

1.15.25 meeting minutes

The meeting was conducted in-person and remotely via Zoom.

Members present: Alison Anand, Ian Bender, Virginia Clarke, Rebecca Connell, Mark Fausel
Chris Granda

Members absent: none (*one vacancy*)

Others present: Keith Osborne (Director of Planning and Zoning), Erin Wagg (MMCTV), Bryton Moeller, Max Krieger, Jeanette Malone, Dan Wolfson, Brad Elliot

1. Welcome

After some technical difficulties with the Zoom link, Clarke welcomed members and guests to the meeting at 7:15 PM.

2. Review Agenda

As no changes to the agenda were suggested, the meeting continued with the posted agenda.

3. Public comment on non-agenda items

There was no public comment on non-agenda items.

4. Review minutes of 12.4.24 meeting

As there were no additions, corrections or other changes to these minutes, they were accepted into the record as written.

5. Discussion of removal of “trails” and “recreation path” definitions from the following public hearing

Clarke suggested that because there appears to be more interest in a discussion of these terms than was anticipated, we might want to remove these items from tonight’s Public Hearing and schedule a longer discussion at a future PC meeting. These terms are tangentially related to the FHOD (#6 on the agenda) but not the main purpose for tonight. Connell commented that the letter from resident Max Krieger was thoughtful and informative, so she agreed that a longer discussion would be warranted at a later date. Granda agreed with this point and invited Krieger, who was attending the meeting, to speak if he wished to. Krieger said he would be happy to return at a later date and thought other folks might be interested as well. Osborne said it would be a warned discussion. Clarke also said that she and Osborne had felt that the correct way to remove this from the hearing was to open the public hearing first and then remove this portion from the hearing. Granda assured Krieger that this would not be discussed tonight.

6. Public Hearing on amendments to Section 4.7, 4.8. 6.8 (Flood Hazard Overlay District) and 7

A motion was made by Granda and seconded by Anand to open the Public Hearing. The commission voted affirmatively on the motion to open the hearing. Subsequently, Connell

motioned to strike from the hearing amendments the addition of definitions of “trail” and “recreation path” (Section 7 of the RZR). Granda seconded this motion. The motion passed unanimously, and the commission proceeded with a discussion of the other portions of the posted documents. Clarke opened the discussion by reviewing the purpose, which is to enable the playground and restroom to be relocated from their current locations in the main channel of the floodway up onto the plateau where the bandshell is currently. In our existing Flood Hazard Overlay document we were able to add language about “relocation” in the floodway to the “nonconforming uses” section (6.8.15). As these are pre-existing structures, they qualify as non-conforming, and relocating them to higher ground presumably (by common sense) would not make the flood hazard any worse, which is what we, and FEMA, would like to avoid. We were requested by the Selectboard, on advice from the Three Parks Committee, to enable this relocation, which, according to Zoning Administrator, Tyler Machia, the current ordinance does not allow.

Granda said that we walk a fine line between allowing the Town to carry out these desired actions and not incurring any additional liability, or perhaps additional expense, from changing our regulations. Clarke said that the main concern along those lines would be having FEMA reject the changes we propose, and in so doing make town residents ineligible for flood insurance through the National Flood Insurance Program (NFIP). Granda then asked if we were confident that FEMA would approve the changes we were proposing to avoid this negative consequence.

Clarke then summarized the steps that she and Osborne had taken so far to try to get an answer to this question. She said they had talked to the Agency of Natural Resources (ANR) floodplain managers, Kyle Medash and Ned Swanberg, several times, and that even though they thought what we wanted to do would not be a problem for FEMA, they thought some of our terms would not line up with the terms FEMA used. They also mentioned that our proposed “Incidental Structures” would be a “red flag” to FEMA because we are proposing that these items be exempt from requiring a permit. They also questioned our use of the word “structure” which FEMA apparently only uses to refer to buildings. Clarke said that she and Osborne were working with ANR to persuade them that our amendments are actually - with a few changes - in compliance with the checklist that FEMA uses to review FHOD ordinances, and that we have met the criteria on the checklist.

Granda then asked how important it is for ANR to be comfortable with the amendments we are proposing. Osborne responded that his whole goal was to get the thumbs up from ANR that they can support our proposed changes without having to have us go back and recreate them somehow in the suggested language of ANR’s new “model ordinance,” and that he and Clarke were continuing to work on this. Granda and Osborne agreed that they would not be comfortable presenting anything to the Selectboard that did not have the approval of ANR.

Hearing no further comments from commissioners, Connell moved to continue the Public Hearing until 2/5/25 in order to continue the revisions and deliberations with ANR. Anand

seconded this motion. As there was no further discussion, the motion was voted in the affirmative with Fausel abstaining. Clarke said there would be new information and a somewhat revised document by the PC's February 5th meeting.

7. Approval of documents that would amend Section 3.9 and 5.12, (Jolina Court Zoning District) 6.15, and 6.16, and setting a PC hearing date for these documents

Clarke noted that the Maximum Residential Density number had been changed to 20 U/A developable as had been decided at the last PC meeting. Granda questioned 6.15.5.4 (b) in which the acronym ADA was used without a full title or definition. He suggested that we just state the actual required widths of doorways and hallways. He also suggested that 6.15.5.3 (b) should read "Dwelling units shall be accessible by elevator if above the ground floor." Clarke agreed that these points could be rewritten as suggested. Granda also questioned the source of 6.15.4 (h) which references pocket doors for bathrooms. Clarke said this came from a Cathedral Square ageing-in-place contact, who cited maneuverability and safety as reasons for the recommendation. Clarke said she would look into how important this was, and take it out if it didn't seem too essential.

Fausel suggested that we put in a definition for "ADA" if we are going to mention it – what it means and a reference to whatever the current regulations are. Clarke said that would be possible. Fausel then motioned to set a Public Hearing date of March 5, 2025 for revisions to Sections 3.9, 5.12, 6.15 and 6.16 of the RZR. The motion was seconded by Anand. There was no further discussion and the motion passed on a unanimous vote. The commission then discussed the idea of each of the commissioners making a short presentation at the hearing, of the pathways that led us to the current proposal. Granda supported the idea as it would provide some background into a somewhat novel proposal, and also show that all of the PC members were on board with the compromises that were reached in our decision to create a density bonus program having several different options. . Granda agreed to talk about the need for affordable housing; Bender the need for more housing in general, and Fausel about the need for public parking in the village. Connell thought she might be able to research the background for the adaptable/accessible housing bonus and speak about that after having reviewed the Richmond Housing Study that was conducted by the consultant (Brandi Saxton) in 2022. Osborne said he would forward her the study. There was further general discussion on what housing data exists in Richmond and in the county and about the short presentations.

8. Updates and other business

a) Osborne reported that our previous transmittal to the Selectboard of the Village Residential Neighborhoods and associate amendments was approved with one small revision. The SB's change was to remove the phrase "...and natural stone" from the definition of impervious surfaces as some residents were currently dealing with the state on the issue of "impervious surfaces" and they wished to keep our definition the same as the one the state is using. We had added that phrase to help us with understanding the potential for surface-water run-off from properties with heavy rain (a stormwater issue), but that we (Osborne and Clarke) were agreeable for that being dealt with at some other time.

Oborne planned to change this definition to the SB's language in the final version that will take effect in 21 days from the date of adoption. Clarke reported that she had finally managed to speak with Rep. Jana Brown and state Senator Kesha Ram-Hinsdale about the density issue. Ram-Hinsdale stated that there will likely be further discussion on this issue in the upcoming legislative session, and that her committee hadn't pictured quite the scenario that the village neighbors were presenting. Ram-Hinsdale also said that the legislature would be looking for input from folks such as our village residents when this was taken up in committee, and Clarke volunteered herself and others to testify.

b) Clarke reported that she and Oborne had met with CCRPC to discuss the new regional Future Land Use mapping requirements and Richmond's potential NDA application project, and they had asked to attend the PC's 2/19/25 meeting. We said we would also be having our initial Town Plan 2026 meeting on that day, which would tie in well with CCRPC's review of our 2018 Town Plan and a discussion of new state planning mandates. A short discussion followed on what the work on the new Plan would entail, and how everyone would have to help out. The PC will also have its annual organizational meeting, election of officers and signing of the code of ethics on 3/19. Oborne added some details about what our outreach efforts might look like, including a "charette" at the Town Center and other efforts. Granda also suggested that in addition to people normally active in Town affairs, we try to involve people who are not usually involved. Connell suggested the Friday Food Affair and hosting a summer picnic at the completed Browns Court pickle ball courts for outreach venues. Anand suggested that we might have a summer gathering at her swimming pool, where, she reports, a lot of problems get discussed and solved over a fun activity! Fausel offered a previously-designed logo for a "Town Plan 2026" banner that could be displayed at these various events. Clarke said all these ideas and more will be discussed on the 19th.

9. Adjourn

Granda motioned to adjourn, and Bender seconded the motion. As there was no objection, Clarke adjourned the meeting at 8:40 PM.

Minutes submitted by Virginia Clarke