

# Richmond Planning Commission

## Regular Meeting

Wednesday, February 19, 2014

### ***Approved Minutes***

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**Members Present:** Mark Fausel (Chair), Bruce LaBounty (Vice-Chair), Marc Hughes, Lauck Parke, Brian Tellstone

**Members Absent:** Ann Cousins, Sean Foley

**Others Present:** Cathleen Gent (Town Planner/Staff to the DRB), Bob Fischer, Christine Fischer, Cheryl Owens

**7:01 PM** Fausel called the meeting to order.

**Public Comments** – There were no public comments.

#### **Administrative Items**

*Mail* – Gent reviewed the mail.

*Meeting Minutes - For February 5, 2014* – One edit was offered. Motion by LaBounty, seconded by Tellstone, to approve the minutes. Voting: 4 in favor; 0 opposed; 0 abstentions.

*Planning & Zoning Department Monthly Report (January)* – Gent provided a brief update about the Public Works Specs revisions. She said she is working with town engineer Mike Weisel on revising the document, based on input from the highway department and the water resources department with the goal of completing a final draft before Gent's final day of work.

#### **Old Business**

##### *Creamery Parcel Update*

Gent and Parke provided a brief update regarding the Selectboard discussion on February 18<sup>th</sup> about interim zoning. They discussed the process in Hinesburg with the Saputo property and the composition of the ad hoc committee which will draft the interim bylaws and interact with potential developers. Gent asked if the Planning Commission would like to appoint the Planning Commission member to the ad hoc committee, noting that both LaBounty and Cousins have volunteered. The Planning Commission selected Bruce LaBounty as the representative and would like to see Ann Cousins be appointed as the representative of the Economic Development Committee. A number of Planning Commission members expressed frustration that the Selectboard has not moved more quickly in appointing the committee and charging the committee with its tasks. Fausel will communicate with Chris Granda about the fact that the Planning Commission recommended a streamlined committee structure to keep the process from bogging down.

##### *Cell Tower Updates*

Gent said she has spoken with Geoff Urbanik, who indicated there are few updates to report. The only update is that the Vermont Public Service Department has completed the aesthetics report for the Johnnie Brook Road site. The Planning Commission requested a copy of that report. Gent said that she accompanied Ann Cousins to look at the Williams Hill area, one of the AT&T sites, for the Section 106 report, as Cousins is doing that report on behalf of the Selectboard. The Planning Commission asked if Cousins also plans to do the Section 106 report for the Cochran Road site. Cheryl Owens from Greystone Drive said she attended the meeting to learn about any updates.

Hughes arrived at 7:25 PM.

#### **Richmond Zoning Regs – Section 6.8 – Flood Hazard Overlay District**

##### *FEMA Letter of Final Determination for Flood Insurance Rate Maps*

Gent briefly reviewed the FEMA letter of final determination for the new Flood Insurance Rate Maps for Richmond, noting that the effective date is August 4<sup>th</sup>. She added that the town may begin using the maps before that date. Gent distributed a copy of the review checklist which was completed by Rebecca Pfeiffer of DEC. This review checklist was done for the current Richmond Zoning Regulations (currently in effect). Pfeiffer completed the checklist so that the town would be aware of any deficiencies in the current bylaws in advance of the new FIRM maps going into effect. There are two issues with the current Section 6.8, which must be corrected before August. Those items are Checklist Item 18 and Checklist Item 33. Checklist number 18 refers to the fact that the bylaws include language that the

1 owner “assure that all necessary permits have been received from state and federal agencies.” Since  
 2 there is no statute that grants communities that authority, that must be changed. Checklist item 33  
 3 requires a change that dry-floodproofing is allowed on non-residential structures. The current bylaws  
 4 state that dry-floodproofing is allowed on residential structures, which is not correct. This technical  
 5 correction also needs to be done. Gent suggested that the Planning Commission needs to present the  
 6 Selectboard with a set of revisions, whether based on the major changes, or the targeted changes  
 7 requested in the DEC review checklist, no later than early June. This means the Planning Commission  
 8 must complete its work, hold a public hearing, and vote to forward the document to the Selectboard in  
 9 May. The Planning Commission discussed that they will ask the Selectboard to adopt revisions to  
 10 Section 6.8 without going to a public vote assuming the public is in support of the changes. Gent  
 11 cautioned the Planning Commission to proceed with the two technical changes if there is any likelihood  
 12 that the major changes would not be adopted (including the 21 days after adoption). She added that  
 13 there is a risk that FEMA will not allow Richmond to participate in the NFIP program after August 4<sup>th</sup> if  
 14 the bylaws are not compliant. Based on the fact that DEC has already indicated on the review checklist  
 15 that the Richmond floodplain management regulations are not compliant, that is a real possibility.

#### 16 *DEC Comments & Town Attorney Comments*

17 The Planning Commission reviewed both the DEC and the town attorney comments at the same time.

18 Section 6.8.4 – definition of Contents – deleted “floor covering”

19 Section 6.8.4 – definition of Engineering Report and Plan – agreed to keep this definition

20 Section 6.8.4 – added new definition for Existing Structure or Facility: A structure or facility that, as of  
 21 the time an exempt activity is undertaken or an application for a proposed permitted or conditional use  
 22 development is made under this Section 6.8, that: i) qualifies as a nonconforming structure (as defined  
 23 in Section 7.2); or ii) complies with this Section 6.8.

24 Section 6.8.4 – definition of Maintenance – added “with no new encroachment or fill in the floodplain.”

25 Section 6.8.4 – definition of No-Rise Certification

26 - Changed “An engineering certificate” to “A certification by a licensed engineer”

27 - Changed “based on the standard step-backwater computer model utilized to develop...” to  
 28 “based on the standard models used to develop...”

29 Section 6.8.4 – definition of Repair – added “...but excluding: i) maintenance; ii) repairs or restoration  
 30 necessitated by substantial damage; iii) substantial improvement.”

31 Section 6.8.4 – definition of Structure – added “See Existing Structure”

32 Section 6.8.5 – decided not to make any changes

33 Section 6.8.6.b)ii. – deleted “and FEMA flood Boundary and Floodway Maps”

34 Section 6.8.6.d)i. – changed “Land Development” to “jurisdictional opinion”

35 Section 6.8.6.d)ii. – added “If applicable” to beginning

36 Section 6.8.7 – second paragraph – added “and any other factors that FEMA deems applicable” at the  
 37 end of the first sentence.

38 Section 6.8.9.g) – added “for single family or two-family residential dwelling”

39 Section 6.8.9 – added “k) Maintenance of existing principal structure or existing accessory structure”

40 Section 6.8.9 – changed current “k)” to “l)”

41 - Delete “- including maintenance – “

42 - Added “or replacement” after “repairs” in second sentence.

43 Section 6.8.10 – changed “Section 6.8.15.a)” to “ Section 6.8.15”

44 Section 6.8.10.c) deleted entire sub-section

45 Section 6.8.10.d) moved “unless Section 6.8.11 or Section 6.8.12 apply,” to start of sentence

46 Section 6.8.10 – added new section “New at-grade parking areas and driveways that do not require any  
 47 re-grading”

48 Section 6.8.11.a)i. – changed to “New parking areas and driveways that require re-grading”

49 Section 6.8.11.a)vii. – deleted “improvements or”

50 Section 6.8.11.a)ix. – deleted “or swing sets”

51 Section 6.8.11.a) – added new section “xiii. New accessory structure”

52 Section 6.8.11.b)iii. – revised to “New, improved, or replaced bridges...”

53 Section 6.8.11.b)vi. – deleted “not regulated by the State of Vermont or the U.S. Army Corps of  
 54 Engineers”

55 Section 6.8.11.c) – added new section – “A zoning permit must be issued for any development activity  
 56 approved by the DRB under Section 6.8.11.a) or Section 6.8.11.b)”

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- 1 Section 6.8.12.a)
- 2 - added “principal” in first sentence
- 3 - added “replacement,” after “improvement” in second sentence
- 4 Section 6.8.15.b)vii. and viii. – move them into independent standards (i.e., not in the substantially
- 5 improved section)
- 6 Section 6.8.15.l) – added “private” to roads and bridges

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8 The Planning Commission will begin review under Section 6.8.15.p). The Planning Commission

9 discussed the timing of finalizing a revised document for a new public information session. Several

10 commission members noted that FEMA needs to weigh in about several important changes before the

11 document is ready to present to the public again. Fausel said he might ask the Planning Commission

12 for an extra meeting to polish the final document and prepare for the informational meeting.

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14 **Other Business**

15 Fausel briefly discussed the status of hiring a new town planner/staff to the DRB. He noted that the

16 Planning Commission will not have any staffing for the period after Gent leaves and the new person

17 begins. He said commissioners will need to take minutes, etc.

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19 **Adjournment**

20 Tellstone made a motion to adjourn, seconded by Hughes. So voted. The meeting adjourned at

21 9:20 PM.

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