

# Richmond Planning Commission

## Regular Meeting

May 16, 2012

### *Approved Minutes*

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

**Members Absent:** Joe McHugh, one vacancy

**Others Present:** Cathleen Gent (Town Planner/Staff to the DRB); Alison Anand

**7:05 PM** Call to order by the Chair.

**Public Comment** – No public comment.

**Mail** - Gent reviewed the mail.

#### **Meeting Minutes & Town Planner Report**

*Meeting Minutes: For May 2, 2012*

Several amendments were offered. Motion by Fausel, seconded by Borie, to approve the minutes as amended. Voting: in favor: 5; opposed: 0; abstentions: 0.

#### *Town Planner Report*

Gent provided brief updates for the May 11, 2012 town planner report. The Planning Commission decided to postpone a meeting with Municipal Planning Grant consultant Sharon Murray until after the work on the proposed zoning and subdivision bylaws is completed, probably in July.

Renaud arrived at 7:30 PM.

#### **ECOS Prioritization Criteria**

Witters, who sits on the ECOS Steering Committee, said that, based on her review, the draft prioritization criteria are well vetted and form a great basis for reviewing projects. She described the funding for the upcoming grants and the general process for the ECOS project. The Planning Commission decided not to offer any formal comments to CCRPC for the ECOS Prioritization Criteria.

#### **Current Potential Zoning Violations**

The Planning Commission reviewed the final compilation of potential zoning violations which was prepared by Gwynn Zakov shortly before she left the Zoning Administrative Officer position. Gent and Bressor noted that most of the items listed under the "Hurricane Irene Flooding" category are not zoning violations, rather are status reports for the zoning permits received related to Irene flooding.

#### **Richmond Zoning & Subdivision Regulations**

*Comments from January 18<sup>th</sup> meeting*

Administrative Subdivisions – Gent reported that the Vermont Wastewater and Potable Water Supply Rules do not distinguish between an administrative subdivision and a regular subdivision in terms of requirements. The Planning Commission reviewed the May 10<sup>th</sup> memo from Gent which contained additional information to address the comments from the January 18<sup>th</sup> meeting. The Planning Commission discussed the fact that Chapter 117, sections 4463 and 4464(A)(1), require public hearings before the approval of a plat as part of subdivision review. Gent noted that Richmond's current administrative subdivision approval process does place the process within the zoning bylaws, however, the application form for the administrative subdivision approval requires that a plat be submitted. In that regard, the Richmond process does not meet the Chapter 117 requirements. The Planning Commission discussed several other towns' bylaws and decided that the language from the town of Fairfax would work best for Richmond. In Fairfax, the administrative review process is completed and then the DRB "ratifies" the decision during a public hearing process. The Planning Commission acknowledged that new information might come to light during the DRB hearing that would affect the decision of the board so there is not an automatic "ratification". The Planning Commission agreed that an administrative subdivision for the same parcel (original or new) can be done only every five years, to be consistent with the PUD time frame (i.e., subdivision of a parcel into four or more lots within any five-year period is reviewed as a PUD).

1 Boundary Adjustments – The Planning Commission discussed the fact that boundary adjustments are  
2 specifically excluded as subdivisions in the definition of subdivision in the new draft bylaws. In addition,  
3 the Planning Commission decided to add the following standards:

- 4 - No existing lot is made non-conforming or more non-conforming
  - 5 - No roads, rights-of-way or public facilities shall be impacted
  - 6 - A survey is required for the area being adjusted (the entire lot does not have to be surveyed)
- 7 Also add a definition for boundary adjustment to the proposed bylaws.

8  
9 - Accessory dwelling in the FEMA SFHA

10 Gent reviewed the two provisions in Chapter 117 that apply, which are inconsistent. Section 4412(1)(E)  
11 states that an accessory dwelling must be allowed within or appurtenant to a owner occupied single  
12 family dwelling. On the other hand, Section 4424 states that a flood hazard bylaw may contain  
13 standards and criteria which prohibit the placement of damaging obstructions or structures. Gent said  
14 she has talked with Town Attorney Mark Sperry and proposed the following: 1. For an existing structure,  
15 revise section 2.14.1.a) to add, “This shall not be deemed to prohibit the improvement or substantial  
16 improvement to existing residential and non-residential principal structures...” That would allow for an  
17 accessory structure within an existing single family house and also conform to FEMA requirements. In  
18 terms of whether a accessory dwelling would be permitted as an accessory structure, the Planning  
19 Commission decided that an accessory structure would not be permitted, per Section 2.14.11 and to  
20 add the following section in Section 2.14.11.a), “Notwithstanding any other provisions in these  
21 regulations, an accessory dwelling must be attached to an existing principal structure.”

22  
23 *Comments from January 23<sup>rd</sup> meeting*

24 Non-conforming lots – Gent reported that a nonconforming lot is created when the standards for a  
25 zoning district are altered, whether or not the lot was created via a subdivision. As a result, the Planning  
26 Commission decided to add the following to Section 3.1.4 – “A lot which is approved via a subdivision  
27 approval before the effective date of these regulations in which an approved plat is filed in the  
28 Richmond land records as set forth within the land use bylaws in effect at the time may be developed  
29 for the purposes established for the zoning district in which the lot is located, even if there is affiliated  
30 ownership.”

31  
32 Outdoor Lighting – Gent said she spoke with Gwynn Zakov and that Zakov did not believe that the  
33 current zoning bylaws address lighting fixtures beyond what is approved by the Development Review  
34 Board as part of a site plan review or conditional use review. The Planning Commission reviewed the  
35 new lighting standards, Section 3.2.3. The commission clarified several points: 1. If a light bulb is  
36 changed, the light fixture is “grandfathered” from the outdoor lighting standards until such time that a  
37 lighting fixture is proposed to be changed. 2. When any new lighting fixture installation occurs (for either  
38 a new fixture or a replacement fixture), the outdoor lighting standards apply. In other words, whenever a  
39 fixture is changed out or a new fixture is proposed, the outdoor lights must come into compliance with  
40 Section 3.2.3. In terms of the issue of a neighbor’s light shining on a neighbor’s property, Section  
41 3.2.3.b.ii. is clear that permanent outdoor lighting fixtures shall not direct light onto adjacent properties.

42  
43 Hazardous structures – Gent provided options for the Planning Commission to consider in terms of  
44 addressing hazardous structures within the regulations, however, the performance standards in Chapter  
45 117 do not pertain to a hazardous building situation. After a discussion, the Planning Commission  
46 decided that any hazardous building situations should be handled through the health officer function,  
47 not the zoning and subdivision bylaws.

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49 As an aside, the Planning Commission confirmed that zoning permits are needed for site alterations.

50  
51 **Other Business**

52 *Executive Session: Annual staff evaluation*

53 Borie requested that the executive session be postponed until the June 6<sup>th</sup> meeting.

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55 **Adjournment**

56 **Borie made a motion to adjourn, seconded by Witters. So voted. The meeting adjourned at 9:22 PM.**

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58  
59 Respectfully submitted by Cathleen Gent, Town Planner/Staff to the DRB