

# Richmond Planning Commission

## Regular Meeting

December 19, 2012

### *Approved Minutes*

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**Members Present:** Mark Fausel (Chair), Lou Borie (Vice-Chair), Gary Bressor, Christy Witters

**Members Absent:**, three vacancies

**Others Present:** Cathleen Gent (Town Planner/Staff to the DRB), John Rankin, Jon Kart

**7:04 PM** Call to order by the Chair.

**Public Comment** – John Rankin from Church Street addressed the Planning Commission regarding a matter related to the proposed zoning and subdivision regulations which were defeated in November. Referencing information he presented in an email he wrote (December 11) to the Planning Commission, Rankin discussed a Front Porch Forum posting this fall by Fausel regarding Fausel's interpretation of the definition of a healthcare office or clinic, specifically a Planned Parenthood, a methadone clinic or a marijuana dispensary clinic, and that he would not want any of those in principally residential neighborhoods. Rankin said that he is concerned about the constitutionality of the Richmond zoning regulations limiting a women's right to an abortion or to reproductive health care. Rankin said he has reviewed case law and believes legal decisions and recent congressional actions ensure that health care, specifically reproductive health care, is not restricted. Although a Planned Parenthood clinic may not be located in Richmond because of its relatively small size, Rankin said he is seeking clarification from the Planning Commission as to whether the board is considering reproductive rights when crafting the bylaws. Rankin also brought up the discussion surrounding Richmond Pediatrics in advance of the November voting. Bressor said he had not thought about those issues prior to Fausel's posting on Front Porch Forum. In terms of the Richmond Pediatrics issue, Bressor focused on whether that use should be in that district because there are also residential only areas with small lots in the district (Tilden Avenue and Baker Street, for instance) where a medical office may not be appropriate. Witters said she thought that the healthcare office or clinic use should have been in the Village Residential North zoning district, i.e., that it was mistakenly left out. Borie said he also thought it was an oversight not to include that use in the district, but the Planning Commission has not spent much time discussing it. Bressor added that he wants to see how the definition is written and the zoning boundary lines before he makes a decision. He agreed that having a medical office near a school is a good idea. Fausel said that he did reply directly to Paul Parker and has always thought that the Richmond Pediatrics office fit as a professional office use. Fausel discussed the business office use and the professional office use. Gent reviewed the definition of healthcare office or clinic. Bressor said that a medical office might fit both parts of that definition as both a clinic and professional office. Fausel said he sees a clinic as being used for transient care, like the clinic on Riverside Avenue in Burlington. Witters said that she does not want to restrict care for lower income people. The Planning Commission agreed that the definition(s) need to be defined more clearly. Rankin reiterated his concern that the town would impose restrictions on types of health care that are not popular. The Planning Commission briefly discussed marijuana dispensaries. Gent said that there is a state statute that lays out the language and procedure for towns who want to exclude marijuana dispensaries as an allowed use in a zoning bylaw. The Planning Commission will come back and discuss Rankin's comments in a future meeting.

#### **Richmond Village Center Designation Renewal**

Gent summarized the Village Center Designation renewal information she has gathered since the last Planning Commission meeting with respect to the process for renewal, the standards in place, and other information. Gent indicated that she has corresponded with Ann Cousins, a historic preservation specialist who lives in Richmond and consults with many towns regarding village centers, about tax credits and changes to the boundary. Cousins reported that no federal or state tax credits have been used in Richmond and that she thinks the current map looks exactly right as it is. The Planning Commission discussed the potential for revising the map and decided that the current map represents the central commercial and civic village area and no changes should be proposed. Borie made a motion, seconded by Witters, to recommend to the Selectboard that Richmond apply for the renewal of the Village Center Designation without any changes from the June 30, 2008 map. Voting: 4 in favor; 0 opposed; 0 abstentions.

#### **FY2014 Capital Plan**

Gent briefly gave an overview about the FY2014 capital plan adoption process, which involves a public hearing on January 7<sup>th</sup> with the Selectboard. The Planning Commission reviewed the FY2014 capital

1 plan and discussed the following: the line item for replacing the concession stand roof; the Bridge Street  
2 reserve fund; and the rip rap repairs for the town properties along the Winooski River in the village. The  
3 Planning Commission decided to send a memo to the Selectboard, requesting that the rip rap repairs be  
4 done as soon as possible.

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6 **Mail** - Gent reviewed the mail. The Planning Commission decided to subscribe to the on-line *Planning*  
7 *Commissioners Journal*.

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9 **Meeting Minutes & Town Planner Report**

10 *Meeting Minutes: For December 5, 2012*

11 Several amendments were offered. Motion by Bressor, seconded by Borie, to approve the minutes as  
12 amended. Voting: 4 in favor; 0 opposed; 0 abstentions.

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14 *Town Planner Report*

15 Gent provided brief updates to the Town Planner Report.

16  
17 **Richmond Zoning Regulations**

18 The Planning Commission began with a general discussion about the time frame for moving forward  
19 with the short-term changes to the zoning bylaws and the large proposed unified zoning and subdivision  
20 bylaws. The Planning Commission decided there should be an informational public session to introduce  
21 to the public all three of the fast-track changes in the current zoning bylaws. That informational session  
22 will likely be held in February. The two Planning Commission meetings in January will be largely  
23 devoted to reviewing the proposed changes to the current bylaws, with the Planning Commission public  
24 hearing likely in March, following a fifteen-day public hearing warning. To get the proposed unified  
25 regulations adopted, the Planning Commission agreed that a broad marketing effort is needed. During  
26 the public informational session (February) and public hearing (March), the Planning Commission plans  
27 to let people know the process, timing, and range of changes that are needed to the proposed unified  
28 bylaws.

29  
30 Gent briefly discussed a meeting that took place earlier this week with representatives of Cochran's Ski  
31 Area. The meeting touched on some immediate permitting needs, some mid-term projects, and some  
32 longer term changes to the bylaws that might be needed, based on the ski area's long-term plans. Gent  
33 said the meeting was very positive. Gent and the Planning Commission agreed that she will probably  
34 need to issue a formal determination with respect to the range of short term uses and amendments to  
35 the DRB approvals, in light of all the permits that have been issued over the years.

36  
37 Jon Kart arrived and the Planning Commission took a break from the zoning regulations discussion.

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39 **Natural Resources Inventory Project Update**

40 Kart joined the Planning Commission for the discussion. Gent briefly discussed the four-town project  
41 status, noting that the ECOS grant was funded at a level (\$40,000), which was less than the requested  
42 amount (\$62,000). In addition, the project did not received the Municipal Planning Grant funding. As a  
43 result, the budget and project scope were revised, with the major reduction occurring with the field work  
44 portion of the project. Gent and Kart asked the Planning Commission to consider recommending that  
45 the Richmond Conservation Reserve Fund be used to supplement the field work portion of the project  
46 for Richmond only. Kart said that he is seeking other funding sources for the project as well.

47  
48 Witters and Borie agreed it makes sense to do the ground-truthing work now and to expanding that  
49 work as much as possible to have good quality data. Kart specifically asked the Planning Commission  
50 to serve as the applicant for the Richmond Conservation Reserve Fund. Borie asked what precedent  
51 there is for that and whether that is allowed per the policies for the grant. Kart responded that the  
52 Planning Commission was the applicant for the Jericho-Underhill-Richmond wildlife tracking grant  
53 several years ago. Kart said that about \$2,750 would be requested from the conservation reserve fund  
54 to cover the field work and communications with property owners. The Planning Commission requested  
55 that Kart send the fund policies and the application for the tracking project when the Planning  
56 Commission was the applicant. The Planning Commission also discussed with Kart how the field work  
57 will be integrated with the secondary data regarding habitats, etc. Gent suggested, and Kart agreed,  
58 that the extra funds for the Richmond part of the project would need formally approved by March in  
59 order to allow the expanded field work to continue on time. Fausel said he is concerned that all the

1 property owners whose land would be visited will be notified in advance. He added that he is hesitant  
2 for the Planning Commission to be taking the lead without a clear plan for the property owners to be  
3 notified and in agreement with the field work happening on their lands. Kart added that there will be  
4 public sessions regarding the topic of living with wildlife and other topics throughout the project. In  
5 addition, the Planning Commission requested that Kart prepare a draft cost estimate and a draft  
6 application and provide information regarding Arrowwood Environmental's success rate in getting land  
7 owners to agree to the field work for the Commission's consideration at its first meeting in January. Kart  
8 left at approximately 9 PM.  
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11 **Richmond Zoning Regulations**

12 The Planning Commission returned to the topic of the Richmond Zoning Regulations updates. Fausel  
13 de-briefed the Planning Commission regarding his meeting last week with the Development Review  
14 Board. Fausel reported that the DRB is in support of developing a unified bylaw, since it clarifies the  
15 process and has all the regulations in one document. Fausel said he is concerned that there is no  
16 definitive study that discusses the cost of development versus not developing lands. Gent will provide  
17 Fausel with the contact information for Deb Brighton, who is a consultant specializing in the area of land  
18 uses and land values. Gent said that Brighton has told her there is no study which answers the question  
19 of whether small lot versus large lot development is more costly.  
20

21 Gent briefly discussed the upcoming Richmond Economic Development Committee meeting. Fausel will  
22 attend if possible. Gent discussed the committee's plan for a special session with business owners who  
23 have recently gone through the permitting process. The Planning Commission suggested that it might  
24 be better to begin with a survey monkey type survey to get input from both business owners and  
25 neighbors who live in the vicinity of recent projects before the DRB and then have a meeting which  
26 focuses on ideas for improving the process.  
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29 **Adjournment**

30 Bressor made a motion to adjourn, seconded by Borie. So voted. The meeting adjourned at 9:20 PM.  
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33 Respectfully submitted by Cathleen Gent, Town Planner/Staff to the DRB