

7.15.26 meeting minutes

This meeting was held in-person at the Town Center meeting room with a Zoom option.

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

Members absent: (*none – 1 vacancy*)

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

1. Welcome

Clarke opened the meeting at 7:05 pm and welcomed members and guests.

2. Review agenda and public non-agenda item comments

As there were no changes to the agenda or comments from the public, the meeting continued with the posted agenda.

3. Review minutes of 7.1.26 meeting

As there were no comments on the minutes, they were accepted into the record as written.

4. Continue discussion of stormwater, with review of the Brooks proposal and alternatives

Clarke reviewed her memo, stating that the posted materials marked CURRENT are all related to the Brooks' proposed documents, with the 2 alternatives being the ORIGINAL documents that we started with, and ALTERNATIVE#2 being a recent effort that she had been working on to utilize our existing regulations with some relatively minor adjustments for erosion and stormwater regulations in order to reduce the amount of regulatory change that everyone would have to deal with. She reviewed the additions to the RZR Permitting Section 5 that would require applicants for a zoning permit to state their erosion prevention and stormwater management plans, with additional line items in the Site Plan Review, Conditional Use, and Certificate of Occupancy sections. Then she described the additions to the Subdivision regs in the RSR, including a change from the current 25-year storm to a 10-year storm minimum threshold. She also mentioned that the needed changes to replace the Master Development Plan language with Critical Permit Conditions language (that the PC has already made in the RZR into the RSR), was incorporated to make the RZR and the RSR align; and that new Section 6.17 of the RZR becomes just a guidance document.

C. Brooks then presented information about the CURRENT proposed documents: first - everyone applying for a zoning permit would need to meet basic EPSC and stormwater requirements. A discussion then followed about whether a minimum project size should be established below which no EPSC or stormwater management would be required, and how much flexibility should be in the hands of the ZAO and/or the DRB. Fausel thought that some small projects should not need to have EPSC and stormwater requirements. Osborne offered that all projects are unique, so the ZAO should have some flexibility. Fausel felt this

allowed allegations of bias on the part of the ZAO, and that he favored specific regulations based on the % of impervious lot coverage. This, he felt, would provide the appropriate distinctions between building on a small village lot versus on a larger lot in the A/R district. A discussion then followed about having regulations specific to zoning districts.

Oborne requested that any strategy be comprehensible to the layperson and kept relatively simple, and that the ZAO and P&Z staff had a finite amount of time that they could spend explaining a complicated system to each applicant. C. Brooks suggested that we test the matrix by running some scenarios of recent projects, and said that the CO would likely only be required for the stormwater practices, not the EPSC, as that would be completed by the time of the CO. Osborne added that the CO could require the removal of the EPSC structures if they were not already removed.

Returning to the proposed matrix, which was designed to determine which projects would require that a plan for either EPSC or stormwater be professionally designed vs applicant designed if review by the DRB was not required, T. Brooks (who designed the matrix) offered the following: for a really small project, an applicant would not need to explain or portray an EPSC/stormwater plan, but would still have to follow the guidelines. For a somewhat bigger project, an applicant would have to explain or portray the EPSC/S plan in the permit application. Then for an even larger project, a professionally-designed plan would be required. He said that this would still require the ZAO to make some decisions. Fausel promoted the idea of hard numbers in the matrix to reduce ZAO decision-making.

T. Brooks said he had simplified the matrix by removing items that he thought might be hard for landowners and/or the P&Z office. Osborne said he'd like the matrix to be 1-1 and 1/2 pages. Fausel wanted to see some items removed and some added. C. Brooks said she preferred the earlier version of the matrix because it provided more specificity, but that T. Brooks had taken feedback from the previous meeting to shorten the matrix. Clarke suggested that the matrix only determined whether or not you needed a professional plan, but not what was required to be in the plan. C. Brooks offered that the applicant would have to take the plan from the suggested texts. Another alternative would be to provide a short list of possible strategies as was written in the ORIGINAL proposal. T. Brooks suggested employing a town engineer to create plans for the applicants. Osborne said the money that would be used for that would actually be put towards staff training on this subject.

Fausel suggested that these issues be considered as four steps : step one would be no plan needed for very little soil disturbance. Step two would be completing the matrix and creating an applicant-designed plan from the handbook, or needing a professionally-designed plan. He agreed that projects that already need site plan review by the DRB would automatically require a professional-designed plan. Step three would then include following the stormwater matrix (the second matrix) and the stormwater guidelines, including registering the maintenance features with the town clerk. Osborne said that registering a maintenance agreement for the stormwater plan would be administratively

burdensome. Fausel felt that a buyer of a property that had a long-term stormwater system would want to know what their responsibility towards that system would be going forward.

Osborne said he didn't know how a landowner applicant could be required to develop a forever stormwater plan, and nor could his office require this. He said he favored the "first flush" concept for the applicant-designed project, which would be a passive system that wouldn't require long-term maintenance, because the ZAO and P&Z staff has neither the ability or authority to do this. Only the projects that require DRB approval and a professionally-designed plan would be able to be held to a standard such as the 10-year storm. C. Brooks agreed that P&Z could only advise or require Low Impact Development practices and only for first flush. Fausel reiterated that step three would use the stormwater matrix to decide whether or not a professionally-designed stormwater plan would be needed, and that there would be no requirements if the matrix said they didn't need a professional-designed plan, but advice and guidance could still be given by the P&Z staff.

T. Brooks gave an example of a stormwater management system designed by a homeowner applicant. Fausel thought that step four of his concept would be to follow whatever guidelines were needed by the features listed in the matrix. He still felt it should be part of the permanent record for the property, which would emerge as a condition at the time of a sale of the property. C. Brooks agreed with Fausel, saying that having the system filed in the land records would protect the neighbors if later the system was abandoned and the neighbors were flooded. Osborne expressed that enforcing such permanent stormwater requirements, even if they are written into the permit, might be beyond the time capability of the small P&Z staff without a dedicated Storm Water Officer. He also suggested getting help from CCRPC to make a more formal map of Richmond's municipal stormwater infrastructure, for which only a sketch currently exists.

C. Brooks offered that a different way of tackling this issue would be to develop a map of areas in Richmond that were high risk for stormwater damage and create location-specific regulations, but she thought this might be a harder sell for the public. Osborne felt we should not be trying to make a perfect system at this point, just taking a step towards addressing stormwater. He said he would work with the matrix. Clarke said one purpose here was to capture the projects that fell below the state triggers, so we should at least be thinking about those small projects and providing guidance for managing the stormwater. Fausel suggested that his step four would have three parts: no stormwater management, self-engineered management and professionally-engineering management. Clarke suggested that the permitting framework could encompass a system for deciding if a professionally-designed plan was needed or not, and if not, guidance could be given for stormwater management. C. Brooks thought all the EPSC/S material should be in one self-contained section.

5. and 6. Other business and updates; adjournment

As there was no other business or updates, Fausel motioned to adjourn the meeting, with Brooks and Anand seconding. There were no objections, so Clarke closed the meeting at 9:09 pm. The next meeting will be on 8.5.26, at which point discussion on stormwater will resume.

Minutes submitted by Virginia Clarke