

Richmond Planning Commission

Special Meeting

January 23, 2012

Approved Minutes

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

Members Absent: One vacancy

Others Present: Cathleen Gent (Town Planner); Bob Low, Ellen Ward, Marcy Harding

7:00 PM Call to order by the Chair.

Public Hearing – 2007 Town Plan Re-Adoption

Bressor opened the public hearing. Gent made a power point presentation and provided handouts which covered the following topics:

1. The reasons to re-adopt the 2007 Richmond Town Plan including the benefits of having a town plan and Chapter 117 conformance requirements;
2. A review of the general town goals which pertain to concepts which were incorporated into the proposed zoning and subdivision bylaws;
3. References to a review of and/or changes to the zoning and subdivision regulations;
4. Implementation steps taken after completion of 2007 town plan;
5. Next steps in the 2007 town plan re-adoption process.

Bob Low asked if there has been serious opposition to the re-adoption of the 2007 town plan. Bressor said there has not been, so far as he is aware.

Marcy Harding brought up a question about the reference in the town plan to designing regulations that are in accordance with state and federal regulations to protect croplands. She asked the Commission to look at the R-3 and R-10 zoning districts and discuss what croplands might be in the R-3 district. She pointed to the Farr, Conant, and Verburg farms and how those might be protected in our regulations.

Harding also asked why the density is reduced to ½ acre in the R-3 district. Borie responded that the R-3 district picks up most of the roads and crossroads which are generally good places to allow for increased development. Harding brought up the question that she posed at the January 18th Planning Commission meeting regarding whether accessory dwellings are permitted in the FEMA Special Flood Hazard Area. Gent said she has not yet had an opportunity to talk with the town attorney.

Ellen Ward asked about how farm land is defined. Borie discussed sources for prime agriculture data (USDA, etc.).

The Planning Commission discussed whether there might be a process for a petition to call for a public vote for the Town Plan.

Motion by Borie, seconded by Fausel, to close the public hearing. Voting: in favor: 6; opposed: 0; abstentions: 0.

Motion by Borie, seconded by Fausel, to recommend to the Selectboard that they approve the re-adoption of the 2007 town plan. Voting: in favor: 6; opposed: 0; abstentions: 0.

Bressor reminded the Commission that he and Gent will present the Town Plan to the Selectboard tomorrow and invited any Planning Commission member to attend.

Richmond Zoning and Subdivision Regulations – Work Session

The Planning Commission continued its review of the public comments made during the January 4th public hearing. The Commission began with Lauke Parke's request to include definitions for certain terms, such as "working landscape", "character of the area", etc. Gent noted that she has asked Parke to provide a list of the terms he finds confusing. The Planning Commission agreed that the types of terms mentioned by Parke during the public hearing are used principally within the town plan and within specific zoning district purpose sections in the zoning/subdivision regulations. Because the terms do not tie to specific standards, with the exception of "character of the area", the Planning Commission decided not to create definitions for the terms.

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 2 The Planning Commission then discussed Parke’s concern about newly created non-conforming lots as
 3 a result of the R-10 zoning district. Gent said she has talked with town attorney Mark Sperry and
 4 Chapter 117 is clear that a non-conforming lot next to another lot owned by the same person or entity
 5 would be merged. The Planning Commission provided a couple of examples and Gent will seek a
 6 written response by Sperry.

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 8 The Planning Commission then discussed Parke’s question about why the regulations have
 9 requirements for watering trees and shrubs, per Section 3.2.2, Landscaping and Screening. Gent said
 10 this section is in the current zoning regulations and is in place to ensure that the plants don’t die. To
 11 clarify the intent of the requirement, the Planning Commission made the following change:
 12 - 3.2.2.c)v. – add “and replacement thereof” after the word “removal”

13
 14 Ward asked why the R-3 district ended a mile before Durand Road. She said the R-10 district seems at
 15 odds with other roads, for instance, Dugway Road is in the R-3 district. She added that she shares the
 16 same issue that Harding has. The Planning Commission then discussed the potential for a significant
 17 amount of new houses in a neighborhood. There is a greater potential for a Renbel-scale development
 18 with the 1 acre zoning that is currently in place. Bressor said that he thinks most of the town supports
 19 the concepts of R-3 and R-10 and that people who come to the hearing are those who are unhappy with
 20 the changes. Harding responded that many of her neighbors on Stage Road were not aware of the new
 21 districts until the maps were recently released. She again encouraged the Planning Commission to
 22 make the zoning districts consistent on the rural roads. Borie said that the bylaws are intended to
 23 provide for open space and wildlife corridors and to be consistent with the bylaws in other towns.

24
 25 Bressor suggested that the Planning Commission consider changing the district to R-3 along all the
 26 roads and then reducing the general width of the R-3 district from 1,000 feet to 800 feet wherever the lot
 27 lines are not followed. The Commission discussed the average sizes of lots being developed. Fausel
 28 read from Brandy Saxton’s *Richmond Tomorrow: Options for Implementing our Town Plan* report on
 29 page 5 that the average size of residential lots is 6 acres and, outside the village it is 9 acres. The
 30 Planning Commission decided to think further about potential changes in the R-3 and R-10 districts and
 31 boundary lines and to return to this topic. This includes discussing Rod West’s comment at the public
 32 hearing about a new R-5 district.

33
 34 With respect to David Sunshine’s comment that he would like the R-3 and R-10 boundaries for his
 35 parcel to correspond to the conserved and non conserved areas, Gent reported that the GIS person at
 36 the Vermont Land Trust will help get a map of that parcel.

37
 38 The Planning Commission then talked about Roz Payne’s comment about her neighbor’s light on her
 39 parcel. Several commission members said they believe the current bylaws could be used to address
 40 this issue. Gent said she will talk with zoning administrator Gwynn Zakov about the current enforcement
 41 ability to correct those types of problems.

42
 43 The Commission then discussed Karl Goetze’s comments and email. With respect to his point about
 44 requiring removal of buildings that are half torn down, the Planning Commission decided that such
 45 buildings should be addressed if they are deemed a hazard and that the current and proposed zoning
 46 regulations do not address the matter. Gent will research what other towns do. With respect to the use
 47 of the Dark Sky standards, the Planning Commission agree the model ordinance is a great idea and
 48 should be brought into the zoning regulations in the next round of changes. Gent will add a draft policy
 49 in the new town plan regarding efforts to integrate the dark sky standards into the zoning and
 50 subdivision regulations.

51
 52 The review of the public hearing comments was complete and the Planning Commission then began to
 53 review town attorney Mark Sperry’s comments.

54 - Add somewhere in Section 1: Captions and section headings are inserted as a matter of convenience
 55 only and do not define, limit or extend the scope or intent of these Regulations or any portion hereof.

56 - Section 1.4.2 – Delete this section. The definition of Land Development in Article 5 covers all these
 57 elements. Consider changing to, “Except within the Flood Hazard Overlay District (see Section 2.14),
 58 land development is defined in Article 5.”

1 - Section 1.8.5 Residential stairway, landing, or ramp up to 50 total square feet in size providing
2 external access to a principal residential structure or accessory structure containing an accessory
3 dwelling, provided that such entry way must be in compliance with all other elements of these
4 Regulations.

5 Section 2.1.4 – Rename the section to “Maximum Lots”

6 Maximum Density – The total number of lots allowed on any parcel shall be determined by the
7 DRB as specified for each zoning district.

8 Also, Gent will check with Sperry as to whether Maximum Density should be renamed to Maximum
9 Lots.

10 Lot calculations are based on the entire parcel size, less any lands described in a), b), or c) below,
11 when determining the number of lots that may be subdivided or developed. Any parcel to be subdivided
12 or developed will be evaluated with the following criteria. If one or more of the criteria apply, that portion
13 of the parcel shall be excluded as “non-developable” in the lot calculations.

14 a) Land subject to an easement that prevents construction of one or more structures within the
15 easement area.

16 b) Land within rights-of-way.

17 c) Land unable to be built upon under state, federal or other applicable regulations, specifically including
18 Class 1 and Class 2 wetlands and lands within the Special Flood Hazard Area.

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20 - Section 2.1.5 – revise b)ii. Steep slopes as defined in Article 5;

21
22 The Planning Commission will continue its review of the Sperry comments during the next meeting,
23 beginning on page 3.

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26 **Adjournment**

27 Borie made a motion to adjourn, seconded by Renaud. So voted. The meeting adjourned at 9:35 PM.

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30 Respectfully submitted by Cathleen Gent, Town Planner/Staff to the DRB