

# Richmond Planning Commission

## Regular Meeting

Wednesday, November 20, 2013

### ***Approved Minutes***

---

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

**Members Absent:** Ann Cousins

**Others Present:** Cathleen Gent (Town Planner/Staff to the DRB), *Also see sign in sheet.*

**7:00 PM** Fausel called the meeting to order.

**Public Comments** – There were no public comments. Fausel noted that, if people have general opinions about a topic on the agenda, they should provide comments during this part of the meeting. If there are informational comments, those can be shared later.

#### **Administrative Items**

*Mail* – Gent reviewed the mail.

*Meeting Minutes - For November 6, 2013* – One edit was offered. Motion by Parke, seconded by Foley, to approve the minutes. Voting: 6 in favor; 0 opposed; 0 abstentions.

*Meeting Minutes - For November 12, 2013* – No edits were offered. Motion by Foley, seconded by Parke, to approve the minutes. Voting: 5 in favor; 0 opposed; 1 abstention (LaBounty).

#### **PSB Applications for Wireless Communications Towers**

Parke asked Selectboard member Chris Granda if the participation with the Public Service Board process could be coordinated through the Selectboard. Granda said he thought that would work. Granda also said that the Selectboard has agreed to have a public meeting with AT&T to discuss all their proposed towers. He added that he wants the session to be an informational meeting about the AT&T projects, not a public hearing. Granda also said the Selectboard has requested intervener status. Foley said he felt the Selectboard letter for the VTel project was not sufficient for intervener status, which is why the letter from the Planning Commission to the PSB was written to include that. Parke said he would prefer that the Planning Commission communicate its recommendations to the Selectboard, which can then take the formal action for the town. Foley said the PSB is not likely to give intervener status to both boards. Granda reiterated that he would like the public session for the AT&T projects to provide an opportunity for citizens to learn more and provide comments. He added that there is no town position regarding the project. Foley suggested re-writing the letter to address issues raised by the VTel application as they relate to the AT&T project. He also suggested that the town contact Jim Porter at the Public Service Department. Gent said that town manager Geoff Urbanik is contacting attorneys about representing the town with the PSB about the cell towers, since the attorney will not be town attorney Mark Sperry for the cell tower discussions. LaBounty said that no locations for the AT&T projects on Williams Hill Road and Jericho road have been revealed.

Cheryl Owens asked if AT&T were to bundle all the projects into one, would the PSB approve the project as one or each one separately. Foley responded that the PSB ruling will be either as one docket or separate dockets, depending on how the application is presented. Earl Wester asked if the town could take issue with only one project and Foley said that can occur. Ezra Hall asked if the Planning Commission would be willing to consider mitigations, for instance, moving the location of a tower on a parcel or moving it to a different site, and Fausel said the Planning Commission is willing to consider that, as they want to find the best fit for the town. He said the Planning Commission will work with the Selectboard, since they will hopefully have intervener status and attorney representation. Ezra Hall said that any project should fit within the town zoning regulations, even though projects do not formally go through a town review, the town has zoning regulations in place that should provide guidance. In response to a question, Foley said that he thinks the Planning Commission could ask the PSB to transfer the intervener status for the VTel project to the Selectboard. He added that the goal is to get a PSB hearing here in Richmond to hear from everyone about the VTel project. The Planning Commission will have to have a vote as to how far to get involved. Foley added that a local hearing would not provide for evidence to be presented, but the PSB would hear concerns. The Planning Commission and Selectboard would have to decide whether to provide evidence. If so, there would be a separate PSB pre-hearing conference later. Foley said there can be negotiations if mitigation solutions

1 are presented with ANR, the town, neighbors, the land owner and the Public Service Department, not  
2 the PSB.

3  
4 The Planning Commission decided that the Planning Commission should write a memo (from Gent on  
5 the Commission’s behalf) to Geoff Urbanik, indicating that they agree to a joint meeting (not a hearing)  
6 with the Selectboard for the AT&T projects. There was no formal vote taken.  
7

8 The members of the public, with the exception of Granda, left at this time. Granda asked about the  
9 status of re-zoning for the creamery parcel. Parke said the Senior Center Committee has a transferable  
10 option to purchase the parcel and that allows the Senior Center Committee to apply for a brownfields  
11 remediation grant, which they have done. Parke said he is investigating interim zoning on behalf of the  
12 Economic Development Committee and plans to prepare language before December 25<sup>th</sup>. LaBounty  
13 noted there is a sub-committee that is looking at the option of creating a new zoning district, as well as  
14 interim bylaws. The Planning Commission discussed the procedure for interim zoning. Parke said he  
15 thinks it would be helpful to look at water usage data for each type of use and Granda said that  
16 information is available. He will look into whether that can be shared (without violating confidentiality). If  
17 so, he will send it to Parke. Granda left the meeting at this time.  
18

19 Fausel said it has come to his attention that a letter has been sent to the town, asking for LaBounty to  
20 recuse himself from the Cochran Road cell tower discussion because he is an abutting property owner.  
21 Fausel noted that listers Cara LaBounty and Mary Houle have also been asked to recuse themselves.  
22 The claim is that Bruce LaBounty has a financial interest in the project. Gent reviewed the definition of  
23 an adjoining property owner and said the presence of railroad property is such that LaBounty is not an  
24 adjoining property owner. Motion by Foley, seconded by Tellstone, that the Planning Commission  
25 recognizes the importance of the town code of ethics and the value of a conflict of interest policy,  
26 however, the board does not see any conflict of interest on the part of LaBounty with respect to the  
27 AT&T Cochran Road cell tower application. Voting: 5 in favor; 0 opposed; 1 abstention (LaBounty).  
28

29 **ECOS Science to Action Technical Assistance**

30 Tellstone said that he thinks having VNRC provide technical assistance is a waste of everyone’s time  
31 because the natural resource inventory maps are not ready yet. There isn’t enough information to look  
32 at zoning law changes. Parke said that, because there is not major development happening in  
33 Richmond, he does not see the project as being important at this time. Foley agreed, saying that the  
34 Planning Commission priorities are full until the end of the year. LaBounty said that the Bolton Planning  
35 Commission is in a similar situation and that VNRC is writing recommendations based on their town  
36 plan and zoning regulations. Fausel said he regrets that the Planning Commission is not taking  
37 advantage of this opportunity with VNRC and that the Planning Commission would have benefited from  
38 VNRC working with the Planning Commission on the questions that were put forth last month. Hughes  
39 said he thought the VNRC assistance was directly tied to zoning changes, and Fausel explained they  
40 were advising more on a “carrots” approach versus “sticks.” Gent encouraged the Planning Commission  
41 members to attend the January 13<sup>th</sup> presentation by Arrowwood Environmental, which is finalizing the  
42 natural resources inventory and report.  
43

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

45 Gent reviewed her November 12<sup>th</sup> memo regarding the process of FEMA’s review of the Richmond  
46 bylaws based either on changes to the bylaws or a new map going into effect. The Planning  
47 Commission discussed the reason for making all repairs exempt. Foley noted that it is the Planning  
48 Commission’s attempt to meet the FEMA permit requirements and to help property owners in the  
49 floodplain at the same time. The question is whether FEMA will view the administrative notification  
50 provision as being a “permit.” The Planning Commission agreed it would be best to get the formal DEC  
51 review of the bylaws prior to scheduling a public meeting about the proposed changes. Foley suggested  
52 that it would be good to note somewhere in the zoning bylaws, perhaps in the exemption section.  
53 Fausel asked Gent to keep the current version with respect to the list of repairs in the event that the  
54 Town has to revert to the zoning permit requirement for repairs more than \$500 in cost. The Planning  
55 Commission then reviewed Section 6.8.12.  
56 - Section 6.8.12 – Delete entire section and replace with, “No development, other than what is allowed  
57 per Section 6.8.9, Section 6.8.10, and Section 6.8.11 shall be permitted in the Flood Hazard Overlay  
58 District.” Gent will look into whether FEMA has any specifications about prohibited development.

1 - Section 6.8.12.e) The Planning Commission took a poll and the members unanimously decided that  
2 accessory dwellings shall not be allowed in the FEMA SFHA, because it represents new development.

3  
4 The Planning Commission will begin the next work session with Section 6.8.13. For the next meeting,  
5 Gent will check the language for Section 6.8.12 and will come up with draft language for the exemption  
6 provision and administrative notification form.

7  
8 **Agenda for Next Meeting**

9 Gent said that Geoff Urbanik is ready to come to the Planning Commission with the Capital Budget  
10 during one of the two December meetings. The Planning Commission decided that it would be best for  
11 the capital budget discussion to take place during the December 18<sup>th</sup> meeting.

12  
13 **Adjournment**

14 Tellstone made a motion to adjourn, seconded by LaBounty. So voted. The meeting adjourned at  
15 9:10 PM.

16  
17  
18 Respectfully submitted by Cathleen Gent, Town Planner/Staff to the DRB

Richmond Planning Commission

Meeting – November 20, 2013

Sign-in Sheet  
PLEASE PRINT

NAME	EMAIL ADDRESS or MAILING ADDRESS
Charles W. Jones	
Cheryl Owens	
Erin Hill	
EARL Westee	
Diane Weston	
Chris Granda	