

# Richmond Planning Commission

## Regular Meeting

Wednesday, May 15, 2013

### Approved Minutes

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

**Members Absent:** Two vacancies

**Others Present:** Cathleen Gent (Town Planner/Staff to the DRB), Marcy Harding, Maureen Kangley, Marshall Paulsen, Mary Houle, Bruce LaBounty, Jimmy O'Brien

**7:06 PM** Call to order by the Chair.

**Public Comment** - None

**Mail** - None

#### **Meeting Minutes**

*For May 7, 2013* – One amendment was offered. Motion by Borie, seconded by Parke, to approve the minutes as amended. Voting: 3 in favor; 0 opposed; 0 abstentions.

#### **General Discussion with Neal Leitner, Zoning Administrative Officer**

Leitner joined the Planning Commission and discussed how work has been going during the three months that he has been working in Richmond. He said work is busy and is getting busier. He has learned about the E911 system and attended a meeting last week about the process and forms. Leitner said that the system that Richmond uses – the 5.28 system (1/1,000 of a mile) works well. He said the permits are generally related to new residences, accessory structures, pools, home occupation permits, etc. When asked, Leitner recommended a couple changes to the zoning bylaws including clarifying seasonal dwellings and farm labor housing, specifically adding a definition for seasonal dwellings. He also brought up examples of elements in zoning that some towns have, for instance not requiring a permit for accessory structures less than 120 square feet or defining impervious surfaces to not include gravel. He agreed with the Planning Commission that there are good reasons for those not to be in the Richmond bylaws. Fausel asked for a log to document for general tasks. Fausel asked Leitner whether the hours are working out and Leitner said it would be helpful to have some time in the office with no office hours. Gent added that Leitner has begun working on violations or questions that have been raised about various activities. Leitner discussed a new tracking system for permits and COs so that the office can let people know when the permits are set to expire and it would help with the listers office. Houle said that the listers go out for final verification and continue putting open permits in next year's book for follow up.

#### **Richmond Zoning Regulations Revisions: Work Session**

Gent distributed a list of comments that were made during the April 17<sup>th</sup> public information session, during the May 7<sup>th</sup> meeting, and directly to her in the office. The Planning Commission reviewed the list.

1. \$500 value for exemptions – the Planning Commission said they didn't want to revisit the question of moving that level to \$1,000. Fausel added that he wants to work again soon on new changes to Section 6.8 in light of the CRS program.

2. Substantial improvement – drop the 3-year cycle or establish criteria for DRB waivers – The Planning Commission discussed this at length, in particular what types of waivers the DRB might consider. There was additional discussion about how the listers office handles COs and Houle said they don't care if a CO is issued because they talk with the property owner. Paulsen said that in the City of Burlington, where he does a lot of work, getting the permit and the CO is the responsibility of the owner. LaBounty said that there is a problem in tracking because the owner might do the work. Gent pointed out that, in the current and proposed bylaws, there is a requirement that a cost estimate be provided by an independent contractor, which is Section 6.8.16.a) – last paragraph on page 65 in the current bylaws. FEMA uses that information as a baseline for the estimated cost of repairs. LaBounty suggested that the 50% value be scaled since repairs on a less expensive house will be restricted, based on the value of the structure. Borie pointed out that the 50% value is a FEMA requirement. Fausel said that he wants to slow the increase in values of homes in the floodplain and that the three-year cycle accomplishes that. LaBounty said that the less expensive homes might be unmarketable if repairs are needed, but Borie suggested that, when homes are near the end of their life cycles in the floodplain, it might be good public policy to remove those homes. Gent suggested that Richmond may get more CRS points with an expanded cycle. Houle discussed the Increased Cost of Compliance program, which provides a maximum of \$250,000 for structures for residences. The Planning Commission discussed various

1 options for waivers, but decided unanimously not to change the three-year cycle or add any waiver  
2 provisions. Fausel noted that the town should begin work on applying for the CRS program as soon as  
3 possible.

4 3. Modify substantial damage definition to clarify that the “fair market value appraisal or tax assessed  
5 value” be used to determine the substantial damage – Gent noted that this is already included in the  
6 current and proposed bylaws and that, assuming FEMA is fine with adding it to the definition, there  
7 should not be any problem with that. The Planning Commission decided to add the reference to the  
8 substantial improvement definition.

9 4. Emergency provisions to help people deal with rebuilding after flood or replace boiler that dies on a  
10 weekend. Gent reviewed some suggested new language – “The AO shall expedite zoning permits for  
11 emergency repairs and replacements when necessary to protect human health,” which was based on  
12 Gent’s conversations with Town Attorney Mark Sperry and with Ned Swanberg at DEC. Swanberg said  
13 he is not aware of any towns that allow for exemptions, nor do the FEMA minimum standards. Sperry  
14 said that Chapter 117 requires a full 15-day appeal period. Paulsen said that there is a form in the City  
15 of Burlington which exempts owners from zoning, for instance for a vent hood. Gent said she will  
16 research that. Parke said one of the issues for people who were impacted by Tropical Storm Irene was  
17 that they had to get a zoning permit. There were a number of suggestions that Richmond set up a form  
18 for repairs that is different from a zoning permit form for emergency repairs under a certain dollar value.  
19 The Planning Commission will discuss this again during the next meeting.

20 5. Issue because the town wanted to know the labor cost when the person was doing the repairs  
21 himself – The Planning Commission discussed this under #2 above.

22 6. Make bylaws clear so that the zoning administrator’s interpretation is consistent (with different staff in  
23 place) – the Planning Commission agreed that is what they are trying to do with these changes.

24 7. Join CRS program ASAP and consider implementing new standards to maximize points for CRS  
25 program participation – Gent provided a brief update about the CRS program and said she will provide  
26 additional information after she talks with Rebecca Pfeiffer from DEC later this week.

27  
28 SECTION 3.5.5

29 Why did the Planning Commission decide to include only structures in the main Bridge Street block?  
30 The Planning Commission said they have answered this question during the April 17<sup>th</sup> public  
31 information session.

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33 CREAMERY PARCEL

34 The Planning Commission discussed the letter from Senior Center Committee about the creamery  
35 parcel. Fausel said that technically the senior center could be built now, in terms of the current zoning  
36 regulations.

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38 OTHER COMMENTS

39 Marcy Harding spoke about H.401, which has passed the legislature and been signed by the governor.  
40 She had been working with legislators (including Anne O’Brien, who introduced the bill in the house)  
41 during the spring, but did not bring up the bill during the April 17<sup>th</sup> public session because she did not  
42 think it would be in effect until July 1, 2014. However, the provision that she would like Richmond to  
43 consider is now in effect. That provision is that municipalities may restrict accessory dwellings within the  
44 floodplain, whether in single family homes or accessory structures. Gent pointed out that the proposed  
45 bylaws prohibit accessory dwellings in accessory structures. Harding said she thinks it is good public  
46 policy for the town to prohibit new dwellings in the floodplain. With an accessory dwelling, people  
47 generally will want to convert it to an apartment. Paulsen agreed with that, based on his family’s  
48 experience. Borie said that the change would be consistent with the goal of limiting additional  
49 investment and people living in the floodplain. The Planning Commission members felt that this is a  
50 significant change from what was presented in April and there would need to be major public outreach  
51 to educate people about it. The Planning Commission decided to take this topic up again before making  
52 a decision.

53  
54 Gent sought and received Planning Commission guidance about what should be posted on the town  
55 web site in terms of the minimum FEMA language.

56  
57 Borie reiterated to the Commission that he would like to conclude the work on the bylaws since he  
58 intends to resign after this set of changes is complete. The Planning Commission decided to have  
59 another work session meeting on Tuesday, May 21<sup>st</sup>.

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**Executive Session –Staff Evaluations**

At 9:10 PM, Borie offered a motion, seconded by Parke, to enter executive session for the purpose of discussing personnel matters.

At 9:20 PM, Gent left the meeting.

At 9:40, Borie offered a motion, seconded by Parke to exit the executive session.

Motion by Parke, seconded by Borie, to recommend to the Selectboard that Neal Leitner’s provisional employment formally transition to permanent employment status.

**Adjournment**

Borie made a motion to adjourn, seconded by Parke. So voted. The meeting adjourned at 9:42 PM.

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