

Richmond Planning Commission

Regular Meeting

Wednesday, October 2, 2013

Approved Minutes

Members Present: Mark Fausel (Chair), Bruce LaBounty (Vice-Chair), Ann Cousins, Sean Foley, Marc Hughes, Brian Tellstone

Members Absent: Lauck Parke

Others Present: Cathleen Gent (Town Planner/Staff to the DRB), Mark Aiken, Mark Gravel, Ronna Wheeler, Susan Whitman, Lars Whitman, Ian Stokes, Mary Houle, Cara LaBounty

7:05 PM Fausel called the meeting to order.

Public Comments – Mark Aiken from Johnnie Brook Road referred to an email that he sent earlier in the week to Planning Commission chair Fausel regarding the proposed cell tower at 1002 Johnnie Brook Road. He posed a question to the Planning Commission, namely why the tower would be allowed in the Agricultural Residential zoning district where there are restrictions on that type of facility. Foley, who works for the Vermont Public Service Department, said that the Public Service Board's authority supersedes local regulations but that the Public Service Board looks at regional planning initiatives. Aiken said that, with a tower so significant, he would like VTEL (the applicant) to look at alternatives to building a new tower, such as co-locating on the Verburg cell towers, placing the tower at the water and sewer plant, or locating it near the existing power line on Johnnie Brook Road. He said the tower will be visible from many locations around town. A student (no name) asked whether the tower could be made less visible through camouflage. Fausel said that additional discussion about the tower would take place later in the agenda.

Administrative Items

Mail – Gent reviewed the mail. The Williston Planning Commission is having a public hearing on October 15th regarding proposed changes to their unified bylaws, which were briefly described. There was no further discussion.

Meeting Minutes - For September 18, 2013 – No edits were offered. Motion by LaBounty, seconded by Tellstone, to approve the minutes. Voting: 6 in favor; 0 opposed; 0 abstentions.

Creamery Parcel – Environmental Assessment Summary & Map – Gent briefly described the document, which was distributed previously in the meeting packet. There was no discussion.

Town Plan Update & Information from CCRPC RE: Flood Resiliency Element – Gent provided information about the new Chapter 117 flood resiliency element requirement (which goes into effect in July 2014) and an overview to the new Planning Commission members about the timeline envisioned for making revisions when the 2012 Town Plan was re-adopted (2007 version is in effect). In 2012, the Planning Commission said it would come back and revise the Town Plan within the next year. With the new priorities set by the Planning Commission in August, it appears that town plan revisions aren't likely for some time. Gent said that CCRPC senior planner Regina Mahoney has asked her when the Planning Commission is looking at making updates to the town plan. After discussion, the Planning Commission indicated that it would like to make the town plan changes by the end of 2014, but that date might not be met. Gent will update Mahoney about the likely timing.

PSB Application for Wireless Communications Facility: 1002 Johnnie Brook Road

Attorney Jon Springer, representing SBA and VTEL, spoke to the Planning Commission. He addressed a number of questions raised during last week's informational meeting and during the public comment period. He first discussed the zoning regulations, stating that the areas where towers are permitted do not provide adequate coverage. In response to a point by Aiken, Springer agreed that the location at 1002 Johnnie Brook Road was not their first choice but that the site works well and the proposed site provides a good backdrop with its contours. He then said that camouflage often looks worse than a tower (making it look like a tree, for instance) and that Verburg site does not have adequate height or good location. The proposed site includes coverage of the town and I89 and will bring broadband technology (internet) at first, then voice in a year or two. The village location is not as good, as it's best to have a large heavily wooded lot. The lot size is 98 acres in size and VTEL and SBA will lease an area 100 feet by 100 feet for the compound, which is 311 feet from the closest property line. He added that the access is off Johnnie Brook Road and they are following the existing grade when possible from the end of the driveway. Foley asked about the electrical service. Springer said there is underground

1 nearby but they plan for above ground service. He said the tower will not be lit and the only noise will be
 2 from the cooling fans. There is no generator. A total of five carriers including VTEL could use the tower.
 3 Springer noted that there is a sunset provision for state statute 248a in January, which would mean that
 4 local zoning would once again apply. He discussed the radio-frequency plots, the indoor network
 5 coverage and the outdoor network coverage. He said the pole is 140 feet high, 4-5 feet wide at the top
 6 and 6 feet wide at the base. The tower will be about 70 feet above the tree height in the area. Springer
 7 said VTEL could apply to make the tower taller, but there are no plans for that. He also discussed the
 8 visual study showing the visibility of the tower from different vantage points in Richmond. In response
 9 to a question, he said the tower will be used for telecommunications carriers only (not for pager
 10 companies or microwave dishes). The only emissions will be radio waves. He added that the health
 11 effects of towers are regulated by the FCC, not state or local authorities. Springer said there are
 12 discussions with at least one carrier, so he expects there will be others besides VTEL using the tower.
 13 Springer said they expect to file the formal application by mid-October.

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 15 Springer said VTEL is hoping the Planning Commission will recommend the facility to the Public Service
 16 Board. Fausel took a poll of the Planning Commission. Hughes, Fausel, and Cousins said they would
 17 like to get written comments from town residents about what they are thinking. LaBounty said he is in
 18 favor, but would like to see the power be placed underground. Cousins said she is leaning toward being
 19 in favor, but would like to see more of a stealth technology used. Tellstone said he is in favor. Foley
 20 said he will not participate in the recommendation (because of his job). Fausel requested that Aiken and
 21 others put their thoughts in writing and send to town planner Gent prior to the meeting when the
 22 Planning Commission takes up this question again, which might be the October 16th meeting.

23
 24 **Richmond Zoning Regulations, Section 6.8**

25 Ian Stokes from the Richmond Trails Committee briefly reviewed his email request about exemptions
 26 the committee would like to see added to allow for care of the trails they oversee in the floodplain or
 27 floodway. LaBounty pointed out that no structures are allowed to be built in the floodway, which is a
 28 FEMA restriction. Cara LaBounty said that they can replace existing bridges in the floodway. Stokes
 29 said they needed engineering studies for a proposed trail boardwalk in the floodway and obtained a no
 30 raise certification, however the DRB denied their request. Gent added that the DRB denial was due to
 31 the fact that the boardwalk was not functionally dependent on the river. Stokes suggested that the town
 32 learn more about how other towns deal with rivershore trails in the floodplain. The Planning
 33 Commission said they will take this up when they review the language in Section 6.8.

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 35 Fausel said he wanted to discuss the Planning Commission's plan for moving forward with Section 6.8
 36 and larger picture planning related to the Community Rating System (CRS). LaBounty said he does not
 37 think the CRS is worth it in terms of the amount that will be saved, based on the fact that only 14% of
 38 properties in Richmond in the floodplain carry flood insurance. Based on an assumption that 5%
 39 savings will be obtained, the total savings will be about \$2100 and there will be more town costs than
 40 that to administer the program. Fausel said he would like a cost-benefit analysis of the CRS program
 41 before making a decision and would like to see an ad hoc committee formed. Cousins said she would
 42 like a committee to examine the benefits and costs. Fausel said he would like to ask the Selectboard to
 43 appoint the committee. No one from the Planning Commission said they would like to serve.

44
 45 The Planning Commission briefly discussed the next steps in the review of Section 6.8. Members
 46 agreed to review the documents, including the FEMA minimum standards, before the next meeting. The
 47 Commission will also schedule an extra work session to work on Section 6.8. Also at the next meeting,
 48 the Planning Commission will discuss what technical assistance they want for the ECOS program and
 49 will review the telecommunications facility at 1002 Johnnie Brook Road if a formal application is
 50 received by then.

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 52
 53 **Adjournment**

54 Tellstone made a motion to adjourn, seconded by Cousins. So voted. The meeting adjourned at
 55 9:46 PM.

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 57
 58 Respectfully submitted by Cathleen Gent, Town Planner/Staff to the DRB