

5.6.26 meeting minutes

Meeting was held in person at the Town Center and remotely on Zoom.

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

Members absent: *none (one vacancy)*

Others present: Keith Osborne (Director of Planning and Zoning), Erin Wag (MMCTV),
Trevor Brooks

1. Welcome

Clarke welcomed members and guests and opened the meeting at 7:08 pm.

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

As there were no changes or comments, the meeting proceeded with the posted agenda.

3. Review minutes of 4.15.26 meeting

Brooks requested the alteration of “will” to “may” in final section of minutes regarding the possibility of Trevor Brooks applying to the PC. Change accepted and will be reflected in the minutes accepted into the record.

4. Discuss most recent drafts of proposed new section 6.17 and revised section 5.5 .

Discussion on section 6.17 began with considering the “triggers” for requiring information on the site plan about erosion and stormwater; 600 sf or more of disturbed land; 600 sf or more of new impervious surfaces, or 15% or more slope. Pros and cons were considered, but no other strategy was proposed. Next discussion was concerning language requiring additional state permits. A consensus emerged that it would be better to just refer to “current state regulations” rather than citing actual state permitting numbers, to avoid having to change our regulations if/when the state changes their numbers. In any case, applicants would be responsible for identifying any state permits they need, and applying for them. The suggestion was made that any numbers that might change be referenced only on the permit application forms, rather than in our RZR, as they would be much easier to modify

Clarke reminded the PC that all applications for zoning permits needed some sort of drawing showing setbacks etc., which is why the proposal is to have “major” (reviewed by DRB) and “minor” (reviewed only by ZAO) categories of site plans. Exemptions for the need to follow section 6.17 were then considered. It was felt to be impractical to require all existing impervious surfaces to be regulated, so there was discussion about upgrading the town’s stormwater infrastructure to deal with anything beyond new construction. Brooks mentioned that a group of UVM engineering students had visited Richmond for a stormwater management design exercise and would be submitting a report soon to the town manager and the Conservation Commission. Osborne suggested applying for UPWP

funds to design an improved town stormwater system. There were no comments about other items in the “exemptions” subsection.

Discussion moved on to proposed subsection 6.17.4 which outlines the erosion and stormwater requirements of pre-construction, construction and post-construction stages of a project, and describes the references used to gain the necessary information. Subsection 6.17.5 discusses the pre-construction, or planning, stage. Osborne said that planning staff can help applicants develop a site plan with specific actions that will meet the requirements. In addition to creating a site plan, 6.17.5 requires an applicant to contact the Agency of Natural Resources’ Permit Navigator and Atlas, and to engage Dig Safe prior to any land disturbance in the pre-construction stage. The consensus was that the town’s responsibility is only to inform applicants about the state permits that might be needed, but not to enforce them, and that Dig Safe and depiction of parcel boundaries and easements on the site plan are the applicant’s responsibility. A completed “permit navigator” form provides a record that the town has provided state permitting information to the applicant as required by statute. Brooks cited the authorizing statute 24 VSA 4449. A lot of the guidelines rely on voluntary compliance, as there are very few state enforcement officers.

The only state permit the town currently requires is the water/ wastewater permit which must be in hand prior to the CO. Clarke added that with our new section 6.17, the town would be requiring many of the actions for the smaller scale projects that the state would require for larger projects, and that these would then be enforceable at the municipal level. Osborne added that the ZAO is currently attaching the Permit Navigator form to the completed application, and helping the applicant fill it out when necessary. Fausel was concerned that unnecessary permitting requirements should not be mandatory for very small projects, and that the town should not be liable in cases where applicants did not obtain necessary state permits. Clarke said that she and Osborne would revise the draft thus far to reflect this discussion, and that further subsections would be considered at the next PC meeting.

5. and 6. Other business and adjourn

As there was no other business, Fausel motioned to adjourn, seconded by Brooks. Hearing no objections, Clarke ended the meeting at 9:15 pm.

Minutes submitted by Virginia Clarke