

Richmond Planning Commission

Regular Meeting

March 6, 2013

Approved Minutes

Members Present: Mark Fausel (Chair), Lou Borie (Vice-Chair), Gary Bressor Lauck Parke

Members Absent: Christy Witters

Others Present: Cathleen Gent (Town Planner/Staff to the DRB), Ellen Ward, Regina Mahoney (Chittenden County Regional Planning Commission)

7:07 PM Call to order by the Chair.

Public Comment - There were no public comments.

Mail - Gent reviewed the mail.

Meeting Minutes & Town Planner Report

Meeting Minutes: For February 20, 2013 – The Planning Commission postponed the review of the meeting minutes for February 6th due to a lack of a quorum of those present at the meeting.

Town Planner Report

Gent provided the following update to the March 1, 2013 report:

- ECOS Project – Use of the Richmond Conservation Reserve Fund – the Selectboard approved the use of the reserve fund to cover the completion of the natural resources inventory project for Richmond only.

Richmond Zoning Regulations

Section 6.8 – Flood Hazard Overlay District

The Planning Commission reviewed the document with comments from Town Attorney Mark Sperry and additional staff comments (document date March 1, 2013) and made the following decisions:

- Section 6.8.1.a) – keep the reference to Section 4469(d).

- Section 6.8.4 – definition of contents – change “items” to “personal property” and delete “tumble” before “dryer”, although noted that FEMA may require that we use the version they sent to us in late 2011.

- Section 6.8.4 – definition of development – added, “but excluding maintenance” to the end of the definition

- Section 6.8.4 – new definition for driveway – agreed to this new definition. Since there will be other new definitions for Section 7, the definition of driveway can be placed in Section 7 since it applies to multiple parts of the zoning bylaws.

- Section 6.8.4 – Discussed adding a definition for minor internal improvement much like what the City of Barre uses, but decided not to pursue that since it excludes building exterior improvements and doesn't address what standards have to be met.

- Section 6.8.6.b)i. – deleted “land” before “development” and deleted “clearly” before “beyond”

- Section 6.8.6.b)ii. – deleted “land” before “development” and deleted “(or may be inside)” after “inside”

- Section 6.8.6.c) – recommended that the jurisdictional determination be done by some mechanism other than a zoning permit, such as a letter on town letterhead that can be appealed (like the jurisdictional determination letters done by ANR). Gent will talk with Sperry about this.

- Section 6.8.8 – change “principal structure (including a deck or porch)” to “proposed development,” change “entire structure” to “entire development,” and change “Section 2.14.9” to “Section 6.8.9”

- Section 6.8.9.b) – confirmed that “existing roads” are exempt in the state model ordinance. The exact wording is “Maintenance of existing roads and storm water drainage.” The Planning Commission decided to use that language.

At 8:15 PM, the Planning Commission took a break from this discussion to discuss the ECOS Plan.

Comments Regarding CCRPC ECOS Plan

The Planning Commission welcomed Regina Mahoney from the Chittenden County Regional Planning Commission. Mahoney provided an overview about the ECOS Plan elements and process. She noted the plan will serve as the regional plan, and that there will be annual reports with updated data and reports on performance in terms of the milestones. Mahoney reviewed the structure of the plan and the eight central strategies within the plan. In response to questions, she discussed how the ECOS plan is used when reviewing municipal plans and how the regional plan is used in Act 250 reviews. She also

1 discussed the types of technical assistance that CCRPC provides to municipalities. The Planning
 2 Commission reviewed the map as it pertains to Richmond and agreed that the map represents the
 3 future land use map within the Richmond town plan. Mahoney discussed the specific upcoming process
 4 for adopting the ECOS Plan, including a public hearing on March 20th. After the public hearing, a
 5 second public hearing draft will be prepared in April and a second hearing will take place in May. If all
 6 goes smoothly, the ECOS Plan will be in effect in June. Mahoney invited the Planning Commission to
 7 provide additional comments before March 20th. She left the meeting at 9 PM.

8 9 **Richmond Zoning Regulations**

10 *Section 6.8 – Flood Hazard Overlay District*

11 The Planning Commission returned to its review of Section 6.8.

12 - Section 6.8.9.d) – agreed with Sperry’s suggestion to delete the reference to the process for notifying
 13 the zoning administrative officer in this section; however, the commission asked Gent to make sure it is
 14 listed elsewhere in the bylaws since the state model ordinance has specific language to that effect.

15 Gent will discuss this again with Sperry.

16 - Section 6.8.9.g) – added “and newspaper delivery boxes”

17 - Section 6.8.9.f) – correct “lawns” and delete “with no new net fill”

18 - Section 6.8.9.h) – delete “(with no new fill)” and delete “with a total cost of \$500 or less.” The Planning
 19 Commission also asked Gent to develop new language to clarify maintenance in terms of bringing in
 20 materials to bring the surface back to the original grade, perhaps under the maintenance definition.

21 Gent will confer with Sperry.

22 - Section 6.8.9 paragraph below list – decided on the following: To use calendar year time frame, not
 23 three year time frame; to rely on receipts provided by the land owner for the \$500 amount and not to do
 24 some type of system based on percentage of assessed value; to update the list as follows: “h), k), l), or
 25 m)”. Also, to add the following language – “If an individual repair exceeds \$500 or the cumulative total
 26 amount of repairs within any given category in a given year exceeds \$500,…” The Commission also
 27 added a sentence, “The additional maintenance, repairs, and/or replacement work during the remainder
 28 of that time frame shall not be exempt from Section 6.8.10 or Section 6.8.11.” Gent will discuss these
 29 items with Sperry.

30 Section 6.8.10 – opening paragraph – change “Section 6.8.15” to “Section 6.8.15.a)” – Gent will discuss
 31 with Sperry.

32 - Section 6.8.10 d) – Delete this section

33 - Section 6.8.10.g) – Delete this section

34 - Section 6.8.10 paragraph below list – agreed with Sperry’s suggested updates - change
 35 “development” to “maintenance, repairs, or replacements in b), c), d), e), f), or g)” and change “the
 36 proposed development” to “any further such maintenance, repair, or replacement under conditional use
 37 review.” The Planning Commission also discussed that any applications for substantial improvements or
 38 new construction must be submitted for review to VT ANR, per Section 6.8.16.b).

39 - Section 6.8.11.a) xii – delete “doors, windows”

40 - Section 6.8.11.a)xvi. – Change to “Development including non-conforming structures…” Gent also
 41 clarified that nonconforming uses are regulated by FEMA.

42 - Section 6.8.15 – recommend adding language here that Section 6.8.10 applies to Section 6.8.15.a)
 43 only.

44 - Section 6.8.16.a)i.1 – change “farm structure” to “structure”

45 - Section 6.8.17 – Effective date – Gent reported that Ned Swanberg has indicated that the effective
 46 date refers to this new set of changes to the bylaws. Gent suggested that a sentence be added, “Any
 47 prior improvements were required to conform with the bylaws in place at that time,” and she will confer
 48 with Sperry.

49
 50 During the discussion, several other aspects were discussed. Parke said he thinks it is important to be
 51 sure that the \$500 exemptions don’t result in substantial improvements being done over time to a
 52 structure, when the public policy maybe should be to move residents out of the floodplain area (via a
 53 town buy-out program). Gent confirmed that there are no application fees for property owners in the
 54 floodplain for projects that would not require DRB or zoning approval outside of the Flood Hazard
 55 Overlay District; however, the applicants do have to pay the recording fees. The Planning Commission
 56 also asked how the expenses for exempt activities will be tracked in the zoning office. Gent said no
 57 system is in place for that and it may be difficult because the town won’t be notified about those exempt
 58 activities but she will talk with Ned Swanberg about that.
 59

1 The Planning Commission discussed the other zoning changes. Bressor said he has changed his
2 position about whether to go forward with the creamery and that he will vote against moving forward
3 with a zoning change for the creamery at this time, based on the fact that the ownership might be
4 changing. When the Planning Commission worked on the changes, David Raphael and Craig Caswell
5 were persuasive that there would not be interest in others buying the parcel if it remained commercial.
6 Clearly, that is not the case.

7
8 Bressor also announced that he does not want to apply for the Planning Commission for another term.
9 He said that he had hoped that the proposed bylaws would pass while he remained on the board.
10 Bressor added that he has felt constrained about bringing up ideas he has for his properties, specifically
11 the Preston barn parcel.

12
13 Gent asked the Planning Commission to clarify how they envision the zoning changes for the creamery
14 parcel, in light of the town plan. Borie said he would not want to preclude a residential use, but is fine
15 with commercial or a mixed use. Parke said he would like to see as much commercial use there as
16 possible. Fausel said he also would like more commercial, but is concerned about impressions and
17 interpretations if the Planning Commission changes its current plan for presenting the revised zoning
18 bylaws for the creamery area. He sees the situation as a moral dilemma. Borie added that a PUD is
19 likely needed for any development on the parcel and that the current zoning may be sufficient, with
20 minor tweaks, since mixed use is already established in the Village Commercial zoning district.

21
22 The Planning Commission decided they do not want to put forth multiple zoning changes in succession
23 and decided to move forward next meeting with a discussion about the final draft of Section 6.8, the
24 directory sign section, and parking in the central business block. Gent will set up a time to meet with
25 Sperry to review Section 6.8 She will also notify Anne O'Brien, David Raphael, and the Economic
26 Development Committee that the Planning Commission is considering tabling the zoning changes for
27 the creamery parcel and is moving forward with changes to the floodplain section, signs, and parking in
28 the central business block.

29
30 **Adjournment**

31 Borie made a motion to adjourn, seconded by Parke. So voted. The meeting adjourned at 9:55 PM.

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