

# Richmond Planning Commission

## Special Meeting

January 30, 2013

### *Approved Minutes*

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

**Members Absent:**, None

**Others Present:** Cathleen Gent (Town Planner/Staff to the DRB), Bob Marquis

**7:05 PM** Call to order by the Chair. Fausel welcomed Parke to the Planning Commission.

#### **Public Comment**

Marquis addressed the Commission. He said that, for the past 1½ years, he has been trying to help his daughter buy a house in Richmond and has looked at two tear-down properties. He has talked with Gent, former zoning administrator Chris Brimmer, and the DRB about whether he could do what he wanted to do to replace a non-conforming structure and could not give a clear answer. He then waited for awhile and has recently talked with Bressor, who could also not get a clear answer. Marquis suggested there should be a mechanism in the bylaws where the zoning staff can make a judgment about these types of buildings. He pointed out that there are a number of buildings in the village that are very hard to rehab in light of the bylaws. Marquis added that he thinks part of the reason the proposed bylaws were defeated is because the regulations are too complex. His experience in construction in many towns is that projects take longer and cost more money as a result of the regulations. Bressor said that, based on the current zoning, he did not think that Marquis could not move forward with what he wants to do. However, with the proposed bylaws, per Section 3.1.4, the project could probably be done. The current and proposed bylaws allow for an expansion of a non-conforming lot up to 25 percent. Bressor suggested that an easy fix would be to remove the language in Section 3.1.4 that the damage has to be caused by a fire or other casualty. The Planning Commission agreed to look at this again with edits to the unified bylaws.

Fausel then discussed a recent meeting that he and Borie attended regarding the creamery parcel. Fausel explained that the purpose of that meeting was to fast track the changes for the creamery parcel ahead of the other changes (flood hazard and parking in the main business block). Fausel said he is hesitant to do that because the process will continue to bog down with multiple public notices, etc. Borie added that the economic development committee appears to have a live proposal for a brew pub and wants to do something quickly. He said that the owner has decided it makes more sense to develop the creamery parcel based on the revised zoning, which is modeled after the village mixed district in the proposed bylaws. Witters recommended forward with all three parts together because the commission is close to finishing work on the floodplain section and bundling the changes is more efficient. Fausel noted that there several aspects to consider, including the senior center.

The Planning Commission discussed the time frame for moving the draft changes forward. Gent raised the question of whether the commission wants a public information session. Bressor said it would speed the process of getting the bylaw in place to skip an information session and the Planning Commission could save a meeting. Borie responded that the commission may shoot themselves in the foot if they try to rush it. The Commission discussed the potential time frame for the unified bylaws. Fausel said it probably will not be ready until town meeting 2014, since it is not something the Selectboard can approve without a public vote. Marquis brought up a situation in Essex where a major employer needed a new warehouse and the regulations were a problem. The state has gotten involved to help expedite the process. The Commission agreed that they would likely finish all the edits by February 6<sup>th</sup>, then would have a final look at the document before holding a public information session on March 6<sup>th</sup>, with a public hearing on Monday, March 23<sup>rd</sup>, unless changes are needed after the public information session. Marquis left the meeting at 7:45 PM.

#### **Richmond Zoning Regulations**

##### *Section 6.8 – Flood Hazard Overlay District*

The Planning Commission reviewed Gent's summary of her discussion with Ned Swanberg of Vermont Department of Environmental Conservation regarding certain questions. The Planning Commission made the following decisions associated with those questions:

- Section 6.8.15.e) – Recreational vehicles must be either on the site for fewer than 180 days, or be fully licensed and ready for highway use or obtain a zoning permit.
- Decided not to add a requirement that receipts be submitted for exempt repairs under \$500.

1 - Residential play structures – are considered an accessory structure – will have to meet the  
2 development standards in Section 6.8.15.

3  
4 The Planning Commission then began its review of Section 6.8.12, page 63 and made the following  
5 decisions:

- 6 - Section 6.8.12.a) Added the following, “This shall not be deemed to prohibit the improvement or  
7 substantial improvement to existing residential or non-residential principal structures, per Section  
8 6.8.11.ix and Section 6.8.11.x. Notwithstanding any other provisions in these regulations, an accessory  
9 dwelling must be attached to an existing principal structure.”
- 10 - Section 6.8.15.b)vii. – Added a new section to prohibit development below grade, below BFE. Also  
11 added “above grade, below BFE” to cover the standards currently included in vii.
- 12 - Section 6.8.15.m) – add “exempt or allowed use...”
- 13 - Section 6.8.16.a) – add “the Administrative Officer or the Town Planner/Staff to the DRB”
- 14 - Section 6.8.16.a) – move the following from Section 6.8.15, “Any application for Development within  
15 the Flood Hazard Overlay District requires: 1) an appraisal of the existing structure from a licensed  
16 appraiser or current town assessment (or alternative method approved by the DRB); and 2) a cost  
17 estimate from a contractor who is independent of the Applicant.”
- 18 - Section 6.8.16.a)i. – delete “2. Copy of approval by Vermont Agency of Agriculture, Food, and  
19 Market’s Accepted Agricultural Practice Rules for agricultural and silvicultural uses.”
- 20 - Section 6.8.16.a)ii.10. add “or area delineated on a professionally-prepared site plan or survey”
- 21 - Section 6.8.16.b) – add “or any proposed development in the floodway”
- 22 - Section 6.8.17 – Gent will talk with Town Attorney Mark Sperry about whether to use “Effective Date”  
23 or link to a specific date when COs were first required.

24  
25 *Section 3.5.5 – Parking Requirements in Main Business Block*

26 The Planning Commission reviewed the draft language for Section 3.5.5 – Village Commercial zoning  
27 district, specifically regarding parking requirements for the main business block on Bridge Street and  
28 made the following changes.

29 Section 3.5.5.a) – revised to “a new use, an expanded use, or a change in use are exempt...”

30 Section 3.5.5.a) – Revised as follows: “~~the railroad crossing on Bridge Street Pleasant Street and the~~  
31 northern section of Depot Street.”

32  
33 *Creamery Parcel*

34 The Planning Commission discussed the following:

35 - Zoning map changes – decided to include 13 Jolena Court (Blue Seal building), 125 Bridge Street,  
36 and 74 Jolena Court.

37 - Section 2.5 – Discussed whether there should be additional language regarding whether the density  
38 calculation should include or exclude non-developable areas. The Commission agreed they should be  
39 excluded and that Section 5.12.2.f) covers this.

40 Section 5.12.2.a) – Add Village/Mixed to this section

41 Purpose Section:

42 Parke said that he is struggling with this section because of the emphasis on residential development  
43 and would prefer to see this district as Village Commercial, or at least a mix with offices, residential,  
44 retail, etc. Parke added that the language in the purpose section works for other parts of the proposed  
45 Village Mixed district, but not the creamery parcel. The Planning Commission discussed the idea of  
46 changing the name of the zoning district, but decided to keep it as “Village Mixed” for now, noting that it  
47 may become “Village Mixed I” in the unified bylaws.

48 - iv. Deleted entire standard -- Largely concentrate residential development within this  
49 designated village area to conserve the town’s rural character.

50 - vi. – Deleted “village area homes and other”

51 b) Revised the opening paragraph and deleted subsections v., vi., vii.

52  
53 The Planning Commission will continue its review of the creamery parcel/Village Mixed zoning district at  
54 the next meeting.

55  
56 **Adjournment**

57 Borie made a motion to adjourn, seconded by Parke. So voted. The meeting adjourned at 9:55 PM.

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