
Richmond Planning Commission
REGULAR MEETING MINUTES FOR November 18, 2020

Members Present: Chris Cole, Virginia Clarke, Chris Granda, Alison Anand, Brian Tellstone, Jake Kornfeld, Mark Fausel

Members Absent: Joy Reap

Others Present: Ravi Venkataraman (Town Planner/Staff), Larry Lackey, Lisa Cheung, Marshall Paulsen, Gretchen Paulsen, Judy Rosovsky, Nancy Hartmuller

1. Welcome and troubleshooting

Chris Cole called the meeting to order at 7:01 pm. The Planning Commission members introduced themselves to the public.

2. Adjustments to the Agenda

Cole recommended moving the Wetlands discussion to item 7 and move the discussion on FAA regulations to item 5 to accommodate the participants. The commission members agreed

3. Public Comment for non-agenda items

Marshall Paulsen thanked the commission for allowing him to attend meetings, and said that he will participate until 8 pm.

4. Approval of Minutes

Motion by Chris Granda to approve the November 4th Planning Commission meeting minutes, seconded by Alison Anand. Voting: unanimous. Motion carried

5. Discussion on Federal Aviation Administration requirements and Zoning Regulations

Larry Lackey and Lisa Cheung introduced themselves. Lackey reviewed previous discussions on construction and alteration notice requirements from the FAA and overviewed the 7460-1 form and its trigger. Lackey identified the terrains in Richmond, where land development could affect flight approaches to a runway at Burlington International Airport, and said that development in higher elevations would trigger FAA notification requirements. Lackey presented the overlay map, identifying locations that could trigger FAA notification requirements. Lackey overviewed the regulatory language he would like included in the zoning regulations in order to encourage compliance with FAA notification requirements. Lackey said that the form can be filled out and submitted online. Cheung said that for properties within the crosshatched area, notification of any land development to the FAA and the FAA's determination of no hazard would relieve liabilities. Lackey added that without having such regulatory language impacts aviation approaches. Cole said that the language presented is different from what was presented before and asked if the change in language was because of Richmond's topography. Lackey said that the previous language had underlying issues that will need to be revisited in Williston, which had enacted previous language. Cole said that based on the overview, some of the properties in the overlay may not be developable, and that he would like more specifics on which properties cannot be developed. Cole asked if the FAA had a compensatory program for landowners with undevelopable properties. Lackey said that in certain situations there are abrogation easement acquisitions, and is unsure about how that would apply in Richmond. Cheung said that the acquisitions program would only apply to the first 5,000 feet of a runway, that purchases in Richmond would not be through this program,

and that she is unaware of any compensatory purchases outside of the 5,000 feet of a runway. Cheung said that filing the 7460 does not mean that land development cannot be pursued, and that even if the FAA were to determine that land development were to be a hazard, this would not prevent the landowner from pursuing land development. Cheung added that such land development would be detrimental to the airport and would put all liability of possible incidents on the landowner. Anand asked if the crosshatched area encompasses Yance Hill. Cheung affirmed. Anand provided background on recent conversations regarding Yance Hill, and asked if possible takings could occur by the FAA. Cheung said that in response to any land development deemed hazardous, the FAA would raise the minimums associated with flight approaches. Cole asked if there was a history of litigation cases involving liabilities against landowner. Cheung said she was not aware of any such cases. Clarke asked if the term "required" should be used instead of "request" in the suggested regulatory language. Cheung said that the term "required" should be used. Venkataraman asked if whoever submits the form would get a receipt of submission. Lackey said that a receipt, and later findings, would be provided. Lackey said that this form requirement would be triggered if a crane is used within the overlay. Cole asked further clarification on if the form requirement would be triggered for properties east of Kenyon Road. Cheung said the form would be triggered based on the terrain and can follow up with specifics on which properties would be required to file the 7460-1. Cole said he would be comfortable with making the form a requirement as long as the specific properties affected are identified. Paulsen asked for clarification on the limitations this requirement has on property owners. Cole said that the FAA cannot stop development and the negative impacts of development against the FAA's determination would be to the airport. Anand asked why this is being brought to their attention if this regulation has been in place for decades. Lackey said that it is because people do not file the required form and he, along with other airport staff, are tasked with working with localities to encourage filing these required forms. Cole asked if this was driven by commercial or military aviation. Lackey said it was driven by both aspects. Clarke asked about the administrative process. Lackey said that the airport would assist people to fill out the forms. Venkataraman said that he would recommend inserting the language in the "applicability" section, and requiring a receipt of submission with any zoning permit application if the 7460-1 requirement is triggered. Lackey asked if Venkataraman would want a decision from the FAA prior to releasing a zoning permit. Venkataraman said that he cannot deny a permit based on the FAA's decision, similar to how he cannot deny a permit if an applicant hasn't received a state water/wastewater permit. Cole expressed concerns about requiring landowners to fill out the paperwork if no structures are going to be taller than the trees on the properties in the overlay. Cheung said that they can revisit the overlay map and identify specific areas that would trigger the 7460-1 requirement based on topography. Lackey said that the intent of this discussion was for reporting and initial feedback. Fausel asked further clarification about the fine listed at the bottom of the FAA form. Lackey said he will follow up at an upcoming Planning Commission meetings on the questions raised, and make sure a FAA representative attends to address the commission's questions.

6. Discussion on Community Outreach Work Plan

Clarke overviewed the discussions during the last Planning Commission meeting, the draft scope map, and the benefits of commercial islands. Fausel, Cole, and Anand concurred that the draft scope map was well thought out. Gretchen Paulsen was concerned about the increased density affecting the feel of the village, green spaces that offer a buffer between houses, Clarke talked about implementing landscaping and open space standards. Anand discussed regulations for limiting the building envelope. Cole asked about discussion topics and next steps. Clarke discussed the draft purpose statement. Cole discussed general ideas on implementing architectural standards that are consistent with the built environment. Clarke discussed the differences in permitting processes with different uses, and uses worth classifying in a reduced permitting process. Venkataraman said that a discussion on permitting processes deserve a 30-minute block, so that the commission better understands the process from the administration perspective. Anand said when reviewing the uses, the commission may need to consider standards for uses of a particular intensity. Cole said that the commission should rely on Venkataraman

regarding recommendations for administration in the coming months, since he is serving as both the planner and zoning administrator.

7. Discussion on Wetlands

Cole provided a summary of discussions on wetlands regulations during the previous meeting. Venkataraman said he had provided a marked-up version of the state Wetlands Rules for the commission to review, and that he has reached out to Tina Heath from the state wetlands office to overview the state Wetlands Rules and address the commission's questions during an upcoming Planning Commission meeting. Venkataraman asked the commission their intent in this consideration of the wetlands regulations, questions they have that need to be addressed going forward, and about previous conversations about the wetlands regulations. Fausel recalled conversations with community input on wetlands regulations. Cole overviewed his understanding of the Wetlands Rules and the state goals--that the state is looking for zero loss of wetlands, but accepts mitigation payments to offset limited development within wetlands--and asked about how the town's regulations fits with the state's goals. Judy Rosovsky, the Conservation Commission chair, said that the town's regulations may not have kept up with amendments to the state's regulations, therefore leading to a difference in regulations. Rosovsky and Fausel recalled conversations on wetlands during the Town Plan creation process. Rosovsky asked about which projects are spurring this conversation. Cole reviewed the Mobil gas station project presented during the last Planning Commission meeting and the presence of wetlands on this property. Cole asked Rosovsky if it was the intent of the town to have stricter regulations than the state. Fausel said yes. Cole discussed how blunt the blanket prohibition is, compared to a scientific rationale from the state. Fausel asked if information can be provided about wetland regulations in nearby municipalities. Venkataraman said that for the most part, most regulations adhere to the state Wetlands Rules. Granda said he recalled discussions on this subject. Venkataraman said that these regulations were in the 1996 zoning regulations. Clarke requested Venkataraman to provide additional information about the Wetlands Rules before the current iteration. Rosovsky said that the commission will need to consider the stipulations for making exceptions for development within wetlands, in order to make sure the application of the rules are consistent. Cole said that maybe the rules in place in 1996 did not have the foresight to expect mitigation efforts via building or rehabilitating wetlands. Granda recalled conversations about how new and artificial wetlands are not as effective as existing wetlands. Clarke said the commission will need to identify vital wetlands. Clarke asked about other interested parties. Venkataraman said that he has reached out to all possible interested parties and have encouraged them to attend future Planning Commission meetings. Rosovsky suggested reaching to people who appreciate the regulations as-is.

8. Recommendation to Selectboard regarding open Planning Commission seat

Motion by Granda to recommend to the Selectboard the appointment of Caitlin Littlefield to the Planning Commission, seconded by Clarke. Voting: 6-0 (Fausel abstained). Motion carried.

9. Adjournment

Motion by Granda, seconded by Fausel to adjourn the meeting. Voting: unanimous. Motion carried. The meeting adjourned at 9:07 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner