

# Richmond Planning Commission

## Public Hearing

August 2, 2012

### *Approved Minutes*

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**Members Present:** Gary Bressor (Chair), Lou Borie (Vice-Chair), Mark Fausel, Gary Holman, Joe McHugh

**Members Absent:** Dan Renaud, Christy Witters

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

**7:04 PM** Bressor opened the public hearing to receive public comments regarding the proposed Richmond Zoning and Subdivision Regulations. Members of the Planning Commission and the Town Planner/Staff to the DRB introduced themselves.

#### **Planning Commission Presentation**

Bressor made a presentation to the audience, beginning with a summary of the principal changes made to the document since the January 4<sup>th</sup> public hearing. He then offered the following:

- Highlighted a number of business-friendly components to the new proposed bylaws and reviewed other changes of note.

- Discussed the principal change to the zoning districts, which emphasize development within the village areas and preserve the rural countryside. He reviewed a map showing the zoning districts in surrounding municipalities, in which the zoning districts next to Richmond's boundaries have much higher minimum lot sizes.

- Reviewed how density based zoning works in the new bylaws.

- Discussed changes in the Flood Hazard Overlay District and the importance of having a document that controls development in the FEMA Special Flood Hazard Area.

- Highlighted changes for signs, Planned Unit Developments, and accessory dwellings.

- Presented the timeframe for the Planning Commission final review, schedule for the Selectboard review and public hearing, and public vote.

#### **Public Hearing Comments**

Next, the public offered comments regarding the proposed Richmond Zoning and Subdivision Regulations.

Rod west – Noted that the Livak parcel is currently in the Commercial zoning district and asked if the Planning Commission intentionally placed it within the R-3 zoning district. Bressor replied that the parcel was intentionally placed within the R-3 district because there had been a number of proposals for residential development for that parcel and access to that parcel is not ideal for commercial uses.

Mary Houle – Said that the new zoning district for the Livak parcel is a huge change and asked whether the property owner (or trustee) had been contacted. Gent said she spoke earlier in the process with Roman Livak, son of Joyce Livak (who has passed away).

Marcy Harding – Said she has followed the bylaws revision process carefully and that, during that time, she raised an issue with the zoning districts for Stage Road and Wes White Hill Road. She said the Planning Commission has been extremely responsive to public comments, including those made by Harding and others regarding those two roads. She commended the Planning Commission for its work. Harding added that she is concerned about whether Section 3.1.4.a) is inconsistent with state statute. Fausel responded that the Planning Commission clarified that section to ensure that adjoining lots, even if owned by two family members, would not become nonconforming lots with the new bylaws. Bressor added that state statute also states that subdivisions are permanent, so the Planning Commission believes the bylaw conforms with state statute.

David Raphael – Principal with Landworks – Said he is working with Craig Caswell, property owner of the creamery parcel, to prepare development plans for the parcel. Raphael presented a letter and attachments to the Planning Commission. Raphael noted that both he and Caswell have met with the Planning Commission numerous times to discuss the current and proposed regulations. He reiterated that they request that additional changes in the bylaws be made with respect to height, flexibility for phasing, and density. He presented background information about the parcel and asked the Planning Commission to reconsider the provision to count floodplain land as non-developable, because it limits the developable area from six acres to three acres on the creamery parcel. Raphael noted that the development concepts fulfill the purpose statement for the Village Mixed zoning district and that, because it is a brownfields site, the owner has other

1 constraints which affect the density calculations. He also asked the Planning Commission to reconsider and to  
2 increase the density bonus for senior, accessible, or affordable housing to 50%. He also asked the Planning  
3 Commission to raise the maximum height to 45 feet.

4  
5 Craig Caswell – Discussed how a proposed senior center could be located on the creamery parcel, which is  
6 an ideal location for seniors. Raphael added that there could also be a river front park and other amenities.  
7 McHugh asked if the owner knew it was a brownfields site when he bought it and questioned whether they  
8 can develop the parcel within the current zoning. Bressor added that the Planning Commission recently  
9 reduced the required amount of commercial by 50% specifically to help with their project. Bressor added that  
10 raising the height of buildings is not an option at this time because doing so will affect insurance polities for  
11 the entire town or the town will have to purchase a ladder truck to handle tall buildings. Bressor said that 21  
12 units plus commercial space is a very high density by Richmond standards and that Richmond is a small  
13 country village not within the county urban ring, and our vision of density is not at the scale of Burlington or  
14 South Burlington, for instance. Raphael stated that the work for the brownfields site will cost \$300,000 to  
15 \$400,000. Bressor added that, if the density standards regarding the floodplain were changed for the village,  
16 they would have to be changed for the town and he could envision developers buying large parts of farms with  
17 a ring of intense development around the floodplain and the town would not want to see that. Caswell added  
18 that any suggestions as to how to develop the parcel would be appreciated.

19  
20 Raphael said that no retail will likely locate in the creamery parcel. Bressor responded that it is a very  
21 desirable place for office and there is a real lack of office space in Richmond. He noted that Planning  
22 Commissioner Dan Renaud's place of work may have to move out of Richmond because they cannot find  
23 office space, although they definitely want to stay in Richmond village. Fausel noted that, with the current  
24 zoning regulations, Caswell cannot develop the parcel with residential because no residential is permitted in  
25 the Village Commercial zoning district.

26  
27 John Rankin – Expressed concern about the buffer zones surrounding the FEMA Special Flood Hazard Area.  
28 To him, the buffer seems arbitrary, especially because flood waters are bound by contour lines. He  
29 questioned whether the buffer zone is necessary. Gent clarified how the buffer area is treated within the  
30 bylaws. Rankin also said he thinks that the town should not regulate repairs within the buffer zone.

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32 Mary Houle – Noted that Richmond's flood hazard bylaws are stricter than FEMA's and questioned why  
33 Richmond uses a cumulative three-year threshold for calculating substantial improvement.

34  
35 Amy Lord – Said she is concerned about the density levels in the village residential districts, including the  
36 Village Residential North. She noted that the minimum lot size of 0.25 and the maximum lot coverage of 70%  
37 may lead to problems with types of development that will change the sense of the village. She said that today,  
38 while there is dense development in Richmond village, people still have trees and gardens. With the new  
39 standards, she is concerned that will change.

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41 Rod West – Said it has been nice to be heard through the process of refining these bylaws. He added that it's  
42 a fine comprehensive document and the Planning Commission has been very responsive to the public  
43 comments, noting there are always differences of opinions.

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45 Justin Willis – Said he is appreciative of the efforts and that the new bylaws are the most user-friendly  
46 regulations of any in the area. He added that, in conversation with the Fish and Wildlife Department, they are  
47 pleased with the new mechanism in the bylaws for evaluating critical wildlife. He added that the Planning  
48 Commission did a great job.

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50 Jackie Washburn – said she appreciated the Planning Commission's responsiveness to concerns raised by  
51 Kathy and Mark Sikora and herself.

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53 Don Morin – asked whether the Planning Commission believes the bylaws will be voted affirmatively by the  
54 voters. Planning Commission members offered their views.

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56 Gabriel Furman – noted that voter education is key to making this happen.  
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1 Geoff Urbanik discussed the timing for the Selectboard public hearing(s), options regarding the public vote,  
2 and when the final document to be warned for the public vote would have to be prepared.  
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4 Gent noted that written comments have also been received and presented to the Planning Commission from  
5 John Rankin, Fred Wadlington and from Town Attorney Mark Sperry and the Selectboard (during a July 23  
6 meeting)  
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8 **Public Hearing Closing**

9 At 8:15, PM, Borie made a motion to close the public hearing, seconded by Fausel. Voting: 4 in favor; 0  
10 opposed; 0 abstentions.  
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12 The Planning Commission discussed the comments made during the public hearing. The Commission decided  
13 to change the lot coverage in the Village Residential North zoning district to 60%. The Commission decided  
14 not to make any changes to the Flood Hazard Overlay District or to provide specific parameters for phasing,  
15 preferring to leave that to the DRB.  
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17 The Planning Commission reviewed the comments from Town Attorney Mark Sperry and the Selectboard and  
18 made numerous changes to the bylaws, based on those comments.  
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20 Motion by Borie, seconded by Fausel, to approve the proposed Richmond Zoning and Subdivision  
21 Regulations, as revised, and to send the proposed bylaws to the Selectboard for its public hearing. Voting: 4  
22 in favor; 0 opposed; 0 abstentions.  
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25 **Adjournment**

26 Fausel made a motion to adjourn, seconded by Borie. So voted. The meeting adjourned at 9:55 PM.  
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30 Respectfully submitted by Cathleen Gent, Town Planner