

Richmond Planning Commission

Regular Meeting

April 17, 2013

Approved Minutes

Members Present: Mark Fausel (Chair), Lou Borie (Vice-Chair), Lauck Parke

Members Absent: One vacancy

Others Present: Cathleen Gent (Town Planner/Staff to the DRB), Jim Hering (taping for MMCTV); Also see attached list

Planning Commission Presentation

Without a quorum (Fausel and Borie were present), the Planning Commission began an informal presentation for the public. Fausel welcomed the group and said that tonight's meeting is intended to provide open communications with the public to get ideas and comments related to the proposed changes to the zoning bylaws. Fausel also discussed a survey that is available and encouraged everyone to fill one out. Gent presented an overview with a summary of the proposed zoning changes pertaining to Section 6.8: Flood Hazard Overlay District; Section 3.5.5: Parking in upper Bridge Street; Section 5.7: Directory signs – Railroad Street and Jolina Court; and Section 7.2: Definitions in support of those changes

At 7:07 PM, Parke arrived, the quorum was met, and the meeting began formally.

Gent briefly discussed the background for the specific changes being considered by the Planning Commission at this time. She then provided information about Richmond's participation in the FEMA National Flood Insurance Program and a summary of the changes to Section 6.8: Flood Hazard Overlay District. Gent noted some of the important elements in the current and proposed zoning bylaws that the Planning Commission would like to keep in place, pertaining to prohibiting new residential and non-residential principal structures in the FEMA Special Flood Hazard Area. Gent also mentioned other reasons to incorporate standards above and beyond the FEMA minimum, for instance, Richmond participating in the FEMA Community Rating System and Vermont Act 138, which is providing sweeping changes to improve water quality, including floodplain bylaws based on models consistent with Vermont floodplain rules.

Gent then described the change to Section 3.5.5.a) in the Village Commercial Zoning District with respect to parking requirements. Specifically, parking space requirements would no longer be required for parcels in the upper Bridge Street area for new land development and would benefit property owners in that block who wish to change uses or expand and who have almost no room for parking. She then discussed a new section in Section 5.7, Sign Section, for new directory signs on Railroad Street and Jolina Court on properties abutting the Bridge Street intersections, which would advertise businesses or organizations further back on Railroad Street or Jolina Court. Gent noted that this change to the bylaws is based on the existing directory sign on Railroad Street. Gent and Fausel discussed the next steps in the process, which include the Planning Commission's review of comments and decision about what revisions to make before setting a public hearing date and the potential time frame for holding a public hearing and then sending the document to the Selectboard, which also must hold a public hearing.

Public Comments and Discussion with Planning Commission

Mary Houle said that there is no regulation from FEMA regarding the \$500 limit on exemptions. Fausel responded that Ned Swanberg from Vermont DEC has told the town that a maximum of \$500 would be acceptable to FEMA. Angela Cote said that Richmond has been talking about participating in the Community Rating System since 2009 and asked why we are still just talking about this now. Cara LaBounty noted that Richmond has been proactive rather than reactive with our zoning regulations and that we should take the steps and participate in the Community Rating System (CRS) now. LaBounty also suggested that Richmond change the definition of substantial improvement to remove the reference to "over three years" and use FEMA's one year time frame. Fausel replied that, if an owner is making improvements every year that equal 50% of the value of the structure, the owner should be putting efforts into floodproofing the structure. LaBounty discussed an example when, in years one and two, the owner replaces windows and doors and the furnace, then, in year three, if there were an emergency repair, they might be over the 50% threshold, and it would be a hardship to require that owner to floodproof the structure. LaBounty added that she thinks the town should raise the threshold level for repair exemptions to \$1,000, based on the fact that she does not believe FEMA has revoked NFIP participation of any town for not requiring permits for repairs, no matter how small.

1 Robert Allen spoke next. He suggested that the Richmond zoning regulations should be reviewed to be
2 sure that the elements that get higher points for the CRS program are included in the bylaws since that
3 will benefit Richmond. He encouraged the Planning Commission to follow the CRS guidelines, but
4 noted that the bylaws are not cast in concrete and we can change them later; however, the proposed
5 bylaws are better than the current bylaws and it's important not to drag out the process of adopting the
6 changes. Town Manager Geoff Urbanik suggested that perhaps there could be a waiver process
7 through the DRB whereby repairs for windows, for example, would be exempt in the calculation of
8 substantial improvement, but a new third story addition would not be exempt. Cote said she thought that
9 system might not work because the DRB would have to analyze the nature of the improvements and
10 consider the dollar amount, resulting in a process that would be too loose.

11
12 LaBounty suggested that the substantial damage definition be modified to clarify that the "fair market
13 value appraisal or tax assessed value" be used to determine the substantial damage. She added that
14 she thinks the idea of the waiver suggested by Urbanik is a bad idea and that FEMA does not require
15 tracking over three years. LaBounty said that, based on her experience as a lister, the properties in the
16 floodplain do not have high end property values and repairs tend to get to the level of substantial
17 improvements more quickly. The fact that Richmond does not allow new development in the floodplain
18 will limit this problem, but the three-year cycle requirement will impact current property owners. She
19 encouraged property owners to look at the FEMA buy out program, which can be applied in instances
20 where more than two flood events occur. Fausel provided an explanation about the process that the
21 Planning Commission followed in coming up with the three-year tracking requirement. LaBounty also
22 suggested that Richmond include emergency provisions in the bylaws to deal with rebuilding after a
23 flood. Marcy Harding said she agreed with Fausel that the three year tracking is an important public
24 policy perspective, and encouraged that we be cautious about regulations that would be more relaxed
25 for significant improvements. Cote said she appreciates the process that the Planning Commission is
26 going through with these bylaws. Stephanie Douglas Hughes said that her family intends to make their
27 home in the floodplain a good place to live in the years that they own the house. Harding said that she
28 was on the Planning Commission in 2009 and that her recollection was that the commission looked at
29 joining the CRS program then, but were aware that it would take a lot of work to become part of the
30 program. Fausel suggested that there should be a subcommittee formed by the Selectboard and
31 Planning Commission to look at what the CRS requirements are. Harding said she still argues that a
32 three-year tracking window is the best approach. Borie added that he agrees with Harding's recounting
33 of the process in 2009 and that it is a good goal to work toward participating in the CRS. June Heston
34 commented that whether you live in the floodplain or not, 50% of the value is consistent. LaBounty
35 reiterated that it's difficult to do planning so that you don't run into the substantial improvement
36 threshold in year three. Harding said she thinks it is up to the landowners to understand the risks, at
37 some point, the landowners are responsible for those risks.

38
39 Harlan Stockwell said that one problem is that the town wanted to know the labor cost. If an owner does
40 the work on his own, the owner is screwed if the town tracks it for three years if the cost of labor is
41 included. He said he was told by the town at the time of Irene that he was not allowed to build his house
42 higher. Stockwell also said that the town did not track the costs of repairs for a number of houses. Gent
43 said that the town made every attempt to do so at the time. LaBounty said her biggest concern is that
44 the bylaws be very clear so that the zoning administrators are consistent in their interpretation. That's
45 why she wants the tax assessed value be added to the definition of substantial improvement.

46
47 The Planning Commission then took comments on the change to not require parking spaces along
48 Bridge Street. Heidi Bormann, chair of Economic Development Committee, said that committee brought
49 this idea to the Planning Commission to address the fact that there are only a certain number of parking
50 spaces on Bridge Street and that businesses in that area can't be in compliance with Section 6.1 for
51 parking with various types of uses. She asked for an explanation about why this proposal does not
52 include the area from Railroad Street to the stop light, which was in the original proposed change.
53 Fausel said that, since waiving the parking requirements is a novel concept which might lead to havoc,
54 the Planning Commission decided to limit it to the areas where the owners are most severely affected.
55 LaBounty noted that those other parcels (TD Bank, NOFA, dentist office) own land with their structures.
56 If those structures want to expand, the owners could use their own parcels rather than relying on public
57 parking. Bormann said she is appreciative of the outreach flyer that the came in the mail. She noted that
58 Burlington is doing a waiver for parking along the waterfront. Allen asked if there are any projections of
59 how many new businesses might come in as a result of the change and Fausel said there are not.

1 Parke added that the Depot Street parking lot might provide infrastructure to help businesses in the
2 upper block that might currently be restricted because of the parking problems. Houle said that she
3 hopes the parking lot will alleviate the problem of people parking in residential neighbors near the
4 market.

5
6 The Planning Commission then took comments on the change to add directory signs on Railroad Street
7 and Jolina Court. There were no specific comments. Marshall Paulsen asked if this changes the sign
8 sizes or lighting on sign requirements and Fausel said those are not changing.

9
10 Fausel then described the process that the Planning Commission plans to undertake in moving forward
11 with these changes, namely to review and possibly change the draft document, which might require an
12 extra meeting, The Commission will then hold a public hearing and get the documents to the
13 Selectboard by late May. He said he wasn't sure how long the process will take with the Selectboard.
14 The goal is to have these adopted by mid summer.

15
16 Anne O'Brien spoke next. She indicated that, early this winter, she and a group from the Richmond
17 Senior Center Board had come to the Planning Commission to ask for a change in the zoning to create
18 a new Village Mixed zoning district for the creamery parcel. O'Brien said that she is disappointed that
19 the request for the new Village Mixed zoning district was not included in this set of proposed changes.
20 Mary O'Neal, chair of the senior center board, read a letter to the Planning Commission on behalf of the
21 entire board. The letter discussed the fact that the creamery parcel has not been developed and that
22 the plan for the site includes mixed use housing, a senior center, and commercial development, which
23 would benefit the village and town. She requested that the Planning Commission consider adding this
24 change. Fausel responded that there were several factors that arose during the Planning Commission
25 discussions this winter. For instance, the Planning Commission had been led to believe by the
26 creamery owner that the only way the parcel could be developed was to change the district to mixed
27 use, however, the Planning Commission has learned that it could be developed commercially. Fausel
28 explained that the Village Mixed district worked well within the unified bylaws, which tied together a
29 number of sets of standards. By pulling the Village Mixed out and pasting it into the current bylaws, not
30 all the standards are represented. He added that the Planning Commission members were not uniform
31 in how they envisioned this property being zoned and that the Commission heard from outside sources
32 that a mixed use may not be the best way to go. O'Brien said that the Senior Center Committee was
33 disappointed in the defeat of the bylaws in the fall, but now they are in limbo because they can't move
34 forward with the senior center plans. She said she thinks the mixed use offers an opportunity to improve
35 the village center. Borie said that the Planning Commission decision about what to bring forward now is
36 not a statement or lack of endorsement of the senior center and that he thinks the current zoning would
37 allow for a senior center today. Borie noted that ultimately the decision about the uses is up to the
38 property owner. LaBounty asked about some details regarding the senior center and thanked the
39 Planning Commission for preserving the property as commercial. She said the primary issue in selling
40 the land is due to the original purchase price and the current asking price. O'Brien noted that the
41 brownfields situation is costly and the models suggest that the math works better with mixed uses there.
42 Gary Bressor said that when he was on the Planning Commission, they learned that the owner of the
43 market is looking for a bigger place and that he feels strongly that the town protects potential
44 commercial space. Parke said that he participated in the defeat of the proposed bylaws without
45 contributing to move the planning process forward. He added that, now being on the Planning
46 Commission, he is actively engaged in addressing planning issues. Parke praised community members
47 for participating in a public discussion and encouraged people to stay involved.

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49 Ellen Ward reminded people to fill out the Planning Commission survey.

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51 Fausel thanked people for coming tonight and noted that the Planning Commission is looking for people
52 to share their opinions and improve communications with the board.

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54 The public information session ended at 8:55 PM.

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

Richmond Planning Commission

Public Information Session
 Proposed Changes to Richmond Zoning Regulations
 April 17, 2013

Sign-in Sheet
 PLEASE PRINT

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