

4.7.25 memo to the SB for public hearing on FHOD and associated amendments

Following the Round-Table Discussion of May 13, 2024, the Planning Commission (PC) was tasked with amending the Richmond Zoning Regulations (RZR), if possible, to allow for the relocation of the playground structures up onto the “plateau” area of Volunteers Green, an area still within the Floodway but at a higher and less vulnerable elevation. This is not currently allowed in our ordinance. The PC worked with the Three Parks Committee (TPC), the Zoning Administrator, neighbors of the park and the FEMA gatekeepers at the Agency of Natural Resources (ANR) to develop a strategy acceptable to both the TPC and FEMA. In order for our residents to retain access to flood insurance, the amended FHOD must meet the requirements of FEMA’s National Flood Insurance Program (NFIP) to ensure that we are not worsening our flooding situation by adding structures to the Floodway that increase the degree of flood hazard.

The approach we took was to specifically allow for **pre-existing** structures such as the playground and the restroom to be relocated and reconstructed under the requirements of the “nonconformities” section of the FHOD (6.8.15). We also used the current categories of “insignificant activities” and “temporary structures” to enable some of the other park improvement ideas of the TPC. At the request of the ANR FEMA gatekeepers, we are requiring permits – either Zoning Administrator or DRB – for these activities.

During our several discussions with the ANR floodplain managers, we pushed back a bit against completely rewriting our ordinance, which has served us well for quite some time, with ANR’s new “pre-approved” model ordinance language which, in fact, comes no closer to achieving our particular goals. We are attaching our most recent communication from Kyle Medash, our assigned ANR floodplain manager, who writes “...overall, the bylaw meets the intent of the NFIP floodplain regulation.” He states that FEMA will also review our ordinance when they update their flood maps, and he cannot speak to that process or when it will occur. At that time, there will still be an opportunity to make any last-minute edits if needed. At the PC’s Public Hearing on 1/15/25 and 2/5/25, Fran Thomas from the TPC felt these amendments would serve their purposes adequately. The amendments were approved by the PC (5 aye, 2 abstain) on 2/5/25 for transmittal to the Selectboard.

In more detail the proposed amendments will allow:

- Reconstruction of the structures of the current playground up on the plateau, in any configuration as long as the total amount of above-ground material is not increased. A fence around the playground and an accessibility path will be allowed. The DRB

will review these activities. They will have to be engineered to meet the standards of Section 6.8.16, and not increase to flood hazard.

- Repair of the current bandshell, or replacement of the bandshell with a different “open air recreational structure” such as a pavilion. This would also require engineering to meet the standards of 6.8.16 and be reviewed by the DRB.
- Relocation/reconstruction of the existing restroom up on the plateau, in any configuration as long as it is not larger than the current structure. The relocated restroom would have to be engineered and meet the standards of 6.8.16, and will require DRB review. An accessibility path would be allowed. The existing structure would need to be removed if a new one were built. Portable toilets would be permitted near the baseball fields for no more than 180 days.
- “Temporary structures” such as portable toilets, Farmers Market tents, food trucks, July 4th tents, soccer and other sports goals would be allowed by permit from the Zoning, Administrator, as long as these items are not in place for more than 180 consecutive days and are “owned” by a permittee responsible for their removal in case of impending flooding or at the end of the season.
- “Insignificant activities” such as the placement/replacement of small incidental items such as trash cans, dog waste stations, flagpoles, and picnic tables will be allowed by Zoning Administrator permit. A planning and zoning policy will be developed with more specifics about how this permitting will be carried out (for example, could one permit be given for the whole season). Current users of the park who will need a permit (such as the Farmers Market) will be notified that they now need to get a permit.
- Residents of the portion of the floodplain outside the Floodway will still retain the rights that they have under the current regulations to work on their structures and properties.

The goal of the Planning Commission has been to provide zoning that will enable the changes suggested by the Three Parks Committee if that is ultimately the will of the community. The financial feasibility and logistics of the proposed relocation activities are in the purview of others.