

Richmond Planning Commission

Regular Meeting

February 1, 2012

Approved Minutes

Members Present: Gary Bressor (Chair), Joe McHugh, Dan Renaud, Christy Witters

Members Absent: Lou Borie (Vice-Chair), Mark Fausel, One vacancy

Others Present: Cathleen Gent (Town Planner); Roger Brown; Douglas Brown; Alison Anand

6:57 PM Call to order by the Chair.

Public Comment – No public comment for topics not on the agenda.

Mail - Gent reviewed the mail.

Meeting Minutes & Town Planner Report

Meeting Minutes: For January 18, 2012

Motion by Renaud, seconded by McHugh, to approve the minutes as presented. Voting: in favor: 4; opposed: 0; abstentions: 0.

Meeting Minutes: For January 23, 2012

Motion by McHugh, seconded by Witters, to approve the minutes. Voting: in favor: 4; opposed: 0; abstentions: 0.

Town Planner Report

Gent provided brief updates to the January 27, 2012 town planner report. She also reported public comments are now being taken for the Indicators phase of the CCRPC ECOS project. She will summarize the information for an upcoming Planning Commission meeting.

2012 Richmond Town Plan Project

The Planning Commission reviewed Gent's memo (dated January 27, 2012) regarding the following topics:

Planning for public sessions: environmental quality improvements; energy policy; and tools to encourage local agriculture

Gent distributed a draft plan for the February 15th public session pertaining to natural resources and environmental quality improvements. The Planning Commission agreed with the plan and suggested a different term, per question 4, "inventory and trends," which Gent will revise. Gent will get the word out about the public session via Front Porch Forum and a bulletin board flyer.

Fluvial Erosion Hazards

The Planning Commission agreed that it's important that the Planning Commission and Selectboard are in synch regarding the direction that Richmond takes in terms of actions with respect to fluvial erosion hazards. For instance, the Hazard Mitigation Plan and the Town Plan should be consistent. Gent will incorporate the topic of fluvial erosion hazards during the February 15th public session.

Vermont Natural Resources Council (VNRC) Wildlife Planning Steering Committee

The Planning Commission decided that a public announcement for the steering committee positions should be done to solicit potential interest for serving on the ad-hoc committee. Gent will prepare and distribute such an announcement.

Richmond Zoning & Subdivision Regulations

Roger Brown and Douglas Brown addressed the Planning Commission regarding the proposed bylaws. Roger Brown said he is not necessarily representing the Cochran family with his comments and added that he is anxious about the new bylaws in terms of a potential impact on the rights to develop the property. Over time, the family plans to expand recreational uses and believes the new outdoor recreation category restrictions in the R-10 district might restrict what can be done. Bressor responded that there has been no discussion of limiting any ski trail expansion in that district. Brown said he is also concerned about the increase in required lot sizes in the two districts – R-3 and R-10 – in which the family land is located. Renaud pointed out that owners can still create a one acre lot, but the total number of lots will be reduced. In response to a question, Bressor said that there are no changes in the

1 bylaws that will affect agricultural uses. The Planning Commission discussed the UVM land which
2 adjoins the Cochran land. Roger Brown and Douglas Brown left at this time.

3
4 *Bylaws Adoption Schedule*

5 The Planning Commission went on to discuss Gent’s memo regarding the draft adoption schedule for
6 the bylaws. Gent reported that she has talked with Town Attorney Mark Sperry and that Chapter 117
7 allows the Selectboard to vote to hold an Australian ballot for the zoning and subdivision bylaws. As a
8 result, more time is opened up in August for additional Selectboard discussion or to allow the Planning
9 Commission more time in May to complete its work. After discussion, the Planning Commission decided
10 not to adjust the schedule. Gent and Bressor will present the draft schedule to the Selectboard next
11 week.

12
13 *Review Comments*

14 The Planning Commission continued its review of comments from Town Attorney Mark Sperry, dated
15 January 4, 2012, beginning on page 3.

16 - Section 2.1.6 – Uses by Zoning District Table

- 17 - Elderly housing, affordable housing, and accessible housing – Decided not to add any of these
- 18 to the use table, however, the definition for elderly housing was modified. The last sentence
- 19 now reads, “Such housing may include a community room.” The definition for accessible
- 20 housing was also modified to change “common areas” to “public areas”

- 21 - Recreational facility – decided to delete the definition of Recreational Facility

22 - Section 2.14.4 – Revised the definition of Contents to change “personal items” to “personal property”

23 - Section 2.14.9, Section 2.14.10, and Section 2.14.12 – Multiple references to “value” – decided to
24 change “value” to “cost” throughout

25 - Section 2.14.16 – Decided to remove the requirement for a plan for flood-proofing of structures for
26 administrative approvals (zoning administrative officer)

27 - Section 3.1.1 – Revised language in several places pertaining to damaged structures to address the
28 removal of any structure.

29 - Section 3.1.3.g) – Revised as follows, “For purposes of computing setbacks, the portion of a roof
30 overhang up to 30 inches shall not be counted.”

31 - Section 3.1.4.a) Added a subsection for clarity, “iii. A non-conforming lot of less than 3 acres in the R-3
32 zoning district or less than 10 acres in the R-10 zoning district may be developed with a single family
33 dwelling pursuant to this section 3.1.4.a).”

34 - Section 3.2.1.a) – Corrected typo

35 - Section 3.2.2.b) – Deleted “..., and any uses defined in Section c) below.”

36 - Section 3.2.5.g) – Corrected typo

37 - Section 3.3.1 – Corrected typo

38 - Section 3.3.2 – Corrected statutory reference

39 - Section 3.3.2.b) – Added, “per 19 VSA §1111”

40 - Section 3.5.13 – first sentence – Added “...and the applicable review criteria of Section 4.5”

41 - Section 3.6.5 – first sentence – Revised to, “The DRB may not modify the following dimensional
42 standards, as established in Article 2: lot frontage, lot coverage, setback requirements of structures and
43 parking from the perimeter of the PUD parcel, maximum height of structures, and the maximum
44 footprint of structures requirements. For purposes of determining parking setback from the perimeter of
45 a PUD, parking setbacks shall be considered the same as those for structures.”

46 NOTE: The Planning Commission will revisit this section again after reviewing the Town of
47 Jericho setback standards for PUDs.

48 - Section 3.6.6.c) – Deleted and added the following, “Section 3.5.12 shall apply to open space and
49 common facilities. The DRB may establish conditions regarding the use of open space and common
50 facilities.”

51 - Section 3.6.7.a)i. – Revised as follows, “The DRB may impose a condition to protect open space on
52 any portion of a lot outside of the building envelope.”

53 - Section 3.6.8.c) Deleted and added the following, “Section 3.5.12 shall apply to open space and
54 common facilities. The DRB may establish conditions regarding the use of open space and common
55 facilities.”

56 - Section 3.8.6.l) – Revised as follows, “A sworn certification shall be submitted to the Zoning
57 Administrative Officer within 90 days of the end of the calendar year or farmer’s fiscal year
58 demonstrating compliance during such year with the percentage requirements for the amount that must

1 be produced on the farm or on land leased for the farm operation to meet the definitions of Farm
2 Enterprise or Farm Product Sales.”

3 - Section 3.8.8.b) – Modified language slightly.

4 - Section 3.8.8.c) – Deleted “Except for development within the Flood Hazard Overlay District (See
5 Section 2.14).” and revised as follows, “These regulations shall not regulate accepted agricultural and
6 silvicultural practices. While no zoning permit issued by the Zoning Administrative Officer shall be
7 required for construction of a farm structure, the property owner shall notify the Zoning Administrative
8 Officer in writing of the intent to build a farm structure and shall present a scaled site plan showing the
9 proposed structure and the property setbacks approved by the Secretary of Agriculture, Food, and
10 Marketing. The location of any farm structure shall abide by the setback requirements.”

11 - Section 3.8.13 – Did not make any changes.

12 - Section 3.9.7.b) – Modified language slightly.

13 - Section 3.9.18 – Added new language, “Liability insurance in the amount determined by the DRB,
14 naming the Town of Richmond as an additional insured.”

15 - Section 4.1.3.a) – Deleted from last sentence “...and standards for requiring applicants to pay for the
16 reasonable costs of independent technical reviews of the applications.”

17 - Section 4.1.9.c) – Deleted “or boundary adjustment”

18 - Section 4.1.9.c)i. – Deleted “of the DRB”

19 - Section 4.1.10 – Modified language slightly.

20 - Section 4.2.1.a)ii. – Changed “town” to “Zoning Administrative Officer”

21 - Section 4.2.1.a)iv.4) – Deleted “and all other ordinances”

22 - Section 4.2.1.c) – Revised as follows, “Within 30 days of the date of issuance, in accordance with
23 Section 4.1.9.a), the Zoning Administrative Officer shall deliver a copy of the zoning permit, or a
24 memorandum of municipal action, to the Town Clerk for recording in the Town land records”

25 - Section 4.2.2 – Added new section – “g) Within 30 days of the date of issuance, the Zoning
26 Administrative Officer shall post the Certificate of Occupancy at the Town Clerk’s Office. The Certificate
27 of Occupancy shall remain posted for a period of 15 days from the date of issuance and shall be
28 available for public review during the regular business hours of the Town Clerk’s office.”

29 - Section 4.3.2.b) – Deleted “Land” before “Development”

30 - Section 4.3.2.c) – Corrected typo

31 - Section 4.3.2.c)i. - Added the fourth variance criteria. “4) The variance, if authorized, will represent the
32 minimum variance that will afford relief and will represent the least deviation possible from the bylaws
33 and from the plan.”

34 - Section 4.3.8.a) – Deleted “including a PUD”

35 - Section 4.3.8.c) – Deleted section

36 - Section 4.3.13.b) – Deleted “a performance bond or”

37 - Section 4.3.13.e) – Decided to keep expiration at 24 months and revised section as follows, “Other
38 DRB approvals shall expire 24 months from the effective date unless, within that time, the applicant
39 applies for a zoning permit. If the zoning permit for land development expires under Section 4.2.1.e),
40 the underlying DRB approval shall also expire (other than for a final subdivision approval).”

41 - Section 4.3.15 – Changed “Vermont Environmental Court” to “Superior Courts – Environmental
42 Division” throughout

43 - Section 4.4.2.e)i. – Added “including” before “gross floor area” and other minor changes.

44 - Section 4.5.3 – Added “and compliance with Section 3.2.1”

45 - Section 4.5.8 – Corrected typo

46 - Section 5: Made minor changes to numerous definitions including: Adjoining Property Owner; Building
47 Envelope; Dwelling, Two-Family; Home Industry, and Municipal Land Use Permit

48 - The Planning Commission decided not to change the definition of Height.

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51 **Adjournment**

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

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