

Richmond Planning Commission

Regular Meeting

Wednesday, October 16, 2013

Approved Minutes

Members Present: Mark Fausel (Chair), Bruce LaBounty (Vice-Chair), Ann Cousins, Sean Foley, Marc Hughes, Lauck Parke, Brian Tellstone

Members Absent: None

Others Present: Cathleen Gent (Town Planner/Staff to the DRB), Anne O'Brien; Cara LaBounty.

7:05 PM Fausel called the meeting to order.

Public Comments

Fausel said that this would be an opportunity for members of the public to share their thoughts about the cell tower.

Anne O'Brien said she is very concerned about the water and sewer crisis in the village, because costs have shifted to business owners. She said she would like to see progress with zoning for the creamery parcel, whether through a regular bylaw change or interim zoning. Rectifying the zoning for the creamery parcel zoning is not the only solution, but is part of a larger approach. Fausel said the Planning Commission is committed to completing work on Section 6.8. He said his understanding is that the ad hoc creamery committee is working on coming up with a plan and bringing that to the Planning Commission, which will then weigh in with its recommendation. O'Brien said the ad hoc committee is working on draft interim bylaws and that she has met with two developers who said they are open to a mixed use approach to zoning. Hughes said the water issue is the #1 priority because re-developing the creamery will not save the village in terms of the water and sewer issues. O'Brien reiterated the creamery is one factor and that the Selectboard is cautious about moving forward with the interim zoning and encouraged the Planning Commission to take action. Fausel again requested that the ad hoc committee, consisting of Economic Development Committee members and the chairs of various boards, come up with answers that are based on what developers see as being viable, so then the Planning Commission will make this a priority. Fausel LaBounty said that certain changes to the bylaws will be needed, for instance, the floodplain would have to be used in the density calculation and the lot sizes will be reduced. Parke said he wants to complete the work for Section 6.8 and that he is concerned about the high water and sewer rates, which are affecting Jack Linn, who is a blind investor in the On the Rise Bakery. He said the fees are such that businesses will have a difficult time making it in Richmond. Parke added that dealing with the creamery is a medium or long-term solution, and the immediate solution is to bond as a community (town) to support the water and sewer system. Cara LaBounty discussed the current fee structuring system and suggested that some changes to the zoning bylaws would allow new units to be built, for example, the Bormann duplex and the Don Marin four-unit complex. Gent stated that public engagement process is needed and Cousins said that is part of the process. Parke suggested that the Planning Commission authorize resolution encouraging the Selectboard to move with all due haste to address the creamery parcel. Cousins suggested there is language in the town plan that would fit nicely into the resolution. After discussion, Parke agreed to prepare a draft resolution with O'Brien and return to the Planning Commission for further discussion at the next regular meeting. Tellstone said he would not be comfortable if the resolution suggests the town pay for any part of the water and sewer bill.

Fausel said he has given some thought to the questions surrounding cell towers in Richmond and that the Planning Commission needs to approach the PSB applications as a governing body, not based on the personal opinions of commissioners. He said the town plan and bylaws are clear that we want stealth towers outside of the village (commercial area). While he might want to see the facility on a personal basis, he must look at whether the proposal is in keeping with the town plan and is looking particularly at the height and location (and whether co-location is possible). Foley said he will send examples of PSB approvals in other towns to the other commissioners (through Gent) so that they can see how the process works in other communities. Cara LaBounty said the listers are updating the current use maps and recommended that the Planning Commission look at those maps. Gent said the current use maps are included in the 2012 town plan report prepared by Front Porch Planning & Design.

Administrative Items

Mail – Gent reviewed the mail.

1 Meeting Minutes - For October 2, 2013 – No edits were offered. Motion by Cousins, seconded by
2 Tellstone, to approve the minutes. Voting: 6 in favor; 0 opposed; 1 abstention (Parke).

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5 **ECOS Science to Action Project – Priorities for Technical Assistance**

6 The Planning Commission took up the question as to what technical assistance they would like Vermont
7 Natural Resources Council (VNRC) to provide technical assistance as part of the ECOS Science to
8 Action Project this year. Parke said that he sees a pattern where deer yards are getting fragmented. He
9 would like to see assistance to learn more about regulatory or non-regulatory tools to work with land
10 owners to avoid this trend. LaBounty said he would like more information on non-regulatory tools to
11 protect wildlife habitat and natural communities. Cousins added that this should be done on a regional
12 basis (across town boundaries). Cousins pointed out that the Conservation Commission plays a large
13 role with providing non-regulatory tools, for instance, preserving land from development. Fausel said he
14 would like to see the Town Plan strengthened in terms of protecting natural resources and framing that
15 better within the Town Plan. Gent added that the Town Plan should be updated with more specific
16 natural resources to be protected, for instance, if there are certain areas of town where we want to
17 protect certain natural resource features, that should be laid out in the Town Plan. The Planning
18 Commission members agreed to the three technical assistance areas: 1) regulatory and non-regulatory
19 tools for protecting deer yards; non-regulatory tools to protect wildlife habitat and natural areas: 3) tools
20 to strengthen language in the Town Plan for protecting natural resources.

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23 **Richmond Zoning Regulations – Section 6.8 – Work Session**

24 Fausel started the discussion by stating that the Planning Commission needs to decide how to address
25 the floodplain. The current regulations lack exemptions and require that every project has to go to the
26 DRB. The proposed regulations that were rejected provide for more exemptions and are much less
27 onerous than the current bylaws. He noted that we have to have a structure for some type of permit, but
28 it might not have to get recorded in the land records. Fausel said the three-year versus the one-year
29 threshold for substantial improvement is one of the major sticking points. LaBounty said the one-year
30 threshold provides much less risk. Parke said he has spent almost 10 months struggling with Section
31 6.8, since he joined the Planning Commission, and that, while he does not like everything in the
32 proposed changes, most changes make sense. Parke made a motion, seconded by Foley, to adopt the
33 April 17, 2013 version as written. Foley said he was not ready to vote in favor of the motion tonight.
34 Cousins said she wants to move this along and tweak it later. Fausel said he would like to add the
35 administrative permitting provision before moving this forward. The Commission discussed the one-year
36 versus three-year threshold for substantial improvement. LaBounty said the three year puts owners at
37 greater risk if there is an accident or emergency, in terms of being considered as substantial
38 improvement. Cara LaBounty offered to provide a new draft based on Planning Commission input.
39 Fausel said that he would like LaBounty to put her recommendations on paper for the Planning
40 Commission to consider but that the Town Planner will provide support to the Commission in terms of
41 drafting the document. Hughes said he would like to meet with Cara LaBounty to better understand the
42 bylaws. Gent provided an overview of the process that DEC and FEMA use when reviewing the final
43 version of the bylaws. Parke suggested the two core issues are the one-year versus the three-year
44 threshold and the administrative procedure. Fausel said he thinks that people will want to look at the
45 requirements for the CRS program when NFIP rates increase in coming months and years.

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47 Parke called the question on his motion. Voting on the original motion: opposed: 6; in favor: 0;
48 abstaining: 1 (Parke).

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50 **Schedule additional work session meeting**

51 The Planning Commission agreed to a work session on October 23rd, with the sole agenda item related
52 to updating Section 6.8. The approach will be to work through each section, starting with Section 6.8.1.

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54 **Adjournment**

55 Tellstone made a motion to adjourn, seconded by Parke. So voted. The meeting adjourned at
56 9:25 PM.