

Richmond Planning Commission

Regular Meeting

November 7, 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/Staff to the DRB), Geoff Urbanik (Town Manager), Robert Allen, Jack Linn, Gary Gryzna, Jackie Washburn, Kathy Bevis, Ellen Ward, David Banks

7:04 PM Call to order by the Chair.

Public Comment – Robert Allen (Esplanade Street) asked the Planning Commission, in light of the zoning and subdivision regulations' failure to pass in the town voting yesterday, to put special effort to get Section 2.15 of the zoning regulations passed separately. He said that the requirements of that section are onerous on property owners in the special flood hazard area and that many people are still repairing things from Irene.

Capital Budget

Urbanik reviewed the general capital items, including vehicles and equipment, along with the Depot Street parking lot. He noted that the capital budget is not quite finished yet. He said the major capital budget items are police vehicles, radios for police vehicles, and capital items for the library. Bressor asked when the town will fix the river bank by the bridge and the wellhead, adding that every year the problem gets worse. He said he believes that some year, there will be a catastrophic problem, resulting in his land disappearing or the bridge getting bypassed. Bressor said that he brought this up five years ago and repairs cost more every year. Urbanik noted that the Winooski Riverbank Stabilization is in the capital budget for FY2014. Linn asked whether the town conservation money could be used for the rip rap project and Urbanik responded that construction to stabilize the bank could not, since it is not land conservation. Gent noted the water and wastewater infrastructure upgrades that are listed in the back of the document, but are not built into the capital budget yet. Urbanik said that the next large project on that list is for East Main Street, but that is not yet placed on the capital budget because there is no time frame for it. Fausel said that East Hill Road needs road maintenance and repairs, especially because there is more traffic. He noted the area of the sharp turn is problematic, with vehicles going off the road regularly. Gent discussed the Selectboard public hearing process for the capital budget.

Rezoning Request: Rogers Lane Area (William Donovan)

Bill Donovan was not present to discuss the zoning request. Gent explained that Donovan met with her and said there are issues because, in the Commercial zoning district (and General Business district in the proposed bylaws) where his residence is located, residences are considered non-conforming uses. Donovan indicated to Gent during a previous meeting that, because the residence is nonconforming, he has had difficulty doing refinancing. Bressor said the Planning Commission will add this to the list of zoning things to discuss further.

Discussion: Article 1 Vote

Bressor began the discussion and congratulated Linn on his efforts to defeat the bylaws. Bressor brought up a number of issues he thinks should be addressed, beginning with specific uses such as Cochran's, Parker, Boardman, etc. He also said the Planning Commission should consider making changes to the flood hazard section, such as the three year tracking for substantial improvement, the FEMA minimums (except for no new principal structure development), and eliminating the zone of ambiguity. Urbanik indicated that FEMA is reviewing the appeal maps. To Bressor, the over-arching issue is that the document is too complex, for instance, the standards for PUDs and subdivisions. He said the Planning Commission should clarify the standards to keep. One standard that received a lot of comments is that the DRB has the right to regulate natural resources outside of the building envelope. Also, the document should be simplified and shortened.

Bressor said he suggested a few months ago that he not be chair. He said that, at the end of the meeting, he plans to step down as chair. He brought up that Rand Larson is trying to bring an ethics complaint. He said he won't be harassed out of serving on the Planning Commission. Bressor added that he did not do anything wrong in buying land during the time that the bylaws were being proposed.

1 Witters said that she does not think the standards in the floodplain should be changed. There is new
2 legislation (Act 138) and the Vermont Agency of Natural Resources is considering matching state funds
3 based on the standards that towns have in place. If the standards are higher, towns will be eligible for
4 more matching funds. Witters added that she heard comments about how large the document is and
5 that there might be a way to break it into pieces, which might help in passing certain sections, like the
6 floodplain and PUDs. Bressor noted that there are cross-references throughout the document and
7 Fausel pointed out that this is a unified bylaw by design, so we can't break it up and keep it a unified
8 bylaw. Borie said that, with the exception of the floodplain section, he would have concerns about
9 taking it apart piece by piece, adding that the bylaws work together as a whole. Renaud said that, if it
10 were broken up, each document would be longer because to add references and required elements.

11
12 Fausel said that one of the biggest questions to is to understand the driving force behind the "no" votes.
13 He believes there were a lot of little details taken out of context with the goal of defeating the proposed
14 zoning. With two-thirds of voters voting no, it's clear people want something different. He sensed that
15 people think the new regulations are business unfriendly or people don't like the R3 or R10 districts,
16 despite what the Planning Commission heard at the neighborhood meetings. Fausel added that
17 perhaps the hundreds of people who attended the public meetings were not a representative sample
18 and suggested that, before working through the minutia, it is good to get a better understanding of why
19 the bylaws did not pass. Bressor posed a question as to whether, if the standards are simplified, would
20 the document be ready to go back to the public at that point.

21
22 Linn said he thought there were scare tactics from the Planning Commission with things said like, "we
23 don't want to be like Williston" and that he and Lauke Parke offered their comments strictly by what was
24 in the document. He said he and Locke would like to sit down with the Planning Commission. Linn said
25 he met with the "old timers" and Parke met with people around town. He also said that part of their
26 concern was the attitude of the document, with requiring larger subdivisions to keep spaces open and
27 brush hogged forever. Despite what RABA said, he said the document suggests that Richmond doesn't
28 want business. As a town, we are viewed as business unfriendly, noting that Vermont Gas said
29 Richmond was unfriendly, but did not want to voice that publically because they have to come back for
30 permits. Gent and Witters explained that Vermont Gas was required to get zoning permits for
31 installations within the floodplain.

32
33 Gryzna said that there has to be more areas designated for commercial development, for instance, the
34 Livak land. Fausel pointed out there are commercial areas in the gateway and general business zoning
35 districts there. He added that the Gateway district is seen as having scenic appeal as an introduction to
36 the town and commented that maybe people don't mind Milton. Gryzna agreed that we can't touch the
37 floodplain but could do commercial in other areas. McHugh pointed out that the area is commercial
38 already. Gryzna pointed to Milton Cat as a great addition to Richmond and the type of business we
39 should encourage.

40
41 Bevis said that she thinks the proposed bylaws placed mandates on businesses and did not extend a
42 welcome hand, with aesthetic requirements for landscaping and signage. She added that she
43 understands what the vision is behind the document but thinks tax incentives are the best tool, not
44 mandates.

45
46 Ward said she thinks many people did not have a clue about the zoning document and the town needs
47 to be more creative in how to get into every neighborhood about the document, as a lot of people simply
48 did not know. Renaud said the project has been in the works for years and that there was outreach and
49 a good faith effort to address feedback. McHugh added that the Planning Commission meets twice a
50 month and that people should participate. Renaud stated that the Planning Commission worked through
51 all of the comments offered by the public and made a lot of substantial changes. Bevis suggested there
52 be emails sent to every household in Richmond and asked why the Planning Commission meets every
53 two weeks, suggesting that is too often. The Planning Commission pointed out that there is no town-
54 wide email list and had a general discussion about engaging the public. Witters said that she has been
55 on the Planning Commission for one year and that, during the entire time, the commission has been
56 responding to comments from the public on the draft. McHugh concurred that the Planning Commission
57 spent significant time reviewing the public comments, citing an example of doing a site visit on a
58 Sunday, which resulted in creating three new zoning districts. Bevis suggested that the Planning

1 Commission over-reacted when doing that and that the document is overbearing for the size of the
2 town.

3
4 Ward said the tone of this meeting bothered here and is not helpful. She said that the vote and
5 comments tonight are not personal to the Planning Commission members.

6
7 Allen brought up the potential of Richmond participating in the Community Rating System through
8 FEMA as a way to significantly reduce the cost of flood insurance. Gent mentioned that Richmond has
9 looked into that program in the past. Witters said she would like to see Richmond apply for the
10 Community Rating System since it can reduce costs. She added that she has talked with people at the
11 state and understands that the application is onerous but the annual proactive steps are manageable.

12
13 Allen brought up a general question, namely did the Planning Commission really have no idea that
14 people were so opposed to the document. The Planning Commission agreed that was the case. Borie
15 said that it's human nature for people to wait until the document is finalized. He added that we will have
16 to go back to get feedback.

17
18 Banks said the Planning Commission failed in selling this to the community. It would be very helpful to
19 get the word out, via a small document, about the benefits, objectives, and general details. He
20 suggested that the Planning Commission go and talk with people where the most people are, like the
21 dump or grocery store. Fausel asked if people would be concerned about a Taco Bell or big box off the
22 interstate. There was general agreement among the audience that it would be good to have even more
23 commercial there. Fausel asked if they worried that a chain drug store would pull business from local
24 businesses. Bevis said that the district could be zoned to allow for a drug store. She added that most
25 people don't realize what the zoning meant and, all of the sudden, they can't get financing.

26
27 Urbanik said that the Planning Commission needs to identify existing nonconforming uses during the
28 process of making the zoning changes. He said he thinks the failure of the proposed bylaws was based
29 on perception. Most people were not concerned about the districts where they live, but the buzz was
30 that the bylaws would negatively affect popular businesses. Most people didn't care about the half acre
31 or one acre minimum lot sizes, but would not support the bylaws if it affects my doctor or mechanic.
32 Witters said there was a lot of misinformation with things being characterized as being rezoned when
33 they were not. She added the Planning Commission has to convince people the bylaws will be better.
34 Banks suggested that the outreach has to be better. Bressor asked if the Planning Commission cleans
35 up the standards, is that enough? Also, was the R-3/R-10 change part of the reasons people voted no?
36 He added that the bylaws need to be simpler.

37
38 Linn brought up the fact that the Richmond bylaws contain a telecommunications section and that, even
39 though state law requires it, that section adds a lot of extra pages. Borie said that the
40 telecommunications section was put in place some years ago when telecommunications facilities were
41 first installed in the landscape and could perhaps be simplified now that we have some experience.

42
43 Washburn said she sees a common theme regarding the proposed bylaws with respect to specific
44 things that people cited as to why it was voted down. She suggested that the Front Porch Forum is a
45 vehicle to reach out to get public opinion about those things. She added that people chose not to come
46 to public meetings and hearings. She said it's good that Jack and Lauke want to come in and speak
47 with the Planning Commission. Renaud said he thinks the Planning Commission was at this point nine
48 months ago when they tried to engage the public. McHugh said he thinks the Planning Commission
49 needs some guidance. Renaud responded that, even if significant changes are made, the same vote no
50 effort will take place to fire up the public against any zoning changes.

51
52 McHugh reviewed a range of issues that relate to the no vote: 1) fuel storage for home occupations –
53 that can be addressed; 2) the overall direction of the bylaws – generally, he thinks it is the right
54 direction; 3) too restrictive in the floodplain – that wasn't the case; 4) anti-tax – there are different
55 answers to that question; and 5) anti-Bressor. Bevis said the document is too complicated. If it's cut
56 down and simplified and made understandable, it will be better received.

57
58 Ward said that it's intimidating to speak in public meetings for many people. Maybe someone needs to
59 make a more personal campaign. She said that changes to the document are obviously needed, since it

1 was struck down by the town voters. Linn proposed that he post something on Front Porch Forum,
2 suggesting that people contact either himself or Mark Fausel.

3
4 Bressor pointed out that a lot of the document is based on the idea of keeping Richmond a small town.
5 He added that the landscaping requirements are based on the cost of the project and get approved by
6 the DRB. Gryzna said that he likes working in Essex and avoids Williston because of the bylaws and
7 process. He suggested that the way of presenting the document can be smoother. He agreed that some
8 people want nothing to change but that he thinks the document can be modified, worked with, and
9 passed.

10
11 Allen said that some people are not comfortable reading regulations. He suggested that a section by
12 section overview would have been very helpful. He said he's not sure whether that was the problem and
13 added that it's important to look where the money is and who is losing money over the proposed
14 bylaws. Linn said that the proposed bylaws make no difference to him. In fact, the new bylaws would
15 probably have benefited him by doing development through clustering. He noted that part of the
16 rationale for the bylaws is not to look like Williston, however, Williston has more clustering so we would
17 end up looking more like Williston.

18
19 Gryzna said that his experience is that the state and federal regulations are a factor that can impact the
20 development process, as he has found in developing at 588 East Hill Road, where he removed a
21 dilapidated house and is building a new house. He added that building affordable housing is difficult
22 because of the layers of regulations. Gryzna discussed the Sherwood Forest subdivision and lot sizes.
23 Fausel noted that, with an eight acre parcel, the new bylaws would have allowed for a simple
24 administrative subdivision.

25
26 The Planning Commission decided that they would like to pursue making the changes to Section 6.8
27 (Flood Hazard Overlay District) to provide relief for owners in the floodplain regarding making repairs.
28 Linn suggested that everyone in the floodplain should be contacted and get their feedback prior to
29 making the changes. Ward asked why people need approval for repairs costing more than \$1,000.
30 Borie explained that it's due to FEMA requirements.

31
32 Fausel said that more far-reaching outreach is needed and suggested that everyone could help by
33 reaching out to neighbors about what they liked and didn't like about the current and proposed bylaws.
34 Bevis asked about parked tractor trailers for a trucking business and Fausel said there were no
35 restrictions in the proposed bylaws for a business truck. She asked about whether boats are allowed in
36 someone's yard. Fausel asked if the boats were business-related. Bevis said no and Fausel replied
37 that, in that case, there are not restrictions on those boats. Gryzna said that what someone has in a
38 contractor's yard that is screened from neighbors is no one's business.

39
40 **Bridge Street Sidewalk**

41 Gent provided a brief introduction to the topic, which relates to the proposed sidewalk addition on the
42 east side of Bridge Street. Bressor said that he talked with Troy Liberty, who serves on the Cemetery
43 Committee and works for the Highway Department. Bressor said that he understood from Liberty that
44 an alternative plan was discussed with Tyler Gingras (Green Mountain Engineering), which would have
45 involved a taller curb so as to not have to cut into the bank at the cemetery. McHugh said that he is fine
46 with either approach and does not think green space in front of the cemetery is necessary. Gent said
47 that Gingras is concerned with the Planning Commission's suggestion at the last meeting to move the
48 road to the west. At the top of the list of Gingras' concerns is that the power poles would require an
49 easement from all the property owners for the guy wires. He is also concerned about the cost and
50 disturbance to the existing front yards on the west. The Planning Commission discussed the potential
51 for town liability if there is a high curb to the street. Bressor said that he likes the green space because
52 it provides extra safety. Gent will talk with Gingras about that alternative (with no retaining wall) and the
53 fact that the plans have not been modified to show a curved sidewalk connection between the sidewalk
54 in front of the library to the current sidewalk in front of the parking lot area. Bressor stated that the
55 Planning Commission was asked to comment about the preliminary engineering plans, which are based
56 on the streetscape plan which was accepted by the Selectboard a couple years ago. The green space
57 was shown within that streetscape plan.

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59 **Mail** - Gent reviewed the mail.

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Meeting Minutes & Town Planner Report

Meeting Minutes: For September 19, 2012

No amendments were offered. Motion by Witters, seconded by McHugh, to approve the minutes. Voting: 4 in favor (Bressor, Fausel, McHugh, Witters); 0 opposed; 2 abstentions (Borie, Renaud).

Meeting Minutes: For October 17, 2012

No amendments were offered. Motion by Borie, seconded by McHugh, to approve the minutes. Voting: 4 in favor (Bressor, Borie, Fausel, McHugh, Renaud); 0 opposed; 1 abstention (Witters).

Town Planner Report

Gent highlighted the update regarding the ECOS grant, indicating that the four-town natural resources inventory project was awarded a grant; however, the grant award was smaller than requested. The award amount was \$40,000, which means that some parts of the project will have to be curtailed, unless the towns receive the Municipal Planning Grant also or some other funding source is located. Gent said that a meeting of representatives of the four towns is scheduled for next week.

Executive Session: Personnel

Bressor called for an executive session to discuss personnel. At 9:15 PM, Borie made a motion, seconded by Fausel, to enter executive session. Voting: 6 in favor; 0 opposed; 0 abstentions.

At 9:22 PM, McHugh made a motion, seconded by Renaud, to come out of deliberative session. Voting: 6 in favor; 0 opposed; 0 abstentions.

Motion by Borie, seconded by Fausel, to take the following action, "The Planning Commission authorizes Cathleen Gent to communicate to the Selectboard the following: the Planning Commission recommends to the Selectboard that the zoning administrative officer's employment be terminated."
Voting: 6 in favor; 0 opposed; 0 abstentions.

The Planning Commission again briefly discussed the defeated zoning and subdivision bylaws.

In light of Bressor's announcement earlier in the meeting that he is resigning as Planning Commission Chair, the Planning Commission took up the question of a new chair. Motion by Borie, seconded by McHugh, to elect Fausel as Chair. Voting: 6 in favor; 0 opposed; 0 abstentions.

The Planning Commission then asked Gent to prepare a revised Section 6.8 of the Richmond Zoning Regulations with the same proposed changes related to the FEMA special flood hazard area, per Section 2.15 of the proposed zoning and subdivision regulations, for discussion during the next Planning Commission meeting.

Renaud then announced that he is resigning from the Planning Commission and said this is his last meeting. Bressor and the other commissioners thanked Renaud for all his work. Gent mentioned that the terms for Bressor, Borie, and McHugh are up in March, as was Renaud's.

Adjournment

Borie made a motion to adjourn, seconded by Renaud. So voted. The meeting adjourned at 9:50 PM.

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