

# Richmond Planning Commission

## Special Meeting

January 9, 2012

### *Approved Minutes*

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

8 **Members Absent:** Christy Witters, one vacancy

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

10  
11 **7:00 PM** Call to order by the Chair.

#### **Public Comment:**

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13  
14 Bressor noted that, given the large number of persons present, the public comment portion of the  
15 meeting would be extended in order to give everyone an opportunity to speak.

16  
17 Lauke Parke spoke first. He thanked the Planning Commission and Gent for their considerable efforts in  
18 developing the proposed zoning and subdivision regulations. However, he added, few people have had  
19 the time to date to review them. Because the set of bylaws is so dense, Parke encouraged the Planning  
20 Commission to allow residents enough time to read, discuss, and weigh in, especially because the  
21 bylaws will affect town development for 25 years. Parke added that he would like a town-wide  
22 referendum on the proposed bylaws.

23  
24 Jack Linn then spoke. He asked that the timeframe be slowed down and asked what the plan is for  
25 moving the document forward. Bressor said that intended approach was to review the comments heard  
26 at the public hearing and sent in and to review minor suggested changes from the town attorney. He  
27 said it will likely take three Planning Commission meetings to review all the materials and to then pass  
28 the bylaws on to the Selectboard. He clarified that the Selectboard can make changes to the document  
29 and then can warn a public hearing. After the Selectboard adopts the bylaws, there is a 21-day window  
30 for a public petition that it be voted on by the town. Bressor added that it will not be voted on at town  
31 meeting since there is not enough time for the warnings. Linn responded that it will take awhile to digest  
32 the document and appreciates how long it has taken the Planning Commission to prepare the  
33 document.

34  
35 Joan Hathaway suggested that the town vote should be queued up to take place along with the general  
36 presidential vote in November, which will give plenty of time for public discussion and understanding of  
37 the bylaws.

38  
39 Paulita Irish asked whether the Selectboard has had adequate time to review the proposed bylaws.  
40 Bressor said that the Planning Commission and Selectboard had a 2-hour meeting in December for that  
41 purpose. Irish responded that, if the Selectboard wants to make changes, it will be a long process.  
42 Bressor clarified that, if the Selectboard makes changes prior to the public hearing, the amount of time  
43 will be less.

44  
45 Irish asked if the proposed bylaws will affect the plans for expanding the park and ride. Gent and  
46 Bressor said that there are no changes in the bylaws that affect what can be done with the park and  
47 ride. Gent said that VTrans is preparing an application for an expansion to the park and ride to be heard  
48 by the DRB, probably in March. She added that FEMA is in the process of revising the Flood Insurance  
49 Rate Maps, which will put the park and ride area within the FEMA Special Flood Hazard Area. When  
50 that occurs, any development will need to comply with the Flood Hazard Overlay District in terms of  
51 making sure structures or light poles are flood resistant. Gent added that the new maps may be effect in  
52 late 2012.

53  
54 Linn said he believes that the Flood Hazard Overlay District map has been omitted from the zoning and  
55 subdivision regulations and that it should be added. Bressor said that it can be added. Borie added that,  
56 because of the scale, such a map would not be very helpful in a 8.5 inch by 11 inch dimension. Fausel  
57 added that the new bylaws will allow for low-cost repairs to be made without having to get a zoning  
58 permit or to get a zoning permit without having to go the DRB.

59  
60 Harding asked how much of the area in Jonesville in the General Business district is in the floodplain,  
61 since such businesses would be impacted by the floodplain. A review of the map showed only certain

1 parcels would be affected by the FEMA Special Flood Hazard Area. Harding suggested that voting on  
2 the zoning and subdivision regulations in November might work well, especially if the new FEMA Flood  
3 Insurance Rate Maps are ready at that time. This would allow certain provisions to be removed from the  
4 new bylaws. Bressor explained that, in the current zoning regulations, there is a 100-foot area next to  
5 the FEMA Special Flood Hazard Area and the property owner has to show the town that the land is not  
6 in the floodplain. The reason for that requirement is that the 1982 FEMA maps have errors. Bressor  
7 emphasized that this requirement is eliminated in the new zoning and subdivision bylaws.

8  
9 Parke reiterated that he has heard comments from neighbors and recommends that the Planning  
10 Commission recommends to the Selectboard that they have additional hearings and a town referendum  
11 on the zoning and subdivision regulations.

12  
13 Parke then brought up the question of the expiration of the current town plan. Bressor explained that  
14 there is a process in place so that the current town plan does not expire. The Planning Commission and  
15 Selectboard will both be holding public hearings in January and February to re-adopt the 2007 town  
16 plan. He added that the Planning Commission is working on a new town plan which the Planning  
17 Commission hopes to have in place by mid-summer. The goal is to keep a town plan in place. Gent and  
18 Borie explained that there are a number of benefits of having a town plan in place.

19  
20 Don Morin said that it would be very helpful to have a 2-3 page summary of the zoning and subdivision  
21 bylaws and Gent said a flyer with highlights was distributed by mail. Morin said that getting a new town  
22 plan will likely take more than 6 months. Bressor agreed, but said there are likely to be a limited number  
23 of substantial changes to the new town plan.

24  
25 Morin said he would like the new town plan to focus on parking in the village. He knows of numerous  
26 developers who are interested in developing in the village area, but parking is a problem. Morin agreed  
27 with others that more time is needed for reviewing the zoning and subdivision bylaws and that he would  
28 like to see a summary. Bressor noted that the town has purchased land from Dan Noyes on Depot  
29 Street to help with parking and Morin agreed that parking is helping the situation.

30  
31 Borie discussed how the town plan and regional plan work together for Act 250 applications. If a project  
32 is deemed to be of regional significance and there is no local town plan, then Act 250 uses the regional  
33 plan only. Both Parke and Linn asked if there is any extension from state bureaucrats for the town in  
34 terms of keeping the town plan from expiring. Borie explained that, if the current town plan expires on  
35 March 6<sup>th</sup>, there is no way for the state bureaucrats to provide an extension. Harding pointed out that,  
36 even though we may consider the re-adoption of the 2007 town plan to be temporary, in fact, it will have  
37 a five-year cycle.

38  
39 Dan Noyes asked that the summary document indicate what changes were made in the districts. Borie  
40 noted that Bressor gave a good overview of the changes and the zoning districts during the January 4<sup>th</sup>  
41 public hearing. Noyes added that he is concerned about vehicle trip end requirements, because there  
42 seems to be a discrepancy between zoning districts and with the previous zoning bylaws. Bressor  
43 cautioned that a summary document can only go so far because the zoning and subdivision regulations  
44 have a great many details. Noyes said that, in some ways, the new bylaws help, but that they appear to  
45 hurt in other aspects.

46  
47 In response to a question about how long the process has taken the Planning Commission, Bressor  
48 said that the Planning Commission began work about three years ago with a professional planner, who  
49 drew up a series of options in terms of creative approaches for zoning and subdivision bylaws. He  
50 added that the Planning Commission held a total of eleven public meetings (4 town-wide and 7  
51 neighborhood meetings). The drafting of the proposed bylaws began about 27 months ago. In response  
52 to a question about how much time the Planning Commission plans to give the public to offer  
53 comments, Bressor said the Planning Commission will decide that after reviewing all the comments.

54  
55 Joan Hathaway again suggested it is a good idea to extend the time and keep a positive community  
56 involvement in the review process, followed by a town-wide vote.

57  
58 Ernie Spence said there has not been enough time to review the document. He suggested that, since  
59 the Planning Commission went to neighborhoods initially, people in those areas should be involved

1 again. Bressor said that the Commission did try to get the word out in many ways about last week’s  
2 public hearing.

3  
4 Morin asked about what happens if a property or driveway is not in compliance with the new bylaws.  
5 Bressor said that a property or driveway can remain as is. If the owner wants to expand, then he or she  
6 might have to meet certain requirements, and the DRB will determine what those are based on the  
7 regulations.

8  
9 Fausel said that the Planning Commission tried to improve the current zoning and subdivision bylaws.  
10 The only radical change relates to the R3 and R10 zoning districts. Fausel gave his phone number and  
11 encouraged people to call him with any comments or questions. Peter Mumford asked how someone  
12 should submit comments and Gent gave her email address. Bressor said that comments may be  
13 submitted until Wednesday, January 18<sup>th</sup>.

14  
15 Bruce Hathaway asked whether, if the proposed bylaws were voted down, the current bylaws would  
16 remain in effect. Bressor confirmed that the current bylaws would remain in effect. Noyes said that he  
17 thought the current zoning needed to be changed, in other words, he is not a fan of the old zoning.  
18 Bressor said that some people will be disappointed if the new bylaws do not go into effect. For instance,  
19 the owner of the creamery parcel is waiting for the village mixed district and the density bonuses for  
20 elderly housing.

21  
22 Joan Hathaway asked whether a track changes document is available, comparing the draft with the  
23 current bylaws. Gent said that, because there were so many changes, it was not possible to do such a  
24 document.

25  
26 Parke asked what the blank spaces mean within the use table, section 2.1.6. He suggested that the  
27 boxes be filled in with a “F”, meaning “Forbidden.” Bressor explained the symbols and said that it has  
28 already been decided to add an explanation within the use table itself.

29  
30 At 7:55 PM, the public comment period ended and the group left, with the exception of Harding.

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32  
33 **Mail, Meeting Minutes & Town Planner Report**

34 *Mail* – Gent reviewed the mail, including the following:

- 35 - Notification from FEMA that the 90-day period for appeals began on January 5<sup>th</sup> regarding the
- 36 proposed FEMA Flood Insurance Rate Maps for Richmond.
- 37 - Two letters from Vermont Department of Environmental Conservation regarding the wastewater and
- 38 potable water supply permit requirements for two separate parcels in Richmond.

39  
40 *Meeting Minutes: For December 21, 2011*

41 Motion by McHugh, seconded by Borie, to approve the minutes. Voting: in favor: 4 (Bressor, Fausel,  
42 McHugh, Renaud); opposed: 0; abstentions: 1 (Borie)

43  
44  
45 **Planning Commission Annual Report**

46 The Planning Commission reviewed the annual report and made several minor changes.

47  
48 **Richmond Zoning and Subdivision Regulations**

49 Gent distributed a memo from Geoff Urbanik in which the Selectboard meeting schedule for January-  
50 early March is presented. The Planning Commission discussed the schedule for moving the document  
51 forward to the Selectboard, in light of all the public comments and the request for a public vote. The  
52 Commission indicated that the zoning and subdivision regulations document will not meet the originally-  
53 proposed schedule.

54  
55 The Planning Commission began its review of the draft minutes from the January 4<sup>th</sup> public hearing  
56 regarding the proposed zoning and subdivision regulations.

- 57 - Comments from Chip Spillane – owner of the property with the former Jonesville Country Store
- 58 building. Chip’s comment was that he would like to see either a provision for a second floor residential
- 59 space for a business owner or for a zoning district change for his property from General Business to

1 Jonesville Mixed. The Planning Commission discussed the option of changing the definition of a live-  
2 work unit, but decided that would not work. The Planning Commission decided to allow one residential  
3 unit per lot in the second floor only in the General Business district.

4 - Comments from Justin Willis

5 1. Planning Commission decided to delete item 2.8.1.a)iii. from the purpose statement in the Gateway  
6 district.

7 2. Deleted the trip generation requirements from every zoning district and to use parking requirements  
8 as the control as to the intensity of uses. However, the Planning Commission kept the trip generation  
9 requirements for the home occupation and home industry uses. For the Home-based businesses, in  
10 section 3.8.10.a)ix – the level will be changed to 1.5 times the number of trips for a residential use.

11 3. In the Jonesville Mixed, Gateway, and Village Mixed zoning districts, the Planning Commission  
12 deleted the provision that, if a parcel is 5 or more acres, that it must be developed as a PUD.

13 4. The Planning Commission decided to remove the provision in all zoning districts which allows for the  
14 centerline of the road to be used to determine the front setback.

15 5. The Planning Commission discussed the nonconforming lots and the issue of lot merger versus  
16 subdivision approvals. Gent will talk with Town Attorney Mark Sperry regarding which controls legally. In  
17 other words, if there is a lawfully created lot, whether it will remain intact, even if the zoning district  
18 minimum lot size decreases and the same entity/person owns both lots.

19 - Comment from Bob Low regarding whether the value of land decreases when the minimum lot size  
20 increases - Borie said he has looked at the listers' handbook and found that there is a provision that  
21 listers may look at the zoning ordinance with respect to changes in value. Gent will contact a number of  
22 sources to discuss the question of land value with respect to changes to minimum lot size.

23 - The Planning Commission decided that a summary document should be prepared for the public,  
24 although there will need to be references to the actual zoning and subdivision regulations for additional  
25 details.

26  
27 Harding suggested that, if the Planning Commission is not going to make its original target of having a  
28 document to the Selectboard for action prior to town meeting, the Planning Commission should hold a  
29 second public hearing. The Commission generally agreed with that approach.

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31 **Adjournment**

32 Fausel made a motion to adjourn, seconded by Borie. So voted. The meeting adjourned at 9:45 PM.

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

