

Richmond Planning Commission

Regular Meeting

Wednesday, November 6, 2013

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), *Also see sign in sheet.*

7:03 PM Fausel called the meeting to order.

Public Comments

Fausel invited the public to comment, including the cell tower even though the topic is on the agenda, as there will be limited public comment during the later discussion.

Cell tower comments - Mark Aiken from Johnnie Brook Road said he is not in favor of the new cell towers and that Front Porch Forum has been flooded with posts which mirror his comments. He added that Richmond has gone to great lengths to protect natural resources to create trails, etc and that cell towers will mar the landscape. Aiken said he thinks the Johnnie Brook project goes against the Richmond zoning bylaws and the company is going through the Public Service Board to avoid zoning. He asked the Planning Commission to write a letter to the Public Service Board that reflects the feedback on Front Porch Forum. Aiken then discussed the coverage map for the VTel project for broad band internet, which is very similar to a map that shows current coverage, so there is no advantage to the town. He provided a reference to a web site which outlined at least 11 carriers already serving Richmond and suggested having one more tower will not benefit Richmond. Ezra Hall from Greystone Road said that residents look to zoning regulations and the town plan to know what they can and cannot do. He asked the Planning Commission to use that framework for its responses to the Public Service Board, since the zoning regulations and town plan represent what the town has agreed to. Earl Wester from Greystone Road said that he recognizes cell towers are needed, but his issue is with where the tower is sited on Cochran Road and is concerned about aesthetics and Act 250, Criteria 8 (project does not have an undue adverse effect on scenic or natural beauty, aesthetics, etc). He suggested that the location should be changed. Gary Holman from Greystone Road said that the state has taken the jurisdiction out of local boards for cell towers, however, that doesn't mean that local boards have to go along with application from an emotional point of view. He noted that the Selectboard has taken a strong position and encouraged the Planning Commission to stand up for protecting the laws. Ezra Hall requested that the Richmond Town Plan be revised to include more specific standards regarding protections of natural resources, etc. Earl Wester said that any photo of balloons should be superimposed with a cell tower to show the real effect. Erin Wagg from Greystone said the tower for the Cochran Road project is dangerously close to the Hall house. She noted that, when there are fires at cell towers, an area twice the height of the tower gets evacuated, therefore, a tower needs to be placed far from any residence. Mark Aiken said he had previously believed there is a need to get more coverage on the interstate for police and rescue crews, however, he learned that Richmond Rescue uses radios and, in the event that the radio does not work, then they use cell phones. There is not a need for cell service in Richmond, but there is in Bolton and Huntington, but Huntington has been told they are too rural. He added that there is an intense amount of coverage in Richmond and only a few people don't have coverage here but not enough to warrant a new tower.

Administrative Items

Mail – Gent reviewed the mail.

Meeting Minutes - For October 16, 2013 – No edits were offered. Motion by LaBounty, seconded by Parke, to approve the minutes. Voting: 7 in favor; 0 opposed; 0 abstentions.

Meeting Minutes - For October 23, 2013 – No edits were offered. Motion by Cousins, seconded by LaBounty, to approve the minutes. Voting: 7 in favor; 0 opposed; 0 abstentions.

Planning and Zoning Department Monthly Report – October 31, 2013 – No discussion.

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Creamery Parcel – Resolution to proceed with interim zoning bylaws

Parke said he and Anne O’Brien prepared a resolution to proceed with interim zoning bylaws, however, there has been further discussion about looking a other options, for instance, following an interim bylaw and working on a zoning bylaw adoption through the regular process. Cousins said the Economic Development Committee wants to proceed with collecting public input at this time, in ways other than a public hearing. She also said the Economic Development Committee is looking for the blessing of the Planning Commission to proceed with gathering public input. Mary Houle mentioned that, during the Selectboard meeting, She also suggested public input should involve how to handle the traffic. Cousins brought up that the Richmond senior center group has an option to buy the creamery property. Cousins said it is not unusual for a nonprofit to be a broker in these situations without developing the property. The senior center committee can apply for a brownfields grant and has a good working relationship with the owner. Parke said he and Anne O’Brien would like to hold off on a formal resolution and see how the ad hoc creamery parcel committee proceeds with its work. Because so much has transpired in the past month, it makes sense not to proceed with the narrowly-focused original proposal. LaBounty added that the ad hoc committee is not yet ready to make a commitment on what zoning should be until they hear from the public. There was consensus among the Planning Commission members that the Planning Commission gives its blessing for gathering public input about the creamery parcel.

PSB Applications for Wireless Communications Facilities

Fausel said that, although both cell tower applications are listed on the agenda, the most immediate issue is taking action on comments regarding the 1002 Johnnie Brook tower, not the 2614 Cochran Road tower. He noted that it’s difficult to look only at the Johnnie Brook tower without looking at the broader picture, with multiple towers being proposed now or in the near future. LaBounty said the applications should be treated separately. Ezra Hall said the board should consider co-location as a factor and that the towers do not satisfy what the zoning bylaws define as a stealth facility. Foley suggested the Planning Commission should seek intervener status so that the Public Service Board has an opportunity to hear people speak about the projects.

Motion by Foley, seconded by Cousins, to seek intervener status from the Public Service Board.

Foley added that getting intervener status would allow the town to participate in the process regarding whether the project is compliant with zoning and the issue of aesthetics. Parke pointed out that the Selectboard letter regarding the project used the term “standing.” Gent will confer with Town Manager Geoffrey Urbanik to clarify that and will address that in the Planning Commission letter to the Public Service Board. Foley said he could be the Planning Commission representative during the process, so long as he gets approval from the Public Service Department general counsel. There was additional discussion among the Planning Commission, with comments from the public. The Planning Commission did not take a position about the tower itself and agreed that getting intervener status would be good so as to get a local PSB public hearing. The Commission decided not to address the Cochran Road project within the letter in which intervener status for the Johnnie Brook Road project is sought.

Voting: 7 in favor; 0 opposed; 0 abstentions.

Foley offered to prepare the Planning Commission letter asking for intervener status with Gent. The letter will be submitted tomorrow to the PSB. The Commission briefly discussed the larger question of the other proposed towers and did not make any decisions about those towers. Gent said that AT&T has contacted her and indicated that they will supply coverage maps within the next week or so. The Planning Commission said they are interested in having a presentation from AT&T and asked Gent to set up that meeting.

Richmond Zoning Regulations – Section 6.8 – Work Session

The Planning Commission reviewed Gent’s memo regarding concepts for exemptions to certain repairs over \$500 in Section 6.8. The reason for the exemption would be for those repairs which, if not undertaken, would be a threat to human health or safety. The commission decided they really want to have a broad exemption, not just for repairs related to human health and safety, suggesting that, rather than having a permit for tracking repairs, there could be a simple form that the owner must supply for any repair, involving an independent estimate. Gent brought up two possible issues, namely what happens when the repair begins to approach the substantial improvement or substantial damage threshold and that FEMA may not allow for this change, since they have previously said that Richmond can exempt only repairs up to \$500. The majority of Commission members said that, should the owner

1 not file the exemption form or be in violation of the bylaws because the owner should have applied for a
2 permit, then the zoning administrator can pursue enforcement action. The Planning Commission also
3 discussed the definition of improvement versus repair but no changes were made. Cousins suggested
4 that public education will be needed to ensure that property owners in the floodplain comply with the
5 regulations regarding repairs. Gent will discuss with Geoff Urbanik about coming to the next Planning
6 Commission meeting to discuss his memo regarding stream management activities in the floodplain.
7 The Planning Commission agreed to hold a special work session on Tuesday, November 12th. Gent will
8 assemble a time line for all the actions that have to be taken to have this section of the bylaws voted on
9 during town meeting. She indicated the time frame for getting this on the ballot for town meeting is very
10 short.

11 12 **ECOS Science to Action Technical Assistance – Planning for Upcoming Meeting**

14 Gent distributed a memo regarding a homework assignment to prepare for a meeting with VNRC to
15 discuss the three technical assistance topics related to the ECOS Science to Action Project. The
16 Planning Commission decided that they would prefer to meet with VNRC on December 18th, not on
17 December 4th as proposed in Gent's memo. The commissioners also agreed to the homework
18 assignment, which is due on November 20th. Gent noted that the topic will not be on the November 20th
19 agenda, just the assignment.

20 21 **Adjournment**

22 **Tellstone made a motion to adjourn, seconded by Parke. So voted. The meeting adjourned at**
23 **9:30 PM.**

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

