

1 **Town of Richmond**
2 **Special Meeting of the Town of Richmond Selectboard**
3 **Minutes of August 14, 2023**
4

5 **Members Present:** Bard Hill, David Sander, Jay Furr, Jeff Forward, Lisa Miller
6

7 **Absent:** None
8

9 **Staff Present:** Josh Arneson, Town Manager; Duncan Wardwell, Assistant to the Town
10 Manager
11

12 **Others Present:** Meeting was recorded by MMCTV, Betsy Cabrera, Brad Elliot, Cecelia
13 Danks (ACFC), Chase Rosenberg (ACFC), Daniel Schmidt (ACFC), Daniel Wolfson, Ed
14 Wells, Ian Stokes (ACFC), Jeanette Malone, Jesse Crary, Jim Monahan, John Rankin,
15 Jon Kart, Joy Reap, Judy Rosovsky, Julian Portilla (ACFC), June Heston, Martha Nye,
16 Melissa Wolaver (ACFC), Nancy Zimny, Robert Lowe, Tyler Merritt
17

18 **MMCTV Video:** <https://archive.org/details/RichmondSelectbd08142023>
19

20 **Call to Order:** 7:00 pm
21

22 **Welcome by:** Furr
23

24 **Public Comment:**
25

26 Stokes: Cecilia and I are currently serving as interim Co-Chairs of the Andrews
27 Community Forest Committee. We looked at the agenda and recognized that it was very
28 ambitious. We put together a short statement to draw attention to areas in the agenda
29 where we see scope for important progress.
30

31 Firstly, we do thank the Selectboard for calling this meeting with our committee to
32 facilitate progress. We are optimistic that an open discussion will be productive for the
33 work of the Andrews Committee and help us plan for the most appropriate management
34 of the Andrews Forest. We're counting on the meeting Chair and all of us present to
35 work together to make this meeting as efficient as possible.
36

37 Cecilia and I focused on four priorities. Firstly, it's important to clarify the required
38 arrangement for recruiting and reviewing vacancies in the Andrews Community Forest
39 Committee, specifically the roles of our committee, the Selectboard, the Conservation
40 Commission, and the Trails Committee in identifying the most qualified applicants.
41 Secondly, the benefits of the collaboration between the four committees is key to aligning
42 management of the forests to community and other goals. I hope we can address how can
43 that collaboration be improved. Thirdly, the Andrews Community Forest Committee has
44 received substantial public input in meetings on online surveys and has been criticized
45 regarding its responsiveness in revising the management and trails plans. The Committee
46 is aware of this and has recently established two subcommittees that are already working
47 to incorporate those concerns into the comprehensive management and trail stewardship
48 plan. The subcommittees are addressing many questions such as should all new trails
49 necessarily be designated for mechanized, bicycle travel, and what seasonal trail closures
50 or monitoring data are needed in the management. The challenge here is how best to

51 accommodate public comment during that process. Perceived delays in establishing
52 plans and resources for additional recreation opportunities while also respecting
53 ecological concerns have been frustrating to many people. We would like to explore
54 options for additional support to complete this work in a timely way, and in which all
55 voices feel heard. Finally, we want to recognize the enormous workload and
56 responsibilities of the elected members of the Selectboard, as well as the many hours put
57 in by volunteers who serve on Town committees. These efforts are not always visible and
58 recognized and occasional mistakes are inevitable. We must all appreciate when they are
59 recognized and corrected in the best interests of the Town.

60

61 **Additions or Deletions to Agenda:** None

62

63 **There are items in the packet that pertain to the meeting in general.**

64

65 [Andrews Community Forest Management Plan.pdf](#)

66

67 [GRANT OF DEVELOPMENT RIGHTS CONSERVATION RESTRICTIONS .pdf](#)

68

69 [G RTF IMP Map - VLT 2-12.pdf](#)

70

71 [Microsoft Word - Expanded Additional Responses to ACF Committee Re ACF](#)
72 [Ecological Trail Design.pdf](#)

73

74 [Link to Initial report from ecology Arrowwood and trail design Sinuosity companies.pdf](#)

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76 [ACF trails proposal 220306.pdf](#)

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78 [EM1129 DRB CU 2020-039 SR.pdf](#)

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80 [EM1129 DRB App 2020-039- variance-Denial.pdf](#)

81

82 [March 29 Public Meeting Around ACF Management Plan Revisions - Community](#)
83 [feedback 2023.04.28 3 .pdf](#)

84

85 [Transcript of Engagement Event - Edited for clarity.pdf](#)

86

87 **Review the role and authority of the Selectboard and Andrews Community Forest**
88 **Committee related to the Andrews Community Forest management plan and**
89 **related construction/expenditures**

90 Timestamp: 0:07

91

92 People who participated in discussion: Furr, Danks, Forward, Schmidt, Portilla, Hill,
93 Stokes, Miller, Rosenberg, Low

94

95 Danks stated the Selectboard is the decision-making body around the Andrews
96 Community Forest. Danks clarified that the Andrews Community Forest Committee
97 (ACFC) thinks through the options, collects information, and presents our best advice and
98 why those decisions were made. Danks stated that the ACFC responsibility is to get
99 input from the community, to craft and build consensus, to bring in resources to make
100 that happen, and then present the best work to the Selectboard.

101
102 Forward asked about the process when there is no consensus. Danks stated that those
103 points of contention should be identified and then used to educate the community about
104 the key points and rationale. Danks suggested presenting a suite of options to the
105 Selectboard with pros and cons. Schmidt stated that the culture of the Committee is to
106 listen to each other to find a compromise and to gain new understanding from a different
107 perspective. Portilla asked if the Selectboard had any advice for managing perspectives.
108 Hill observed similar features in the Zoning Regulations produced by the Planning
109 Commission. Hill confirmed that when the Planning Commission presents to the
110 Selectboard most of the plan is accepted but sometimes there are minor changes.
111
112 Stokes observed that the ACFC includes representatives from the Conservation
113 Commission and the Trails Committee so there are many communication channels
114 available. Forward stated that there might be more than minor changes at the Selectboard
115 level. Forward pointed out that Selectboard members are elected by the people of
116 Richmond and get a surprising amount of communication from people of all persuasions
117 and have a responsibility to represent everybody in Town. Miller observed that the
118 Andrews Forest has a lot of intangibles like enjoyment, pleasure, fun, and respect. Miller
119 stated that the ACFC is weighing intangibles and coming up with tangible paths. Miller
120 stated that the Selectboard can learn from the ACFC and together they can do a good job.
121
122 Rosenberg stated that his fear is that the ACFC will be typecast in a certain way that will
123 take away from the collective expertise of the Committee, the process, and the public
124 feedback.
125
126 Low confirmed that the current bylaws say that the Committee must approve any member
127 by a two-thirds majority. Low stated that he thinks the Selectboard must have the final
128 authority.
129
130 Furr observed that Planning Commission decisions do not pique the interest to the extent
131 of the ACFC items. Furr stated that Selectboard members get diametrically opposed
132 phone calls and emails and discussions regarding the ACFC. Furr stated that he thinks
133 that there is a middle ground between a conservation only plan and one where it's
134 primarily recreation. Furr observed that Richmond's Declaration of Diversity, Equity,
135 and Inclusion protects the interests of the disabled, the young, the old, the visually
136 impaired, veterans, sexuality, and a lot of groups. Furr confirmed his challenge is to hear
137 everybody, the ones that whisper, the ones that shout and try to stay objective.
138
139 **Process for recruiting, reviewing, and approving applicants for the 3 vacant**
140 **Andrews Community Forest Committee positions**
141 Timestamp: 0:23
142
143 People who participated in discussion: Furr, Danks, Arneson, Schmidt, Stokes, Portilla,
144 Forward, Malone
145
146 Furr reviewed that the ACFC committee is structured for nine seats: one is a direct
147 representative of the Trails Committee, one is a direct representative from the
148 Conservation Commission, there is a nominee from Trails, a nominee from Conservation,
149 and then five others. Furr asked to confirm if all seven delegates need to be approved by
150 two-thirds vote of the ACFC. Danks stated her hope that the ACFC can fill up

151 membership with the current bylaws. Danks reviewed that everything the ACFC decides
152 should be a two-thirds vote. Danks stated that the goal was to keep the Trails and
153 Conservation Commission in the conversation loop. The by-laws were written so that the
154 Trails and Conservation Commission would also choose an ACFC member who was not
155 a member of the respective committee. There may be different concerns related to trails
156 and to environmental conservation so both perspectives were present on the ACFC.
157 Danks stated that there was not any intention to usurp the decision-making power of the
158 Selectboard.

159
160 Danks asked how many candidates the ACFC should be putting forward to the
161 Selectboard to choose from. Arneson stated that the Selectboard has each committee
162 review the candidates that applied and make suggestions which are just advisory. Danks
163 asked if the Selectboard wanted to see everybody and the pros and cons of the
164 recommendations. Furr reviewed that each March/April the Town posts multiple
165 requests for volunteers on Town Committees and usually not enough people step
166 forward. Furr stated that the ACFC can do what any other committee can do and say
167 there are six wonderful people here, we think these three would be best. Danks asked to
168 send out the announcement again and bring to the Selectboard our favorites.
169 Danks suggested that the Town manages those applications and then shows all three
170 Committees the pools of people.

171
172 Schmidt asked if the RCC or Selectboard determines the representative for the ACFC.
173 Furr confirmed it would be the RCC. Stokes stated that it would be helpful to ACFC to
174 have an additional recommendation coming from the respective committee explaining
175 why they are putting forward that person. Portilla stated that the bylaws say that the
176 ACFC has seven or nine members with appointments approved by the Selectboard and
177 the only thing that needs a two-thirds majority is for picking the Chair. Furr stated that
178 anybody who leaves the ACFC would then need to be replaced with the nomination and a
179 two-thirds vote. Danks suggested the ACFC nominate as many people as deemed
180 acceptable and not just one. Forward observed that no other committee has veto
181 authority over who gets to us. Forward stated that this would be an area where we want to
182 review the bylaws. Danks stated that the ACFC is supposed to vote on what the Trails
183 and Conservation Commission puts forward, so it is cumbersome. Furr confirmed it
184 could be a warned special meeting at least 24 hours in advance of a Zoom meeting.

185
186 Furr stated that in October or November the Selectboard could look into the bylaw
187 change, but right now there is a way forward. Danks stated they should look at the
188 bylaws for other edits regardless.

189
190 **Process/practices for keeping Selectboard and the Andrews Community Forest**
191 **Committee mutually up-to-date and lines of communication open**

192 Timestamp: 0:46

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194 People who participated in discussion: Furr, Danks, Miller, Rosenberg, Forward, Hill,
195 Portilla, Zimny

196
197 Danks asked if it would be helpful to write a one-page report after every meeting for
198 highlights. Danks stated that it would be helpful to know what the Selectboard is
199 hearing.

200

201 Furr confirmed he could forward an email or other feedback he received to the ACFC
202 Committee for noting content but not replying within the group as that would be breaking
203 open meeting laws. Furr stated that MMCTV could start posting the ACFC meeting
204 videos with agenda timestamps. Furr confirmed an executive summary would also be
205 helpful. Miller suggested that a five-minute face-to-face summary could update the
206 Selectboard every two weeks or month. Rosenberg suggested a liaison connection,
207 person to person on monthly basis. Furr stated that ten-minutes every month would be an
208 executive summary to Selectboard that might then use the MMCTV video for more
209 information.

210

211 Forward disagreed that the meetings are already too long, and five minutes turns into
212 fifteen. Forward stated that the Selectboard does not need to see all the iterations of
213 planning. Forward suggested that whenever there's an important issue or quarterly status
214 report would keep the Selectboard up to date. Hill reviewed that the question of a liaison
215 if fraught as Selectboard members are torn in different ways and are precluded from
216 updating all of members outside of a public meeting. Furr summarized that a report at
217 least once a quarter or if there's something newsworthy, and the videos with bookmarks
218 will make it easier for Selectboard to be up to date.

219

220 Furr stated that all the behind-the-scenes politicking doesn't help a lot. Furr encouraged
221 more openness. Furr reviewed that anybody can put in a Freedom of Information Act
222 request to know what was communicated on this topic during this timeframe. The only
223 exception is a phone call or meeting in the grocery store.

224

225 Zimny stated that as a member of the public, she wants to see what was actually said in
226 the video rather than how it was interpreted by any member who happened to be the
227 secretary, as it is a very difficult job under any circumstances.

228

229 **Status report on Andrews Community Forest Committee activities**

230 Timestamp: 1:00

231

232 People who participated in discussion: Furr, Danks, Rosenberg, Forward, Portilla,
233 Rosovsky, Elliot, Stokes, Kart

234

235 Danks stated that the ACFC put in a lot of revisions that included the trail plan in a public
236 meeting. Danks confirmed that ACFC got more feedback and things got stalled. Danks
237 reviewed that one sub-committees is looking into plan revisions and one is writing a trail
238 stewardship plan. Danks reviewed that the feedback can be addressed in how those trails
239 are built out over time, how to monitor impacts, how to close it seasonally, what rules
240 exist for biking or walking on a trail. The conversations have not finished.

241

242 Rosenberg suggested watching the recording of the March 29th public engagement.
243 Rosenberg stated that the presentation went through the whole history of public
244 engagement and how that data was synthesized and incorporated. Rosenberg
245 summarized that the ACFC collected feedback at the end of that meeting which informed
246 changes and another round of edits based on the communication with the Selectboard.
247 Danks stated the ACFC hired a facilitator to help select questions beforehand but did not
248 provide as much real dialogue as people had wanted. Danks stated that the revised plan
249 and the trail stewardship plan will have better dialogue.

250

251 Forward stated that the public comment was sorted and listed and very helpful. Forward
252 summarized there are a variety of viewpoints and there isn't a resolution. Portilla stated
253 that everybody wanted to get up to the microphone. Portilla stated that the next version
254 of the plan, a lot of the concerns are squarely addressed. Rosovsky stated that a period
255 of public comments to the ACFC was a bit more anarchistic. Rosovsky summarized that
256 public frustration came from people who made thoughtful comments and didn't know
257 what happened to those. Rosovsky supported this movement towards a more organized
258 collection and responsive public input. Elliot stated that there's been a ton of collection
259 or input but it's the response. Elliot stated that our voices have been heard but there's no
260 response, here's no dialogue. Danks stated that the ACFC is taking that into account to
261 come up with solutions.

262

263 Forward asked about how the ACFC solicits dialogues. Danks stated that the ACFC
264 tended to have public comment at the beginning or at the end but have not had that back
265 and forth in the meeting. The ACFC decided to do that because everybody's happy with
266 real time feedback. Danks stated that people complain that they didn't have enough time
267 to prepare or not able to plan to participate in the meeting. Danks stated that the ACFC
268 can make sure people can comment on each agenda item, there's some dialogue and
269 longer time to review the products. Portilla asked if other committees have ways of
270 capturing and categorizing feedback to make it more digestible. Furr responded that
271 ARPA held a number of public forums and summarized suggestions that were grouped
272 by category. Stokes stated that he values the fact that these were written comments on
273 the record and compiled by a member of the committee. Rosenberg stated that the ACFC
274 is trying to keep it democratic and that your voice doesn't get watered down because you
275 don't show up at every meeting.

276

277 Kart stated that one of the things that one of the reasons it's taken two to three years to get
278 to this point is the fact that we were rushing. Kart summarized that taking the time to
279 have substantive discussions about each element results in fewer variables for people to
280 question.

281

282 **Staff support for Andrews Community Forest Committee comprehensive** 283 **management plan revisions, maps, and trail stewardship plan**

284 Timestamp: 1:22

285

286 People who participated in discussion: Furr, Danks, Arneson, Stokes, Forward, Kart,
287 Low

288

289 Danks stated that the ACFC is doing as a full management plan revision. Danks reviewed
290 that the ACFC is doing all the writing, drafting and editing. Danks stated that the first
291 time there was a legal deadline from the feds to have a management plan in place a year
292 after possession of the land. Danks asked how other committees deal with that issue of
293 staffing and writing. Danks stated the ACFC needs help with specific maps.

294

295 Danks suggested having subcommittees to help draft final documents that might include
296 staff. Arneson reviewed that the Planning Commission has a Town Planner assigned to
297 them to and Virginia did a lot of work herself. Arneson stated that the DRB has a staff
298 member that might be a logical person as it is a planning document. Stokes suggested
299 that there might be resources at the University of Vermont where somebody would take
300 on the task of incorporating what's been written in the management plan. Forward stated

301 that the Vermont Land Trust might have helpful resources. Forward reminded the ACFC
302 to come to the Selectboard before spending any money on anything. Kart stated that
303 money could be used for a consultant to handle schedules, staffing meetings, and
304 compiling reports. Hill stated that the key thing is to be clear about scope of work and to
305 be aware of procurement policies. Low stated that the report from the field naturalist
306 program provided a detailed assessment of the forest. Low confirmed that Conservation
307 Commission reserve funds should be considered.

308

309 **Plans to revisit the Andrews Community Forest Committee by-laws in the near**
310 **future**

311 Timestamp: 1:33

312

313 People who participated in discussion: Furr, Danks, Forward

314

315 Danks stated Town law lawyers might contribute to do a revised management plan.
316 Forward stated the Selectboard can do the legal review. Furr reviewed that the Vermont
317 Land Trust will have to approve any changes to the management plan.

318

319 **The role of Zoning and the Development Review Board in approving potential new**
320 **trails**

321 Timestamp: 1:36

322

323 People who participated in discussion: Furr, Danks, Wolaver, Forward, Portilla, Stokes,
324 Hill, Schmidt, Miller, Stokes

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326 Wolaver stated that the subcommittee worked reached out to Keith Osborne from
327 Planning. Wolaver confirmed they checked in about Richmond Zoning regulations will
328 be guidelines that must be followed. Richmond Zoning regulations state that any new
329 trails developed on slopes greater than 20% will require engineered plans for adequate
330 erosion control per Richmond Zoning regulations, Section 6.11. Any new trail
331 development in the Forest may very well also require the DRB approval. Wolaver stated
332 that Tyler Machia, the Town of Richmond Zoning Administrator, will be assisting in
333 determining if we will be seeking DRB approval. Hill stated that the 20-degree slope,
334 can't be avoided by just building it back and forth and must be properly engineered. Hill
335 observed in the recent rainstorm, there was a waterfall coming down slopes by his house
336 and anyplace with a path was eroding. Hill stated that he would be interested in how to
337 ensure that anything built doesn't contribute to a stormwater problem. Stokes stated that
338 there are additional considerations relating to wildlife corridors.

339

340 **Review of Open Meeting Regulations, Freedom of Information Act, and Vermont**
341 **Public Records Act**

342 Timestamp: 1:48

343

344 People who participated in discussion: Furr, Forward

345

346 Furr reviewed Open Meeting Regulations and emailing a discussion containing more than
347 a quorum is not okay. Furr reviewed the Freedom of Information Act that an email sent
348 must be shared unless in cases of actual life and limb. Furr stated he preferred to have
349 discussions in public meetings. Forward appreciated people contacting him about any
350 particular issue by email, or phone, or in the grocery store.

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Other business related to the Andrews Community Forest

Timestamp: 1:53

People who participated in discussion: Furr, Danks, Low, Miller, Rosenberg, Forward,

Danks expressed thanks and acknowledgement to the last three ACFC chairs and the other members who served in the past. Rosenberg summarized that ACFC will provide a final plan to give to the Selectboard that represents the whole of the voices. Rosenberg expressed a fear that feedback will still be about not enough public input and going endlessly back to the drawing board. Furr reviewed that a lot of people can't come to meetings, but they still need to be heard. Miller stated that it is okay to have things that are contentious but that doesn't mean they can't be resolved. Furr stated that the Selectboard and ACFC need to talk more face-to-face and do less through email and Front Porch Forum. Forward expressed gratitude for the tremendous amount of work and documentation done by the ACFC.

Adjourn

Sander moved to adjourn. Forward seconded.

Roll Call Vote: Forward, Furr, Hill, Miller, Sander in favor. Motion approved.

Meeting adjourned at: 9:00 pm

Chat file from Zoom:

00:42:09 joy reap: It is my understanding as a planning commissioner that if the Selectboard makes significant changes to what the planning commission puts forth, the new rules regs need to go to a town vote. The same should be true in the ACFC situation.

01:36:08 Josh Arneson: Just a note to those joining via Zoom. In order to speak use the "Raise Hand" button found in "Reactions" at the bottom of your Zoom screen. The Chair will call on you and you will be allowed to unmute and speak.

02:13:03 Josh Arneson: Just a note to those joining via Zoom. In order to speak use the "Raise Hand" button found in "Reactions" at the bottom of your Zoom screen. The Chair will call on you and you will be allowed to unmute and speak.