

Richmond Planning Commission

Regular Meeting

Wednesday, June 19, 2013

Approved Minutes

Members Present: Mark Fausel (Chair), Bruce LaBounty, Lauck Parke, Brian Tellstone

Members Absent: One vacancy

Others Present: Cathleen Gent (Town Planner/Staff to the DRB), *See attached list of attendees.*

7:02 PM Call to order by the Chair.

Public Comment -

Selectboard member Taylor Yeates urged the Planning Commission to take up the three sets of changes to the zoning bylaws as soon as possible, including the flood plain regulations, because the changes will spur economic development and improvements to the village center. Yeates also said the Selectboard is not sure about the timeline for appointing the fifth Planning Commission member and the Selectboard might open up the nominations again. LaBounty said that it's not likely that the floodplain changes will come with this round. Yeates asked whether the two other changes (parking in the Village Commercial Bridge Street block and the directory signs) are large enough to bring them forward without the floodplain changes. Parke suggested that anyone who applies for the Planning Commission ought to be automatically appointed. He said that, based on his experience with the proposed bylaws, a number of people felt left behind with the process, so the number of commission members should be enlarged to address the rancor and feelings of exclusion. LaBounty said that opening up the search again gives the impression that those people who applied were not what the Selectboard wanted. Fausel said the Planning Commission is back to square one with the floodplain, so they might as well bring in the full board to seven members. Yeates left at this time.

Bob Fisher said that he has looked at the regulations for Montpelier and Waterbury and that those regulations are much simpler than Richmond's. He handed copies of the bylaws to Fausel. He said that those two towns are actively trying to help people in the floodplain, for instance, there is nothing about the requirement for getting permits for repairs above \$1,000 and that the zoning administrator can hand out permits. Sharon Dwire said she is trying to understand how the changes will affect her and the value of her property. She said their land used by be considered prime land, and said the town should be helping owners in the floodplain in a way they can understand and not put in more restrictive regulations. Dwire said she thinks the regulations should be in compliance with FEMA and not go beyond that. Most importantly, she said she needs an explanation of the changes before they move forward. Fausel replied that the current regulations are onerous and there are no waivers or exceptions. He said the goal with the changes is to reduce the repairs and projects that must get approved by the Development Review Board. Fausel said he is not in favor of moving to the minimum FEMA regulations because the town has an obligation to reduce development in the floodplain. He further explained that adding a bedroom should be allowed but that he is concerned about property flipping and that the three year threshold for substantial improvement helps prevent that. Fisher said that he would disagree about what is called a repair versus an improvement. Dwire said that she thinks if FEMA is willing to pay owners for Irene damage, she thinks the bylaws should be consistent with that. Fischer that he can see the needs for limitations for new development but said there should be fewer restrictions for standard repairs. Fischer then discussed that FEMA pays to certain limits and that the payments often do not cover the full cost of the repairs. LaBounty pointed out that the town has to do certain things to be sure owners can get flood insurance. Dwire stressed the need for the town to be compassionate and not value the houses at the old pre-Irene value. LaBounty said there are opportunities for cheaper rates, for instance, through the Community Rating System Program. Bob Fischer pointed out that few people have flood insurance, so that may not be so important. Gent and Fausel discussed the Community Rating System program and LaBounty said that mortgage lenders require flood insurance today. Fausel said that, even with the one year threshold for substantial improvement, if someone had a fire, they would be required to follow the FEMA requirement for substantial improvement. Dwire said she supports any streamlined changes so that owners don't have to go to the DRB. LaBounty said that about 90% of the language in Section 6.8 is the same, except exemptions are added. He added that the proposed bylaws took what we have currently and reduced the regulations. Fausel said there has been a lot of debate and that the proposed bylaws are better than what is in place now, so he's surprised that people don't want to see it go through. Fischer said that residents didn't know about the regulations that went into effect in 2009.

1 The Planning Commission took a break from the discussion and moved onto the topic of the AT&T
 2 wireless communications facility at the Verburg farm. Attorney Will Dodge and consultant Paul Reed
 3 approached the Planning Commission. Dodge discussed the Public Service Board statute which
 4 governs wireless telecommunications facilities, PSB 248(a). He said they are coming to the town to
 5 seek a recommendation for the project. He added that currently there are three companies with
 6 services using the Verburg barn silo. For the At&T project, the silo dome would be lifted from 95 feet to
 7 105 feet, so that the antennae for each system will be 10 feet apart. Dodge said that, with the higher
 8 dome height, the service for Verizon might get better and the new AT&T service should be good for the
 9 nearby area. Parke asked if the Verburg site is ideal and Reed said there are no absolutes, and that the
 10 companies seek to fill in service gaps and that the new facility will be very helpful. Motion by Parke,
 11 seconded by LaBouty expressing support for the AT&T project and authorizing Chair Mark Fausel to
 12 sign the form with the Planning Commission's comments. Voting: 4 in favor; 0 opposed; 0 abstentions.
 13

14 The Planning Commission returned to the public comments. Parke proposed that a task force be
 15 created with a limited length of time to get into writing exactly what the contentious points of the bylaws
 16 are. He volunteered to meet with individuals (whether in groups or one-on-one) and develop the list of
 17 contentious points. Washburn asked for a document that shows the exact changes and Fausel replied
 18 that a track-changes version exists. Chris Fischer and Dwire said that they were not happy with the
 19 2009 zoning changes because they are more restrictive than the federal regulations. Dwire asked for a
 20 comparison between the Richmond regulations and the bare minimum FEMA regulations.
 21

22 Parke suggested that the Planning Commission not set a date for the hearing by the Planning
 23 Commission for the zoning changes. Tellstone and LaBounty suggested that it's best for the Planning
 24 Commission to make the changes before sending the draft bylaws to the Selectboard for its public
 25 hearing so as to try to work toward a consensus about the specific standards in Section 6.8. In addition,
 26 they want more public outreach (education and clarification regarding the changes) before setting any
 27 public hearing. The Planning Commission discussed whether to pull the regulations back to the FEMA
 28 minimum. Fausel suggested that there is a contingent that will push for a town-wide vote if the
 29 regulations are pulled back to the FEMA minimum standards. Ellen Ward asked whether people in the
 30 floodplain are willing to get involved in the discussions and Christine Fischer said it would be good to
 31 have meetings. Parke said that, during a meeting he attended with about 20 people from Esplanade
 32 Street, no one was happy about the 2009 changes and that they were not informed about those
 33 changes. LaBounty said that the town needs permitting for tracking purposes. Gent said there is an
 34 option for having floodplain permits and not Chapter 117 zoning permits. She also mentioned that
 35 FEMA is reviewing Richmond's submission for the appealed FIRM maps. If all goes smoothly, new
 36 DFIRM maps will be in effect in spring 2014. Fausel said the Planning Commission didn't want to go to
 37 the bare FEMA minimums with the proposed changes that were voted on in the fall or more recently
 38 because the commission didn't think that is the way to go. Gent said she will provide more information
 39 to the Planning Commission about the bare FEMA minimums.
 40

41 Discussion continued, with repeating ideas that were mentioned earlier in the meeting.
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43 At 9:15 PM, The Planning Commission moved to the regular agenda and the remaining members of the
 44 public left at this time.
 45

46 **Mail** – The Planning Commission did not review the mail.
 47

48 **Meeting Minutes**

49 *For May 21, 2013* – Due to Borie's resignation, there was a lack of members eligible to approve the
 50 minutes. Parke and Fausel reviewed the minutes and had not changes. Gent will post the unapproved
 51 minutes.
 52

53 **Organizational Meeting** – The organizational meeting was postponed until the next meeting.
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55 **Proposed Changes to Zoning Regulations**

56 Gent handed out the letter from Hundsdorfer regarding extending the "no parking requirements" to the
 57 13 Jolina Court Blue Seal building. The Planning Commission decided not to take that up at this time,
 58 since they would prefer to look at the zoning changes for the creamery parcel at that time and because

1 the owners do have options in terms of arranging for parking with nearby property owners. Gent will
2 send an email to Hundsdorfer with the Planning Commission comments.

3
4 The Planning Commission discussed the option of moving forward with the changes to Section 3.5.5
5 and Section 5.7. Motion by LaBounty, seconded by Parke, to hold a public hearing on Thursday, July
6 11th regarding Section 3.5.5, Section 5.7 and Section 7.2 (associated definitions) on Thursday, July
7 11th. Voting: 4 in favor; 0 opposed; 0 abstentions.

8
9 Fausel said he would like to have a planning commission meeting without public comments, specifically
10 an orientation and tutorial session. The Planning Commission briefly discussed options for their next
11 major project. The Planning Commission returned to the discussion about the Planning Commission
12 appointments. They reached consensus that they would like seven members appointed as soon as
13 possible. Gent will send a memo to Geoff Urbanik regarding the Planning Commission's position.

14
15 The Planning Commission then briefly discussed the floodplain regulations again. No actions were
16 taken.

17
18 **Adjournment**

19 Tellstone made a motion to adjourn, seconded by LaBounty. So voted. The meeting adjourned at 9:50
20 PM.

21
22
23
24 Respectfully submitted by Cathleen Gent, Town Planner/Staff to the DRB

Richmond Planning Commission

Meeting - June 19, 2013

Sign-in Sheet
PLEASE PRINT

NAME	EMAIL ADDRESS or MAILING ADDRESS
Ellen Ward	
Bob & Chris Fischer	
Jackie Washburn	
Taylor Yeates	
Will Delge	wdelge@dm.com
Paul Reef	
Sharon Olmup	