

**RICHMOND SELECTBOARD
PUBLIC INFORMATION MEETING
FOR RICHMOND ZONING REGULATIONS
October 29, 2012 MINUTES**

Members Present: Chris Granda, Chair; June Heston, Vice Chair; Neil Boyden, Amy Lord; Ashley Lucht

Absent: None

Planning Commission: Gary Bressor; Dan Renaud; Mark Fausel; Christy Witters; Lou Borie; Joe McHugh

Others Present: Geoffrey Urbanik, Town Manager; Cathleen Gent, Town Planner; Jean H. Bressor; Dolores T. Carter; Laura Howland; Janice Siple; Angela Cote; Martin Corbett; Dave Thomas; Annie Clark; Bruce Hathaway; Chris Spence; Melvina Spence; Patti Pallito; Gary Grzywna; Betsy Emerson; Jane Van Landingham; Glenn Glasstetter; Jon Kart; Brian Werneke; Tom Carpenter; Tom Coggio; Harold Irish; Paulita Irish; Jim Kilpeck; Jim Keosian; Cara LaBounty; Bruce LaBounty; Phil Cote; Jack Linn; Lauke Parke; Maureen Kangley; Larry Bohem; Bruce and Sheila Bailey; and others not signed in; and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

Chair Granda called the meeting to order at 7:00 p.m.

The Selectboard held a special public information session as required for the Australian Ballot article 1 on the November 6th ballot.

The Town Manager went through a brief presentation on the highlights of the proposed changes.

General Highlights of the Proposed Richmond Zoning and Subdivision Regulations

Richmond voters will have an opportunity to vote whether to approve the Richmond Zoning & Subdivision Regulations this fall during general election voting. On September 10th, the Richmond Selectboard amended/accepted the proposed bylaws and placed the following Australian ballot item on the November 6th ballot, "Shall the voters approve the Richmond Zoning and Subdivision Regulations as amended and accepted by the Richmond Selectboard on September 10, 2012?" Early voting began on Monday, September 24th.

Zoning Districts

The proposed Zoning and Subdivision Regulations implement the 2007 *Richmond Town Plan* by creating several new or reconfigured zoning districts with different characteristics and proposed densities. Commercial and higher density residential areas are proposed for the village center and surrounding neighborhoods. Special zoning districts in Jonesville reflect the unique land use patterns of that area. Home based businesses, farming and forestry, and lower density residential zoning are proposed for areas farthest from the village. The proposed new zoning districts outside of village areas also incorporate principles giving landowners who want to develop their land more flexibility to create well-planned development that fits the area, respects the environment, and is consistent with the underlying density allowed for a given district. Specific elements in the Zoning and Subdivision Regulations include:

1 To achieve the overall goal of retaining a compact and vibrant village center surrounded by rural
2 countryside, density and minimum lot size have been established for each zoning district,
3 with higher residential density in the village center and immediately surrounding neighborhoods
4 and lower residential density in areas outside of the village.

5
6 Density-based zoning in Rural 3(R-3) and Rural 10 (R-10) manages overall development in
7 those districts while maintaining the same one-acre minimum lot size that exists in the current
8 Agricultural-Residential zoning district. Within a Planned Unit Development (PUD), the lot size
9 may be as small as one-half acre.

10
11 Reduced setbacks in Richmond village reflect the historical building patterns. □ In Richmond village
12 and Jonesville, the character of neighborhoods is protected by providing for
13 a mix of residential uses, primarily single family homes, and compatible non-residential and
14 commercial uses.

15
16 A new Village Business 2 zoning district is created in two areas within Richmond village (the
17 Farr complex and the Millet Street/West Main Street area) to encourage commercial and
18 nonresidential development at a scale that is compatible with the area.

19
20 In the commercial-oriented zoning districts, such as the General Business district, more intense
21 commercial and industrial land uses are encouraged.

22 23 *Flood Hazard Overlay District*

24
25 For properties within the FEMA Special Flood Hazard Area (SFHA), the proposed regulations allow
26 for a streamlined zoning permitting process for many repairs (i.e., owner needs a zoning permit
27 only) and expands exemptions from municipal permitting requirements for low-cost repairs, lawns
28 and gardens, and building contents. Other changes include:

29
30 When the new FEMA Flood Insurance Rate Maps go into effect (expected in 2013), the requirement
31 will no longer be in place that all land within 100 feet of the outside edge of the FEMA
32 Special Flood Hazard Area may be subject to the Flood Hazard Overlay District. In the meantime,
33 repairs and maintenance projects to properties within 100 feet of the FEMA Special Flood
34 Hazard Area are exempt from any permitting requirements.

35
36 Within the FEMA Special Flood Hazard Area, accessory dwellings may be added to existing
37 single family dwellings, but may not be created as an accessory structure (Section 2.15.11).

38 39 *Changes in the Regulations to Support Businesses*

40
41 Maximum traffic generation standards are eliminated from every zoning district.

42
43 New uses in the Village Business-1 zoning district are exempt from meeting the required number
44 of parking spaces that are required in every other zoning district. The change reflects the
45 fact that much of the parking within the central business block of Richmond village is shared,
46 via public parking facilities and public parking spaces.

47
48 In most zoning districts, parking to the side and rear is now encouraged, not required.

49
50 To encourage owner-occupied businesses in the General Business zoning district, one dwelling

1 unit in the second floor per lot is allowed.

2
3 Business yards are allowed in the Gateway and the Jonesville Mixed zoning districts
4 (conditional use review) and in the General Business zoning district (site plan review).

5
6 Home-based businesses continue to be allowed in all residential zoning districts.

7
8 The size and number of allowed signs for businesses and organizations have expanded, for
9 instance, the maximum signage area may consist of multiple types of signs of various sizes
10 (Section 3.2.5).

11
12 *Other Changes of Note*

13
14 The combined Zoning and Subdivision Regulations create one unified, easier-to-use document
15 which clarify the standards and review process for zoning permits and DRB subdivision and
16 other approvals.

17
18 For any lot that will become non-conforming as a result of the enactment of these new regulations,
19 an existing lot that was developed as part of an approved subdivision may be developed
20 for the purposes as specified within each zoning district, even if there is affiliated ownership
21 (Section 3.1.4.a)).

22
23 Boundary line adjustments have been revised to allow for two or more property lines to be adjusted.
24 A two-step approval process with the Zoning Administrative Officer and the Development
25 Review Board is followed, to reflect state statute requirements. The Zoning Administrative
26 Office reviews the proposed boundary line adjustments and presents a draft written decision
27 with appropriate conditions to the DRB, which will then hold a public hearing, make a decision,
28 and sign the approved survey changes (Section 4.2.3).

29
30 Administrative approval for a two-lot subdivision has been expanded, in keeping with state statute
31 requirements. Administrative two-lot subdivisions can apply to any-sized lot so long as both
32 lots will be used for residential development. The lots may be re-subdivided every five years. As
33 with the boundary line adjustment, a two-step process is involved whereby the Zoning Administrative
34 Office reviews the plans and presents a draft written decision with appropriate conditions
35 to the DRB, which will then hold a public hearing, make a decision, and sign the approved survey
36 (Section 4.3.8).

37
38 Standards for Wireless Telecommunications Facilities remain in effect, whereby stealth facilities
39 are allowed in all zoning districts and non-stealth facilities are allowed only in the General Business
40 zoning district (Section 3.9).

41
42 The maximum size of accessory dwellings (“in-law apartments”) is larger than what is allowed
43 in the current Richmond Zoning Regulation. This provides a way for residents to remain on their
44 properties as they age by either renting out or living in the smaller second dwelling unit. The
45 new standards exceed minimum State requirements (Section 3.8.1).

46
47 Density bonuses are established for any Planned Unit Development (PUD) which meets certain
48 standards for land conservation or for affordable, accessible or elderly housing (Section 3.6.4)..

49
50 A Certificate of Compliance requirement helps promote compliance with the new Vermont Residential

1 Building Energy Standards (VT-RBES) or Commercial Building Energy Standards
2 (VT-CBES) (Section 4.2.2.f).

3
4 To help protect the night sky, outdoor lighting standards will encompass the installation of new
5 or replacement outdoor lighting fixtures (Section 3.2.3).

6
7 Chair Granda asked if the Selectboard had any comments.

8
9 Ms. Heston commented on the environmental restrictions on density, particularly with the land in the
10 floodplain being removed from the density calculation. She said that this is more strict than what was
11 required and would like to see this changed, although building in the floodplain should still be
12 restricted.

13
14 Gary Bressor said he didn't mean to mislead anyone on the floodplain restrictions, but the approach
15 has been to make the new regulations as easy as possible to follow but not go to the minimum on any
16 regulation. The State recommends that new principal structures not be allowed in the floodplain.

17
18 Mark Fausel explained that in the neighborhood meetings people emphasized certain things to protect
19 the character of Richmond. Joe McHugh added that the floodplain density restrictions could make
20 development less dense.

21
22 Ms. Heston said it seemed like an inequity to do this. Mr. Fausel said only floodplain and wetland
23 areas were exempted from the density calculation.

24
25 Ms. Lord asked what the process would be to change these regulations. Chair Granda said this was an
26 excellent point, and no one could expect the new regulations to be without some unknown error and
27 there may be a time for correction of those, and how could this be done?

28
29 Ms. Gent said that for any change in the by-laws, the Planning Commission assembles the change,
30 holds at least one public hearing and then the change would go to the Selectboard, who must hold one
31 hearing. A change could also be petitioned by the public. The Selectboard could not, however,
32 unilaterally make the change.

33
34 Ms. Lord asked what about a property that would become nonconforming under the new regulations.

35
36 Mr. Bressor said that there were a number of nonconforming lots now, and nonconforming uses could
37 be allowed to continue.

38
39 Mr. Boyden asked about the new three-acre zone, and what restrictions were there. Mr. Bressor
40 reviewed some of the regulations of the R-3 zone.

41
42 Ms. Lucht said that her answers appeared to have been answered.

43
44 Chair Granda opened the floor for public questions and answers.

45
46 Jack Linn said he was on the Planning Commission for two terms, and he owned three parcels of land.
47 He said he is fighting the proposed changes, and over restrictive zoning makes it appear that we want
48 to become a gated community. He gave as an example section 3.67a regarding the Development
49 Review Board's ability to protect open space. Mr. Linn felt this gave the board too much authority.
50 Mr. Linn went on to comment about other sections in a similar manner. Mr. Linn said that in February

1 many people wanted to have the vote earlier, but the vote was delayed. Mr. Linn felt that the timing of
2 this gave the Selectboard no opportunity to ask questions and this was done very last-minute.

3
4 Gary Grzywina said he felt that the floodplain regulations were overstepping the bounds of
5 government. He said that there was a requirement for a wetlands delineation and no building within
6 fifty feet of a wetland, and the floodplain regulations were duplicating restrictions. He also mentioned
7 the restrictions on fuel tanks onsite, and he felt that would be a burden for some businesses that ran
8 equipment because buying fuel in bulk would be cheaper for some.

9
10 Mr. Bressor said that the fuel tank issue may be revised.

11
12 Mark Fausel said that for now anyone with a fuel tank would be a pre-existing use that could continue
13 under the new regulations. However, new businesses would be prohibited from this in those zones.

14
15 Joe McHugh said there was no hidden agenda with the timing of the vote.

16
17 Jon Kart said that Richmond's floodplain regulations were not significantly more strict than the federal
18 government wanted to see. It is the State that conforms to the federal requirements and the State
19 makes local governments conform.

20
21 Cara LaBounty said regarding the pre-existing continuance of fuel tanks that it wasn't just a matter of
22 the regulations but a matter of interpretation of the zoning administrative officer.

23
24 Heidi Bormann asked what the changes might look like with the fuel tanks section. Mr. Bressor said
25 that he would want to hear from businesses what it should say, to make it work for them.

26
27 Katherine Bevis said that the new regulations went into detail beyond her comprehension and that
28 ordinary people could not be expected to understand the regulations. She asked if the town had a
29 consultant help prepare these regulations, and Mr. Bressor said Brandy Saxton of PlaceSense
30 Consulting was hired on a municipal planning grant.

31
32 Ms. Bevis said that a small town of 4,100 people has a document that looks like it was meant for
33 Washington D.C. She felt that it generally feels too complicated, and that what we have currently is
34 more what people want.

35
36 George Bevis said that this represented a lot of effort, but a "comprehensive" revision sounded more
37 like the town was putting in things that were bad into a good bill. He felt that the pieces should have
38 been broken out and put into a series of smaller proposals. This could cause it to be voted down.

39
40 A resident named Dave Thomas set up a slide presentation to highlight some of his concerns.

41
42 Angela Cote said that should this pass, it would be effective immediately. There was a time period
43 where the Development Review Board would have to apply the new regulations. She asked if they
44 would have sufficient training. She asked if the zoning administrative officer was charged with
45 figuring out what would be a violation and what would not.

46
47 Mr. Bressor said that the ZAO was using both sets of regulations now, so that anything submitted now
48 but approved after the regulations were revised would comply with the new regulations. He said that
49 this was according to state law.

50

1 Dave Thomas asked if businesses like Mann and Machine (owned by the Bormanns) were placed in a
2 residential zone, would their value decrease and would the town lose tax revenue because of that?

3
4 Pat Tourville, the owner of the building housing Mann and Machine, explained that this building was
5 for a long time a business use, and has been a repair shop for a long time. She asked why would the
6 town make this a nonconforming use now?

7
8 Heidi Bormann said that she read the regulations, but the zone change was hidden on the maps in the
9 back and the change to a residential zone was not anticipated. She said she was on the economic
10 development commission, and they speak to the business owners directly. She wanted this zone
11 change amended.

12
13 George Bevis asked if the Tourvilles sold this to a new owner, would that owner be able to operate the
14 business in the new zone.

15
16 Cathleen Gent said that this was nonconforming now, and could continue the use and even expand up
17 to 25%. She said that the change in ownership would not discontinue the use. Heidi Bormann said
18 that the problem was that no one could get financing to start a business or buy a business if it was
19 nonconforming.

20
21 Dave Thomas said that Richmond Pediatrics was in the same situation. Ms. Gent said that an office
22 use was allowed in that district.

23
24 Jeff Forward asked what he termed were process questions, and asked how long the new regulations
25 were in development. Gary Bressor responded that there were two years to planning and two years of
26 writing. The Planning Commission was happy to have this go to a public vote.

27
28 Matt Tourville asked about the Mann and Machine business and asked how was it nonconforming,
29 because it was made nonconforming with this change. He did not even know that this was happening.

30
31 Mark Fausel said that the lot was nonconforming now.

32
33 Chair Granda said that he was limiting the questions and comments to first-time comments, and then
34 going back to repeat commenters.

35
36 Glenn Wester asked what the plan was if the new regulations did not pass. He suggested the town
37 break it down into smaller sections.

38
39 Chair Granda said that this could take six months to come back to the Selectboard.

40
41 Robert Allen spoke about the need for permits in the special flood hazard area, and it was explained
42 that these permits were only for that area.

43
44 Patti Palitto said she felt that the special flood hazard area regulations are good, but too much piggy
45 backed on them and especially that which was restrictive to businesses.

46
47 Tom Carpenter said that Richmond was not suitable for big box stores, and therefore the zoning trying
48 to keep them out was unnecessary.

49

1 Gary Bressor said he felt that this was a good plan that creates revenues through growth, and not
2 discouraging it. He said that some limitations would increase the tax base. There was some
3 discussion from the audience on this subject.

4
5 Dolores Carter said that the town would not allow big development anyway.

6
7 Gary Grzywna said that some good parts needed to be kept, but some wasn't necessary.

8
9 Cara LaBounty offered several comments. She said she suspected the regulations would pass, but she
10 was concerned about how certain things would be interpreted (by the zoning administrative officer).
11 She noted several sections in the Jonesville Mixed and Jonesville Residential areas that could be
12 misinterpreted. She also said that the map of the special flood hazard area in the back of the draft
13 document didn't match the true maps, or the proposed maps. Ms. Gent said that these would be
14 replaced when the new maps were finalized.

15
16 Ms. LaBounty continued, and said that with the environmental restrictions on density for lots with
17 partial land in the floodplain was inequitable. She said that if the regulations passed there would be a
18 townwide reappraisal.

19
20 Lauke Parke said he had nothing to gain by opposing the regulations, but said that the proposal was an
21 anti-business document in spirit. He asked why Richmond was anti-business, and he felt that Vermont
22 was dying. He said if this passes, it says Richmond is not open for business.

23
24 Tom Coggio asked if the regulations could be appealed.

25
26 Melvina Spence agreed with Katherine Bevis and Cara LaBounty and objected to the proposed
27 regulations.

28
29 Chair Granda said that the troubling part of this process was that during Irene the whole town came
30 together, but with this document the town has taken sides and the personal attacks are inappropriate.
31 He said there was no evil intent on behalf of the Planning Commission, and if people felt so then they
32 should step up and volunteer for the boards.

33
34 Amidst a grumbling audience, Chair Granda adjourned the meeting.

35
36 **Adjourn**

37 The meeting was adjourned by popular consent at 9:14 PM.