of what can  
29 be built upon. He said he is still in favor of the new zoning districts. Borie said that, even though the minimum  
30 lot size is 10 acres in the R10 district, most people are not doing subdivisions in Richmond with the entire tract  
31 of land. He said he thinks the minimum lot sizes are comparable with what people are doing.

32  
33 Parke went on to say the requirements for watering trees and shrubs in Section 4.5, Landscaping and  
34 Screening, are intrusive. Bressor responded that that section of the regulations has been in place for years.  
35 He added that the Planning Commission is seeking a balance with the village-scale development and rural  
36 development.

37  
38 Bob Low spoke next, saying that, as a large land owners, he thinks the bylaws are very appropriate. The  
39 current bylaws are not consistent with the town plan and he approves of the new regulations. He also said he  
40 wonders if the land values are really depressed in terms of attracting a buyer. In fact, research has shown that  
41 the more houses there are in a community, the higher the taxes.

42  
43 Winifred Doane of Wes White Hill Road then spoke. She said she owns 56 acres and is thoroughly in favor of  
44 centralizing the density in the village. It's important to keep in place what attracts people to Vermont, which is  
45 open space.

46  
47 Low added that he isn't sure the maximum lot size should be 10 acres and noted that surrounding towns have  
48 varying large lot sizes. The R-10 district includes low density forested areas. Borie said that the Planning  
49 Commission, for the R10 district, included lots that were in the low density forested area, which may prevent  
50 some people from being able to subdivide.

51  
52 John Rankin from Church Street spoken next. He has sent in his comment via email, but wanted to comment  
53 about the outdoor lighting section. He recommends that the lighting rules apply to town streetlights because  
54 one of his main concerns for some time has been that streetlights do not meet the purpose section and, in  
55 fact, the Planning Commission has exempted streetlights from complying with the lighting rules. The 2000  
56 Public Works Specs apply to streetlights, but there are no lighting standards in the Public Works Specs. He  
57 said he understands from Town Planner Gent that the Public Works Specs will be revised soon, but  
58 recommends that the lighting standards in the new bylaws apply to streetlights.

1  
2 Marcy Harding of Stage Road spoke next. She said she did not know what the R10 district would look like  
3 until she saw the map. She noted that every town road, except Wes White, Durand, Snipe Ireland, and Stage  
4 Road are in the R-3 district and she is concerned about her neighbors who own 10 acres. By going to the R10  
5 district, that eliminates the option of splitting off a lot. If Richmond really wants a vibrant village, more of the  
6 R3 district should be made into R10. This map is punitive to the residents on the four roads in the R10 district.  
7 Borie responded that the Planning Commission has talked at length about these districts and that, in the R10  
8 district, there is significant conserved land and the new zoning provides an opportunity for forested working  
9 landscapes, rather than having ribbons of R3 district areas.

10  
11 Bressor asked Brad Elliott, who lives on Snipe Ireland Road about his thoughts since his road is also affected  
12 and Elliott said he is okay with the district for his road.

13  
14 Karen Yaggy said there are many discussions about how to keep young people in Vermont and, given the  
15 price of lots and houses, it might be something the Planning Commission should think about. Yaggy did not  
16 have any specific recommendation as to how to modify the bylaws to accomplish that.

17  
18 Sunshine noted that his parcel is divided between the R3 and R10 districts and asked if the Planning  
19 Commission divided the lot based on where the land is conserved. He said it is important that the rest of his  
20 land not be zoned at the R10 level.

21  
22 Rod West suggested that, in order to preserve the working landscape, perhaps a compromise would be to  
23 develop a R-5 district along the four roads which Harding discussed. Fausel said that one of the major goals  
24 has been the protection of working landscapes and that the Planning Commission studied the zoning districts  
25 of the other towns. Bolton and Jericho have large lot districts in the Stage Road/Snipe Ireland area and the  
26 commission wanted to be consistent with those towns' zoning as well.

27  
28 Roz Payne on Jericho Road said she agrees with the lighting section which says that lights should not be  
29 going onto other people's property, and that she has that situation due to a remodeling project her neighbor  
30 recently completed. Bressor said the new ordinance will address that.

31  
32 Karl Goetze from Jericho Road asked about keeping the building that was half way torn down at the cemetery  
33 on Bridge Street and suggested that such buildings should be removed for safety reasons. Bressor said they  
34 are keeping the building in place until they figure out what to do and that it should be removed if it is a safety  
35 hazard.

36  
37 Willis said that, of all the projects he has worked on during the past several years in the R3 district, that all of  
38 the projects could be done under the new zoning and subdivision bylaws. He added that development on  
39 Snipe Ireland, Durand, or the other two roads is very difficult due to wetlands, steep slopes, streams, etc. and  
40 that parcels in those areas are not easily developable. In the R-3 district, if you own 10-15 acres, you will be  
41 able to get 2-3 new lots. Land owners often think that, if they have 26 acres, they want 26 lots. He explains  
42 regularly to people that development does not work that way. Richmond has numerous types of natural site  
43 constraints.

44  
45  
46 **Public Hearing Closing**

47 At 8:29, PM, Borie made a motion to close the public hearing, seconded by Witters. Voting: 7 in favor; 0  
48 opposed; 0 abstentions.

49  
50  
51 **Adjournment**

52  
53 Renaud made a motion to adjourn, seconded by McHugh. So voted. The meeting adjourned at 8:30 PM.

54  
55  
56  
57 Respectfully submitted by Cathleen Gent, Town Planner

Richmond Planning Commission  
 Public Hearing  
 Regarding Proposed Richmond Zoning & Subdivision Regulations  
 January 4, 2012

Sign-in Sheet  
 PLEASE PRINT

NAME	EMAIL ADDRESS or MAILING ADDRESS
Joan Hoffman	830 Mregstone Dr
Roz Payne	90 Jewell Rd Richmond
Justin Williams	POB 98 RICHMOND
Chip Spillane	LTspillane@aol.com
Ed Wells	edwells@gmail.com
Karen Yaggy	Dugway Rd
Jim Feinson	feinson@gmail.com
Brad Elliott	brad@connect.net
Marry Harding	PO Box 305, Jonesville
Wendy Redington	18476 105 White Hill Rd.
Bob Low	2144 Wps White Hill
Gunnel McClain	93 S MAIN ST WARREN VT
John Rankin	PO Box 38 Richmond, VT
Jean Bressor	PO Box 1 Richmond
KARL GOETZ	kyoetz@gmail.com
Lincoln Bressor	lbressor@warren-wilson.edu
Max Bressor	552 Bridge St Richmond
DAVID RAPHAEL	DAVIDR@LANDWORKS.VT.COM
Betsy Emerson	betsyandjane@gmail.com
Jane Van Landingham	" " " " " "
Marina Dalliga	sagar@wcvr.com
ERIC DELUCA	DELUCA.ERIC@GMAIL.COM
DAVID SUNSHINE	DAVID@VT.SUNSHINE.COM
Bob West	west@gmail.com
Don Thomas	DTFT5171@gmail.com