

# Richmond Planning Commission

## Regular Meeting

Wednesday, January 15, 2014

### ***Approved Minutes***

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**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), *[See attached list]*

**7:07 PM** Fausel called the meeting to order.

**Public Comments** – There were no public comments for items not on the agenda.

#### **Administrative Items**

*Mail* – There was no mail.

*Meeting Minutes - For January 7, 2014* – No edits were offered. Motion by LaBounty, seconded by Cousins, to approve the minutes. Voting: 7 in favor; 0 opposed; 0 abstentions.

#### **Planning Commission Role with PSB Application(s) for Wireless Telecommunications Facilities**

Foley reviewed the information he researched regarding applications for certificates of public good for wireless telecommunications facilities. He said there were few if any PSB denials of applications and focused his review at the number of days between the filing date and the decision date. Foley noted that most applications get approved within two months and only a couple took longer, about 4-5 months. Foley added that the applications which take longer generally involve issues which get raised and the PSB allows time for the applicant to address those. Foley also said there can be instances when an application is delayed because it does not arrive in synch with the PSB schedule, which requires that the application wait for review until the next meeting.

Gent provided a brief update to her January 10th memo for the Planning Commission. She said that Town Manager indicated the attorney's bill to the town for cell tower work was \$2,600. She also said that the AT&T attorney, Will Dodge, sent an email with an update about the AT&T applications in which he said AT&T still plans to submit a single application for multiple sites and 45-day notices for two sites and a supplement for the Cochran Road site. Dodge also suggested that the town wait to respond to the EBI Consulting letter request for comments per Section 106 (historic properties) until after the 45-day notice has been submitted, so that the Planning Commission has the benefit of additional information and/or a presentation.

The Planning Commission began a discussion about the EBI Consulting letter. Cousins explained that she does Section 106 reviews professionally and would be happy to do it for the Planning Commission. Cousins also disclosed that the organization for which she works has façade easements on a nearby house, but does not think that is a conflict because of its distance. Cousins explained how the federal Section 106 program works. The Planning Commission discussed whether they want to comment as part of the Section 106 review. Parke suggested that EBI should do its own analysis and that the Planning Commission members, with the exception of Cousins, are not historic preservation experts. Cousins said she would not want to give up the opportunity to comment on the impact of a project on historic properties and that part of the Planning Commission's job is to protect resources, including historic resources. The Commission also discussed the role of the Division of Historic Preservation with respect to PSB hearings and the Section 106 process. Cousins noted that, for projects involving federal funding or licensing, the Section 106 process is in place to be sure no federal money or licensing goes to projects that degrade historic resources. Gent will review the state list of historic places to see if any are near the Williams Hill Road project and report back to the Planning Commission.

The Planning Commission shifted gears and discussed whether they want to participate at all with cell tower applications. Foley said that the Planning Commission has a definite role with respect to whether projects meet the town plan and zoning bylaws. Parke said he thinks the Planning Commission role is to advise the Selectboard, which should take the lead for the town. LaBounty said the fact that the Selectboard is involved provides a way for people to voice their opinions and that two boards are not needed. Hughes said he thinks the biggest issue is the expenses for legal, etc. Tellstone said that the statements from people commenting about the Johnnie Brook Road project drove the Planning Commission's involvement. Since then, he has been annoyed by the apparent lack of control that the

1 town has with the telecommunications projects that are being proposed. Parke said he wants to keep  
2 the Planning Commission’s intervener status for VTel and, when the time comes, decide whether to  
3 exercise that option. Cousins said that, given the town plan and zoning, the Planning Commission’s job  
4 is to interpret those regulations for telecommunications projects and that, because the PSB role  
5 supersedes, the town process has been cut short in terms of the town plan and zoning. She said the  
6 Planning Commission has a responsibility to speak on behalf of the ordinance and town plan. Fausel  
7 said he would prefer to take a back seat but remain interested as a Commission. The Planning  
8 Commission decided not to make any changes regarding its role at this time.

9  
10 Diane Wester from Greystone said the owners’ positions would be strengthened if there were strong  
11 planning regarding cell towers. Fausel replied that the zoning regulations do have strong standards, but  
12 that the PSB process ignores local zoning. Wester also said that there is a difference between spending  
13 money and wasting money and asked about the attorney’s experience with PSB proceedings. Several  
14 Planning Commissioners spoke to the direct experience that attorney Tarrant has with the PSB. She  
15 also asked about how to get copies of the letters, etc. Fausel suggested that people should have  
16 access to those documents. Gent said anyone can contact her for copies, but said she was not sure the  
17 documents would be put on the town web site. Fausel encouraged those in attendance to communicate  
18 with the Selectboard and speak during public comment periods at upcoming meetings. Mary Ellen  
19 Bednar suggested that the EBI Consulting letter be sent to the Selectboard. Gent said Urbanik has a  
20 copy and that she will ask Geoff to provide the letter to the Selectboard.

21  
22 **Work Session: Richmond Zoning Regulations – Section 6.8 – Flood Hazard Overlay District**

23 The Planning Commission reviewed the proposed changes to the bylaws and made the following  
24 modifications, beginning with Section 6.8.11:

- 25 Section 6.8.11.a)vi. – delete “maximum cumulative”
- 26 Section 6.8.11.a)vii. – delete “maximum cumulative”
- 27 Section 6.8.11.a)viii. through x. – delete three sections
- 28 Section 6.8.11.b)ii. – delete “, included in this section b)”
- 29 Section 6.8.11.b)iii. – revise to “New bridges, culverts, boardwalks, or public projects which are  
30 functionally dependent on stream crossing.”
- 31 Section 6.8.11.b)vi. – revise to “Drainage or channel management projects not permitted by State of  
32 Vermont agencies or the Army Corps of Engineers”
- 33 Section 6.8.11.b)viii. – delete section
- 34 Section 6.8.11.b)ix – add “[See Section 6.8.15.e.]”
- 35 Section 6.8.11.b) last paragraph – change “an engineering report and plan containing hydrologic and  
36 hydraulic analyses” to “a no-rise certification”
- 37 Section 6.8.12.g) – delete section
- 38 Section 6.8.16.a)ii – add reference to Section 5.5.2.c) and delete existing features and proposed land  
39 development sub-sections
- 40 Section 6.8.4 - New definition: for No-rise Certification
- 41 Section 6.8.8 – revise to “See Section 6.8.16 regarding state and federal permits.”
- 42 Section 6.8.16.a)ii.7 – revise to “A Vermont Agency of Natural Resources Project Review Sheet for the  
43 proposal shall identify all state and federal agency permits from which permit approval is required for  
44 the proposal.”

45  
46 Gent will send the revised Section 6.8 to town attorney Mark Sperry and to Vermont DEC for comments  
47 as soon as possible.

48  
49 **Agenda for Next Meeting**

50 The Planning Commission discussed the agenda for the February 5<sup>th</sup> meeting.

51  
52 Cousins announced that a public input meeting about the creamery parcel will be held next Thursday,  
53 January 23<sup>rd</sup> at 7:30 PM. The Planning Commission briefly discussed the status of possible next steps  
54 in zoning changes for the creamery parcel.

55  
56 **Adjournment**

57 Tellstone made a motion to adjourn, seconded by Cousins. So voted. The meeting adjourned at  
58 9:10 PM.

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

