

**R I C H M O N D   S E L E C T B O A R D  
R E G U L A R   M E E T I N G  
A p r i l   7 ,   2 0 1 4   M I N U T E S**

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Members Present: Chris Granda; Bard Hill; Ashley Lucht; David Sander; Taylor Yeates  
 Absent: None  
 Others Present: Geoffrey Urbanik, Town Manager; Bruce and Sheila Bailey; Bruce LaBounty; Jim Prevo; Diane Prevo; Christy Witters; Allen DeBoye; Sharon Dwire; Wendall Dwire; Denise Barnard; Cheryl Owens; Charls Owens; Chris Gordon; Joan Holman; Gary Holman; Mary Houle; June Heston; Ezra Hall; Ann Cousins; Amy Lord; Greta and Jeff Sloan; Wright Preston; Erik Hemmett; Kevin Kennedy; Mary O'Neil; Harold Irish and Ruth Miller was present to videotape the meeting for MMCTV Channel 15.

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Taylor Yeates called the meeting to order at 7:10 PM.

**1. Welcome and Public Comment**

Mr. Yeates asked if there was any comment from the public for items not on the agenda but there was none.

**2. Items for Discussion with Those Present**

Health Department

Nora Purcell and Ryan Metovsky were present from the Burlington District Office of the State Department of Health. Ms. Purcell explained that they provided the WIC program, community based positions for maternal and child health, worksite wellness and school health. These services were available and you could contact her office for more information.

Mr. Metovsky worked with drug and alcohol abuse programs, and there were many resources available.

Mr. Granda asked if Ms. Purcell had any ideas for improving accessibility for pedestrians and bicyclists at the creamery site. Ms. Purcell said she had an active and healthy living toolkit that may provide some suggestions for designs.

The Selectboard thanked Ms. Purcell and Mr. Metovsky.

Proposal for Interim Zoning

Mr. Granda explained that the Selectboard had approved a committee to study zoning alternatives for the area around the former creamery. This committee, called the Committee to Examine Zoning for Jolina Court, had met several times beginning in February, and developed a proposal for interim zoning that should aid in the redevelopment of the area, namely the two creamery parcels, plus the addition of the Blue Seal Feeds parcel. The committee members were, Chris Granda as the non-voting Selectboard member, Bruce LaBounty as the Planning Commission member, Ann Cousins as the

1 Economic Development Committee member, and four at-large members, Wright Preston, Christy  
2 Witters, Marshall Paulsen and Heidi Bormann.

3  
4 The committee had examined the current zoning of the parcel, the proposed zoning from the failed  
5 rezoning vote of 2012 and the requests from the owner. These, coupled with public comment on  
6 concerns of the neighborhood, resulted in the proposal before the Selectboard. The basic outline of the  
7 proposal was based on the Hinesburg proposal. The final result is a document that gives guidance and  
8 constraints on development that is different than what currently exists. Mr. Granda added that  
9 following a public hearing, the Selectboard could vote to adopt and if they did, the proposal was in  
10 effect for two years unless replaced by permanent zoning. He suggested utilizing the committee to  
11 review development applications for the Selectboard, to provide valuable input.

12  
13 Mr. Granda said that the document provided a wide range of possibilities, making development  
14 options more open but with some restrictions. For instance, the allowed uses now includes a  
15 residential component, which does not exist now. Other compatible uses are allowed but lighting,  
16 noise, height and setback requirements are set to keep the development to an acceptable level in the  
17 otherwise residential area.

18  
19 Ms. Lucht asked how the residential to commercial calculation was supposed to work. The Manager  
20 said that for the total residential floor area allowed, there had to be at least 50% commercial, so it was  
21 a 1 to 1/2 ratio. There was space on the parcels for much more than 50%, and it was expected that  
22 commercial would dominate the development.

23  
24 Representative Anne O'Brien thanked the group for a quick turnaround time. She suggested the  
25 document be reformatted to provide required standards first and suggested standards second.

26  
27 Bruce Bailey asked why we couldn't have heavy industrial like another creamery. Mr. Granda said no,  
28 but we could have food processing, which was a more applicable use, so a creamery could come in.

29  
30 Jeff Forward explained his proposal to add the Residential Building Energy Standards Plus into the  
31 proposal, which was included as a recommendation but not a requirement. He said the committee  
32 dealt with difficult issues but he is glad it is mentioned. He hoped to develop this for inclusion in full  
33 zoning for the town at a later time.

34  
35 Mr. Granda read the language included in the proposal for the energy standards. He also explained  
36 that owner-built and occupied homes and mobile or manufactured homes were exempt from that  
37 standard.

38  
39 Cara LaBounty said that if this was made a requirement, would they need a certificate of occupancy  
40 produced by Efficiency Vermont? What would happen if they could not obtain that?

41  
42 Mr. Yeates asked why this was in the proposal. Ann Cousins said that the value in the efficiency  
43 standards applied only to housing, and can bring costs of ownership down.

44  
45 Bruce LaBounty said if we just made this a requirement, it wasn't fair to a buyer of the property (not  
46 buyer of homes).

47  
48 Denise Barnard said that the REDC was working on this for some time, and had done surveys, public  
49 forums and other outreach. She said that much of what was requested to be included had been  
50 addressed through this process.

1  
2 Mr. Yeates said that the committee could change the document now, or move it forward as written.

3  
4 Mr. Granda asked if parking was allowed in the Special Flood Hazard Area and the Manager said yes,  
5 and paved parking was not prohibited by the town's regulations nor FEMA's regulations.

6  
7 Mary Houle felt a public hearing should be held in the Library to accommodate more people.

8  
9 Denise Barnard liked the density bonus but suggested underground parking may be a good idea as  
10 well.

11  
12 Wright Preston said they were trying to stay within the guidelines to not require additional fire  
13 equipment and adding underground parking may raise the height of the buildings. Ms. Barnard  
14 requested confirmation from State Fire Marshall on this.

15  
16 Heidi Bormann explained the reasoning behind the height requirements, and Fire Chief Levesque's  
17 discussion with the committee. She said that having more buildings above 35 feet may trigger the  
18 need for a ladder truck as well as paid personnel.

19  
20 Bruce LaBounty said that residents on Pleasant Street didn't want a five or six story building behind  
21 them, either.

22  
23 Mr. Granda made a motion to hold a public hearing on the interim zoning report and proposal for April  
24 21, 2014 at 7pm in the Richmond Free Library. Ms. Lucht seconded the motion and the motion  
25 carried 5-0.

26  
27 [NOTE: following the meeting it was decided that this did not meet a proper warning timeframe, and  
28 the Selectboard would meet on April 11th to reschedule the hearing for May 5]

29  
30 Floodplain Regulations - Mark Fausel

31  
32 Planning Commission Chair Mark Fausel explained that the Planning Commission was working hard  
33 to revise the Zoning Regulations Section 6.8, Special Flood Hazard Area, however, the regulations  
34 needed to be approved by FEMA. Therefore, the regulations would not be adopted until August at the  
35 earliest.

36  
37 The new Digital Flood Insurance Rate Maps (DFIRMS) were scheduled to go into effect in early  
38 August as well. However, in order to remain in the National Flood Insurance Program, the town  
39 needed to have floodplain regulations in effect. The State had discovered a couple of very minor  
40 corrections in our existing regulations that needed to be fixed. So, the new regulations would do this,  
41 however, the timeframe was extremely tight. Therefore, the Planning Commission was going to  
42 advance a minor amendment to the existing regulations first, to make sure that the NFIP deadline was  
43 met. When finally adopted, the revised regulations would then take effect without jeopardizing the  
44 NFIP due to timing.

45  
46 The Planning Commission would hold a public hearing on the 16th, and present to the Selectboard on  
47 the 21st.

48  
49 There was some discussion. The Selectboard understood the plan of action and thanked Mr. Fausel for  
50 his explanation.

1  
2 **3. Other Business**

3  
4 Cell Tower Update

5  
6 The Manager explained that the VTel tower proposal would be going to a public hearing sometime in  
7 June. They were now doing pre-filed testimony and discovery. This was a complicated legal process,  
8 one that the town could not handle without an attorney. The two significant issues were the location of  
9 a deer yard, being handled by the Agency of Natural Resources, and the local zoning issues, being  
10 handled by the town. The Manager was the town's sole witness.

11  
12 The Manager then updated the Selectboard on AT&T. From the March 24th meeting, we learned that  
13 the Williams Hill tower proposal was withdrawn. That left the Cochran Road and Jericho Road  
14 proposals. There was an April 14th deadline to file comments within the 45-day pre-filing period.  
15 Following that, objections could be taken during the 21-day comment period following the filing of  
16 the application. Right now, the open items were aesthetics, local zoning and propogation mapping.  
17 The Manager noted he had preped draft comment letters to be sent by next Monday.

18  
19 Ezra Hall said this was only the start because we have a strong growth area. FCC guidance changes  
20 regularly, but right now they are trying to drive antenna based systems. We needed more information  
21 in the town plan on how we intend to handle towers here. We couldn't give preferential treatment to  
22 one provider over another but what is the right approach? Multiple, distributed towers or fewer but  
23 taller towers? Right now, the most common way is through multiple distributed towers. Regarding  
24 the Cochran Road site, the second balloon test did not produce good results and the residents are  
25 looking for a third test. He agreed that a propogation engineer would be good for the town.

26  
27 Cheryl Owens thanked the Manager for pursuing zoning concerns on height, noise and aesthetics.  
28 Deer wintering areas may exist on the Cochran Road site, there may be rare ferns, and the tower would  
29 be visible from trails and historic sites. At least, the town should intervne over floodplain issues. She  
30 had the current FEMA flood map and it appeared that site C was in the floodplain. The spoke of a  
31 home next to the Town Center, saying the homeowner can't replace a board on his house without  
32 approval but why could AT&T put a tower in the floodplain?

33  
34 Ms. Owens continued, saying that cell towers had been identified as "critical infrastructure" but this  
35 facility was unreachable if there was a flood. She said recently Ms. Houle was interviewed by WPTZ  
36 about flooding last Winter, so floods were not an anomaly. She said that most concerns appeared to be  
37 minor from the State's point of view. She said if there were significant safety and health issues, the  
38 Public Service Board would listen.

39  
40 Cara LaBounty said she considered herself a floodplain expert. She said Cochran Road was in the  
41 floodplain, and if Ms. Owens was correct then Greystone should not have been allowed to be built  
42 because the flood block access to their development. The town does permit new driveways in the  
43 floodplain so this is not an issue. She said that cell phones were a necessity and everyone uses them.

44  
45 Gary Holman said he served three years on the Planning Commission, when we attempted to draft the  
46 bylaws. He said that we had to balance equities. Convenience to I-89 motorists versus enormous  
47 negative impact to homeowners and lifetime investments, perhaps health issues. This was an  
48 emotional plea, whatever you can do, do it.  
49

1 June Heston said she believed the Selectboard was doing all it could, but their hands were tied by the  
2 law. Whatever the outcome, don't blame the Selectboard.

3  
4 Mr. Granda said this was one of those problems were we are a point of contact. We can spend town  
5 money, but what is our knowledge against the issue? It wasn't about voice coverage, but data, and the  
6 need was for more coverage which required more towers. The State recognized this and has mandated  
7 better coverage.

8  
9 Gary Holman said we know, but still, intervene.

10  
11 Ms. Lucht said we can implore the Public Service Board to have a hearing, but the decision is theirs.

12  
13 Bruce LaBounty said he had no service at Camels Hump Middle School, at Washburns, and he would  
14 be happy if there were a tower to provide coverage for him and his children to keep them safe at  
15 schools.

16  
17 Ezra Hall said that critical infrastructure needs access 365 days per year, and homes don't. Let's find a  
18 balance, there are ways to do this. For every tower, we needed to list specific zoning violations.

19  
20 Diane Wester said we want responsive cell service and we want emergency response. There is a  
21 double layer of safety at all schools. She said that the zoning laws represent the people that voted for  
22 those laws. The data bandwidths are different, and coverage needs to be done responsively and  
23 thoughtfully.

24  
25 Mr. Yeates asked if the board would authorize a comment letter, and if so, on what basis?

26  
27 Mr. Granda asked what it would cost to intervene? Mr. Yeates said we had spent \$3,450 so far on  
28 VTel to just get a hearing.

29  
30 Ms. Lucht said we can always rescind involvement, but we need to get our feet in the door now.

31  
32 Mr. Granda spoke about Ms. Wester's comments. He said that the people in the room were elected  
33 officials, and those that elected us. State government made this decision to take away from local  
34 government.

35  
36 Ms. Lucht said we need to realize that we may not get a hearing. Ms. Lucht offered a motion to  
37 authorize the sending of an objection letter to the Public Service Board, stating our positions on  
38 zoning, aesthetics and other issues. Mr. Sander seconded the motion.

39  
40 Mr. Yeates said we had the following issues to consider for the letter: compliance with the 2012 Town  
41 Plan; Natural Resources review; permitted locations; and some objections from Greystone residents.

42  
43 There was discussion.

44  
45 Mr. Yeates said that a letter needs to be authorized. Should a board member work with the Manager?

46  
47 Maureen Kangley said she supported the letter, and the PSB did not support Vermonters.

48  
49 The Selectboard agreed to add a section about 6.8, floodplain regulations, for the driveway.  
50

1  
2 Ezra Hall said there was extensive analysis the residents would like to add.

3  
4 There was additional discussion, and the nature of the letter was debated. The question was called,  
5 and failed 1-4 with Mr. Granda, Mr. Hill, Ms. Lucht and Mr. Sander voting against.

6  
7 Ms. Lucht offered a motion to have the Town Manager draft a letter requesting intervention status and  
8 was seconded by Mr. Sander and the motion carried 4-1 with Mr. Yeates voting against.

9  
10 Appraisal Company Bids

11  
12 Mr. Yeates introduced the issue. The town had solicited several appraisal companies to provide  
13 assessor coverage, according to the passage of Act 21. The Manager read his memo on the bids.  
14 The quick analysis is that both firms, NEMRC, Vermont Appraisal Company and Spencer Potter, are  
15 that they are qualified and capable of delivering on the scope of work. NEMRC proposes a cost of  
16 \$19,500 annually, plus \$100 per hour for services beyond a BCA appeal or some other extraordinary  
17 requirement. Vermont Appraisal Company has a base bid of \$23,000 and are well qualified. Spencer  
18 Potter reports only a per-hour rate, clarified at 8 hours per day, one day per week, working out to  
19 \$18,720 per year. Additional hours would be billed at the same rate. All firms are qualified and  
20 Spencer Potter has the slightly lower price. However, Vermont Appraisal Company and NEMRC  
21 have more staff and Ed Clodfelter has experience with the town both in and out of the office. I believe  
22 that Mr. Clodfelter and NEMRC are the preferred choice among the bidders.

23  
24  
25 Ms. Lucht offered a motion to approve the bid for NEMRC in the amount of \$19,500 for a one-year  
26 contract and was seconded by Mr. Sander.

27  
28 June Heston said she hoped this was a temporary solution. Mr. Yeates noted this was a one-year  
29 contract. Ms. Heston asked if this contractor would do all the work and would need no town staff?  
30 The Manager said that NEMRC clarified in their bid that this was the case.

31  
32 The motion carried 5-0.

33  
34 Vactor

35  
36 The Manager explained that six years ago the town agreed to a consortium to obtain a grant for a new  
37 vactor, with Jefferson, Morrisville, Stowe, and Waterbury. Stowe had since dropped out but Hyde  
38 Park had joined. The prior memorandum of agreement was for one-year, and had expired. The new  
39 agreement needed to be authorized to participate, and the vactor had been bid and awarded. The  
40 Manager recommended approving this memorandum yet again, and the cost was slightly lower than  
41 had been previously.

42  
43 Ms. Lucht offered a motion to approve the memorandum of agreement to participate in the vactor  
44 grant consortium and was seconded by Mr. Sander. The motion carried 5-0.

45  
46 Preston License for Bus Turnaround

47  
48 The Manager explained that the bus had been turning around on Snipe Island Road for some time near  
49 the end of the road, but happens to be on PRELCO property. The town plows also used this  
50 turnaround to maintain the bus area. Wright Preston has offered a 30 year license to allow this to

1 continue, formally. Mr. Preston said he wasn't trying to stop the bus, but his two neighbors also had  
2 access to their properties here and they were not recorded. Therefore, all three were to be corrected  
3 and the town's piece was a license to use the turnaround. The cost was \$1,200 or about 20% of the  
4 total professional costs for this. The reason for the 30 year duration was, perhaps at that time the town  
5 no longer wanted the bus to turn around there.

6  
7 Wright Preston also added a few details. Mr. Granda asked if there were other places in town where  
8 this was an issue. The Manager said that Pete Gosselin had told him a similar situation happened on  
9 Johnnie Brook Road. He was not aware of other areas where this was an issue.

10  
11 Ms. Lucht asked why we would do this. Mr. Preston said that the bus turns around there because it  
12 used to use a neighbor's driveway, and was kicked out, so they use this area instead.

13  
14 Mr. Yeates asked why not approach the school? Mr. Preston felt that land matters fell to the town.

15  
16 Mary Houle said that when she was on the board, someone suggested turning this stretch of Snipe  
17 Island Road into a class four trail. She said that PRELCO had to have parking for the public.

18  
19 Mr. Preston said he owned forest land, not parking, and there was not requirement from the Forest  
20 Legacy preservation that there be parking. There was plenty of parking along the road.

21  
22 Cara LaBounty asked why the town should pay for a survey for a license but not an easement? She  
23 urged an easement and not a license. She feels that the attorney should review.

24  
25 Mr. Hill said the board should defer to legal counsel.

26  
27 Bruce LaBounty said his in-laws have land on the end of Jones Mill Road, and the plow truck does not  
28 have an easement to put snow there.

29  
30 The Selectboard agreed to have Mark Sperry review and comment before they considered this offer.

### 31 32 Green Mountain Athletic Association Race

33  
34 The Manager explained that the race request was for August 23rd, and again for the road to be closed.  
35 There was some discussion about the race policy.

36  
37 Mary Houle said that they should not put notification in the mailbox unless it is formally mailed.

38  
39 Mr. Granda offered a motion to approve the GMAA request for the Round Church Run race on August  
40 23 and was seconded by Ms. Lucht. The motion carried 5-0.

### 41 42 Appointments

43  
44 The Manager explained that the appointments would be formally considered at the next meeting. Ms.  
45 Lucht said that they should add one for the Water Commission.

### 46 47 Reports from Selectboard and Town Manager

48  
49 The Manager noted that the Zitta litigation had missed a filing deadline to appeal the town's successful  
50 summary judgment motion. The case was not over, however, it was likely that it was.

1  
2 The Manager reported that last week, the Route 2 Pedestrian and Bike Path study was presented. Most  
3 of the alternatives were ruled out as impossible to accomplish, or at an extremely high cost. The final  
4 alternatives would be presented to the Selectboard in May.

5  
6 The Manager noted that the agendas were not appearing on the website properly, and they were  
7 working to get that fixed. Also, the audit would be on the April 21st agenda.

8  
9 Approval of Minutes of March 17, 2014

10  
11 Ms. Lucht offered a motion to approve the minutes of March 17, 2014 and was seconded by Mr.  
12 Sander. The motion carried 5-0.

13  
14 Purchase Orders

15  
16 Mr. Sander reported that he met with Highway Foreman Peter Gosselin, and Troy Liberty, and the  
17 owner of Clark's Trucking about the truck and NavStar engine. He had concerns over the reliability of  
18 this engine, and learned that this was an entirely new design for this year that didn't have the same  
19 issues as before. The State was also buying this truck with the new engine. The only other options  
20 were for engines not capable for our needs, or extremely large over the road engines that were not  
21 necessary.

22  
23 Mr. Sander offered a motion to approve Purchase Order 3071 to Clark's Trucking for the purchase of a  
24 truck and body package in the amount of \$124,222. Mr. Hill seconded the motion and the motion  
25 carried 5-0.

26  
27 Liquor License for Bridge Street Cafe

28  
29 Ms. Lucht offered a motion to approve the Liquor License for Bridge Street Cafe and was seconded by  
30 Mr. Granda and the motion carried 5-0.

31  
32 Warrants

33  
34 The warrants were approved and signed.

35  
36 **4. Adjourn**

37 Motion by Ms. Lucht to adjourn the meeting at 9:30 p.m. Seconded by Mr. Granda. So voted.