

2.18.26 meeting minutes

Meeting conducted remotely

Members present: Alison Anand, Ian Bender, Chelsye Brooks, Virginia Clarke, Mark Fausel

Members absent: none (*two vacancies*)

Others present: Keith Osborne (Director of Planning and Zoning), Tom Astle (MMCTV), Trevor Brooks, Marcy Harding

1. Welcome

Clarke welcomed members and guests and opened the meeting at 7:01 pm.

2. Review agenda and public comment on non-agenda items

As there were no comments on the agenda or on non-agenda items, the meeting continued with the posted agenda.

3. Review minutes of 2.4.26 meeting

There were no changes to these minutes, so they were accepted into the record as written.

4. Discuss avenue of research and next steps for stormwater regulations

Osborne described his approach of reviewing the stormwater regs from other towns and requirements from the state, a summary of which he posted this afternoon. He found that the Richmond Subdivision regs have more stormwater requirements than the Zoning regs, where the only requirement seems to be drainage requirements for parking. He said that as a placeholder for regulations, his office does have an internal policy to check for erosion and sedimentation with any project and impose some conditions. Projects do have to abide by the state of Vermont's stormwater permit program with its minor, moderate and individual permits, and Osborne said our regulations should make sure that applicants know about these permits. He then said that the PC should review the document he provided in order to have a conversation about what we want in our regulations. Clarke asked if the feeling was that we should have a whole section about stormwater management, and Osborne said the majority of the regs he reviewed had that.

Osborne continued by saying that "erosion and sedimentation" are mostly related to disturbed soil, thus occurring during construction, and the goal is to get the disturbed land stabilized as quickly as possible. After that, the goal is to have the stormwater infiltrate into the ground over time. Brooks added that "EPSC", or "erosion prevention and sediment control" - that part of management geared towards development - helps to keep pollutants and sediment load from affecting neighbors, streams, roads etc. , and that the state's "low risk handbook" should help us regulate those aspects. The other aspect of stormwater control is the ongoing management of water on non-disturbed soil. For this, infrastructure such as swales, holding ponds etc. may be required to keep the stormwater that is not infiltrating from running off onto neighboring properties, roads etc. This means requiring good practices for longer-term sustainable water control.

Brooks and Osborne agreed that it would not be useful to create requirements that would be difficult or impossible to enforce, so we will need to be careful in crafting stormwater maintenance requirements that will last for 50 years. There may also be engineering costs involved in meeting these regulations, so that will be another consideration. Osborne added that seeding open areas with grass is one way of providing ongoing maintenance.

Bender asked Osborne if there was one neighboring town whose regulations looked good on paper, and Osborne mentioned Williston. Brooks noted that Williston is relatively flat, so their trigger of an 8% slope may not be adequate for hillier Richmond. She continued that one thing she liked about Williston's regs is that they require applicants to provide a significant amount of information on their development applications about their slopes, streams and other features of the landscape as well as their construction plans. This provides the town with verifiable background material that would allow an enforcement context if problems develop.

Osborne said Richmond is already having some issues with stormwater in the higher density village areas where there is infill development and close neighbors, so he thought we should definitely address this "small-scale" or "infill" issue in our regs. Clarke asked the PC to review the memo and the "low risk stormwater management" handbook for discussion at the next meeting. Anand mentioned being careful with the floodplain, as that is an area where stormwater can build up and cause flooding. Clarke suggested getting information from the Highway Department as they are the ones who manage the stormwater infrastructure that Richmond has. Brooks suggested referencing the Public Works Standards, a document which has information about stormwater management in regard to roads, as these best practices might be helpful to require for private roads and driveways as well. Osborne added that the Subdivision regs also contain some standards, and that what is lacking is standards for administrative permitting. Clarke urged all to read the materials for next meeting.

5. Proposed revision to Village Residential Commercial (V R/C) district to conform with Acts 47 and 181

Clarke reminded the PC that this district was designed to accommodate both residential and commercial uses, and the conversion from one to the other. She reviewed the small number of changes that will be required, as this district was revised relatively recently:

- adding a residential density section to match the formatting of the other recently revised districts – the density itself is ok as it exceeds the 5 units/acre required by Act 47 for areas served by municipal water and sewer;
- changing minimum lot size to 0.2 acres (8,712 ft);
- reducing lot frontage to 50 ft;
- leaving the lot coverage at 60%, but wondering about the balance between lot coverage and stormwater management.

Another possible change that Clarke mentioned was the idea of increasing building height allowance by one story, which could either be done throughout the Town or just in this one district. She mentioned that there were unknowns with the fire insurance rating system if

the height limit was raised, and that this was being looked into. The newly-added, required affordable housing section (6.16) already allows for a height increase in the case of affordable housing projects. Osborne mentioned that the “Trip Generation” manual information should be adjusted as part of our minor revisions.

Guest Marcy Harding asked if the new density of 5 U/A specified by Act 47 takes into account portions of a lot that are in the floodplain. Osborne responded that the Flood Hazard Overlay District would prevent the placement of a new structure in the floodplain. Fausel said he thought that the portion of the lot in the floodplain would be considered undevelopable, and so that portion of the lot would be excluded from the density determination. Osborne responded that he would have to check to see exactly how our FHOD is worded. Clarke said that this is something we will have to clarify.

Clarke mentioned that we also might want to add an item in the “Site Design Standards” subsection requiring screening if a new use is being developed next to an existing use that is not in the same category (i.e. residential or commercial). She said she would include that for further discussion in the next draft of the V R/C revision.

6. Discuss list of technical/minor revisions proposed for the RZR

Osborne began the discussion by saying there are two categories of revisions proposed on his list – the first is technical, typographical or formatting issues, which just need revising for clarity or correctness, and the second is substantive or content issues that need to be discussed before they are revised. Looking at this list, Osborne pointed out some examples of the technical category, and said that he would make a redline version of these revisions that we could comment on at our next meeting. The PC agreed that this would be a good approach. Osborne said he would prepare this for the list he had already created for first 5 sections of the RZR. He then encouraged the PC to develop thoughts about the second category, which includes a problematic lack of regulations for activities such as snow storage, stakeouts and demolition of buildings. He anticipates PC discussion on these issues before attempting a redline version, as well as a discussion with Dante DeNault, the ZA, to get the administrative and DRB perspective. Fausel mentioned a list of DRB needs that the PC developed a few years back, and Clarke said she would try to find that to review.

7. Discuss next steps for Village Commercial district Act 47/181 revisions, and possible consolidation with Round Church Corners Complex Commercial area

Clarke introduced the VC district as an additional area that needed to conform to Act 47/181 since it is served by municipal W & S service and has residential uses. She said that she is working on reformatting it to match the other districts we have recently worked on. One major question is whether or not to allow residential uses in these commercial areas. A related question is how to resolve the conflict in the PUD section about whether or not PUD’s in the VC district containing only residential uses are allowed, or if PUD’s in this district require 50% of the floor area to be in commercial use (both are asserted). She also said she is looking into whether districts that do not allow for single-family homes actually

have to conform to 47/181. Anand wondered how home occupations would be addressed. Clarke said she would like to have an initial draft before inviting property owners Dan Noyes and Heid Bormann to a PC meeting, and she would try to have that for a March meeting.

8. Other business

Clarke announced that Rebecca Connell has resigned from the Commission, and encouraged PC members to invite others to apply. Bender said he would approach individuals personally. Fausel mentioned that his future daughter-in-law had expressed an interest. Clarke said she and Osborne would request from the SB that the membership be reduced to 5 if no candidates show up soon.

A final agenda item concerned a recent FPF post by former PC member Bryton Moeller regarding municipal regulation of agriculture. The Vermont State Supreme Court recently ruled that it is not farmland itself that is exempt from municipal regulation, but only the Required Agricultural Practices (RAPs), which relate to water quality. So this ruling seems to say that any other aspect of farming besides that relating to water quality protection is, in fact, susceptible to municipal regulation. This would be a fairly radical change from the way towns and the Environmental Court have interpreted farmland regulation. Clarke said there is nothing the PC needs to do just now, but we will need to keep track of how this plays out as the Environmental Court considers how we all should be interpreting this ruling.

Clarke also reported that the SB approved the final draft of the Town Plan to be voted on at Town Meeting, after receiving the PC's report that the changes the SB made meet the statutory requirements of 24 VSA 4302. Marcy Harding announced that the new FLU map was now installed in the draft, and thanked Osborne for his work in obtaining it from the CCRPC mapmakers. Clarke said the final informational session on the Plan would be held on Feb. 23rd at the SB meeting, and that the next PC meeting would be March 4th.

9. Adjourn

As there was no further discussion, Fausel motioned to adjourn, with Bender seconding. Hearing no objection, Clarke adjourned the meeting at 8:46 pm.

Minutes submitted by Virginia Clarke