

Richmond Planning Commission

Regular Meeting

Tuesday, January 7, 2014

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), Mary Houle

7:05 PM Fausel called the meeting to order.

Public Comments – Mary Houle said she is concerned about the actions taken by the Selectboard and Planning Commission, specifically regarding hiring an attorney and possibly an engineer for the Public Service Board cell tower applications. She said the cell tower companies gather the same information that an engineer would gather, so it is not necessary for the town to hire an engineer.

Administrative Items

Mail – Gent reviewed the mail.

Gent also said that the annual subscription for the on-line *Planning Commissioners Journal* is expiring and asked if the Commission wants to renew it. The Commission agreed it is a good resource and asked that it be renewed.

Meeting Minutes - For December 18, 2013 – Several edits were offered. Motion by Cousins, seconded by LaBounty, to approve the minutes as amended. Voting: 5 in favor (Fausel, LaBounty, Cousins, Hughes, Tellstone); 0 opposed; 2 abstentions (Foley, Parke).

SBA/VTel Application to Public Service Board for cell tower

Based on his review of the recent letters and information, LaBounty said he had not envisioned that the town would be opposing the cell tower. He said he thought the Planning Commission and Selectboard wanted a local meeting so that people would have a voice with the Public Service Board process and he does not support the town's approach. Cousins said she thought the goal was to communicate to the Public Service Board what the town has on record, i.e., the town plan and zoning ordinance – so that the town's wishes would not just be pushed aside in this matter. LaBounty said that, when he looks at the town plan, he believes a cell tower has minimal environmental impact, creates a public good, and improves communications. When he weighs the positives and negatives, public safety outweighs any aesthetic impacts. Fausel said he thinks the letter from attorney Tarrant on behalf of the town is meant to be used in bargaining or negotiations. He added that he is nervous about the costs associated with bringing in an engineering firm. Parke and LaBounty said the cost of this effort is an issue. Foley reminded the Commission that attorney Tarrant is hired by the Selectboard, not the Planning Commission. Gent and Foley both stated that the goal of the Tarrant letter is to persuade the Public Service Board to hold a local hearing. Foley added that a local hearing is needed because the town has issues with the proposed cell tower. There was discussion about the AT&T applications. Gent said there has not been any word from AT&T about a date for a public session about the three locations, which are scheduled to be submitted in one application. Foley said he does not think there is any public consensus either pro or con for the cell towers, but that the town needs information about the coverage. LaBounty reiterated for the record that he is not in favor of the letter being sent by attorney Tarrant. Foley explained the general Public Service Board process, including the process of getting party status.

Planning Commission members agreed that they want the Selectboard to represent the town. Fausel said he thinks the Planning Commission has an obligation to offer an opinion about these projects. Cousins said she thinks one outcome of the town's actions thus far is that AT&T is looking again at whether four towers are needed, or whether the height might be reduced. She added that, because the Public Service Board looks at separate applications, the town is at a disadvantage. LaBounty said four towers promote business and growth in Richmond and that the cell tower owners would not spend money on technology that doesn't work. Fausel said the town should have some say in the cell towers, noting that our bylaws cover a variety of ways in how businesses are regulated in development. Houle said that AT&T is negotiating with Greystone owners about the proposed tower on her land.

1 Planning Commission members agreed to discuss at the next meeting whether the Planning
2 Commission wishes to rescind its request to the Public Service Board for intervener status. Foley
3 agreed to do an analysis of the Public Service Board rate of approvals for cell towers. Gent will put
4 together a memo with any updates about actions taken by the Selectboard and expense information
5 (paid and expected). Houle asked Gent to send her a copy of the November 7th letter from the Planning
6 Commission to the Public Service Board. Foley said he will abstain from any Planning Commission vote
7 and will continue to facilitate getting information for the Planning Commission.

8
9 Tellstone said that he asked the attorney for SBA/VTel, in the autumn, whether other towers were being
10 proposed and was told there were none. Within three weeks, AT&T came forward with three new
11 towers. He said he thinks that the cell tower companies may be snowballing the Planning Commission.
12 Hughes said he lived across the valley from a tower in Springfield and that it was just part of the
13 landscape.

14
15 **Work Session: Richmond Zoning Regulations – Section 6.8 – Flood Hazard Overlay District**

16 The Planning Commission reviewed the proposed changes to the bylaws and made the following
17 modifications:

18 Section 6.8.4

19 – Engineering Report and Plan – delete definition and change references in Section 6.8.11.b) and in
20 Section 6.8.16.a)ii.10 to “no rise certification”.

21 - Improvements – add “maintenance, or repairs” to end of sentence.

22 - Repair – revise to “to restore to sound condition”

23 - No-Rise Certification – Gent will create a new definition.

24 Section 6.8.9.c) - add “boardwalks”

25 Section 6.8.10.c) delete subsection

26 Section 6.8.11.a)iii. – Add “new” and change “channel management activities” to “boardwalks”

27
28 The Planning Commission will continue the review of Section 6.8.11.a) during the next meeting.

29
30 **Agenda for Next Meeting**

31 The Planning Commission set the next meeting agenda, focusing on cell towers and Section 6.8. They
32 decided to postpone the natural resources inventory project to the February 5th meeting.

33
34 Gent encouraged Planning Commission members to attend the Arrowwood presentation of the ECOS
35 natural resources inventory project on Monday, January 13th at 7 PM in the Richmond Free Library.

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38 **Adjournment**

39 Tellstone made a motion to adjourn, seconded by LaBounty. So voted. The meeting adjourned at
40 9:07 PM.

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42
43 Respectfully submitted by Cathleen Gent, Town Planner/Staff to the DRB