

4.2.25 meeting minutes

This meeting was held remotely via Zoom.

Members present: Ian Bender, Virginia Clarke, Mark Fausel, Chris Granda, Bryton Moeller

Members absent: Alison Anand, Rebecca Connell

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

1. Welcome

Clarke opened the meeting at 7:03 pm and welcomed everyone. Osborne reviewed the “zoom bombing” protocol.

2. Review and adjust agenda

One addition was made to the agenda: considering the revised “Planning Commission Rules of Procedure” for adoption, as item #7.

3. Public comment on non-agenda items

There was none.

4. Review minutes of 3.19.25 meeting

As there were no corrections or additions, the minutes were entered into the record as written.

5. Town Plan Steering Committee

Clarke reviewed the new Steering Committee Formation document which is listed in the Meeting Materials. Clarke and Osborne created this document based on a template from 2015 that planner Jess Draper had developed for the 2018 Plan work. This will be a subcommittee of the Planning Commission (PC), which will direct and manage the development of Town Plan 2026. Two PC members, one Selectboard (SB) member, and 3 public members have thus far agreed to be on this committee. The document also sets up a list of “Friends” who can assist the committee on specific topics. The meetings will be warned public meetings. The members will work towards consensus and will report to the PC. Erin Wagg from MMCTV said they would not necessarily broadcast these meetings live, but would receive the recordings from Osborne and archive them for later broadcasting. Clarke agreed to adjust the document to reflect that.

Clarke reviewed the second document that outlines expectations for committee members, including reviewing the 2018 Plan, structuring the work, responsibilities etc. As there were no additions or changes to these documents, Moeller made the motion to create the subcommittee based on these documents. Granda seconded, and absent further discussion the motion was approved 5-0. The next step was to appoint members to the committee, and resident Chelsye Brooks introduced herself as a candidate for one of the 3 public member seats. Clarke then read short bios from the other two public member

candidates, Andrew Powers and Jason Osterman. She reported that Adam Wood had agreed to be the SB representative, and that Bender, Moeller and Clarke would serve as the PC members on the committee. She also said that there was space for 2 more public members if interest was shown over the next few weeks. As there was no further discussion, Bender motioned to appoint these 7 candidates to the new Steering Committee. Granda seconded, and the motion was approved 5-0.

6. Add to contact lists for “orphan Town Plan sections”

Clarke asked for commissioners to add any names they could think of to the list that she had started for gaining public input for some “unowned” sections of the Town Plan. Fausel suggested the Hamiltons of Stone Corral for economic development. Other suggestions were the Folks at Harrington Meats, Milton Cat and the Lucky Spot (the Donovans). Our Community Cares Camp was added to the community development section. Cathleen Gent was added to transportation. Clarke said that this list would now be given to the newly formed Steering Committee for action.

7. Consider adoption of the revised “Planning Commission Rules of Procedure”

Oborne presented the document that he had revised according to the discussion at the previous PC meeting. There were only a few changes needed. Under Rule 1, remote meetings were authorized. Under Rule 2, the annual organizational meeting was set for a time no later than the end of March. The few remaining changes involved changing from gender-specific to gender-neutral pronouns wherever occurring. As no one objected to the changes, or felt that others were needed, Moeller motioned to approve the revised document and re-date it April 2, 2025. Granda seconded, and the document was approved on a 5-0 vote.

8. Prioritize Planning Commission work, in addition to Town Plan 2026 oversight

Clarke opened the discussion with the Tier 1B issue. This calls for the PC to make a recommendation to the SB about whether or not to “opt-in” to an Act 250 exemption for development of up to 50 dwelling units in the dense core of the village. This is requested by CCRPC for their new Future Land Use map that is currently under development. The 1B designation is designed to encourage housing development in the core areas on a larger scale by reducing Act 250 costs. Tier 1B is only available for our Village Center and any Planned Growth Areas that we or CCRPC has designated. (this would currently be Village Neighborhoods North and South, Village Residential/Commercial and Village Commercial zoning districts). Osborne added that 1B status does not absolve the developer from obtaining required state permits, such as wastewater or wetlands, or from receiving a local land use permit from the DRB. Osborne also mentioned that Act 250 is usually most concerned with the environmental aspects of a project. He said that the Act 250 Board (now the Land Use Review Board) has expert engineering and other advisors available for their review of a project, but that the Town could also have access to such additional resources if we felt they were needed. Clarke said she thought many of the 10 Act 250 environmental review criteria might not be applicable in the more dense “urban” part of the

village, and that she understood that Osborne felt his department could handle the new oversight of 1B.

Guest Chelsye Brooks asked who would hold developers accountable for obtaining required state permits if Tier 1B status is elected by the town and Act 250 review is eliminated for these projects. Osborne responded that it would either be his office or the DRB depending on who was issuing the zoning permit. Clarke suggested that state permits are mostly only looked at before a Certificate of Occupancy (CO) is granted, not before local permits are issued or development starts. She said the PC has frequently debated whether it is permissible to require state permits at the start of the local permitting process. Osborne felt that this should be possible, or at least that a developer could be required to show proof that the state permit had been applied for. Bender wondered if CO's have in fact been issued here without the required state permits. Osborne and Clarke agreed that it had happened. Brooks said that relying entirely on a developer's word that they had obtained the required permits might be a liability for the Town if we have no Act 250 oversight.

Clarke wondered what additional information would help the PC decide on a 1B recommendation. She added that an additional wrinkle is that there is an "Interim 1B exemption" townwide until January 1, 2027, so that any project of less than 50 units on under 10 acres developed during this time would automatically not receive Act 250 review. This would replace our current exemption for less than 10 units. Moeller suggested that it appeared from the map that there are limited places in the eligible parts of the village center where developments of 10 – 50 units might actually be possible. Clarke mentioned that resident Christy Witters had pointed out that the larger lots in the supposed eligible areas – the parcels belonging to the schools, the cemeteries and the Richmond Land Trust – are not actually "planned for growth," so should be changed on the map. Clarke brought up the other larger parcel – the Creamery property – but mentioned that it was not completely clear as to whether new development on this parcel was covered by an existing Act 250 permit and so would still have Act 250 oversight. Osborne's research suggested that under the Interim 1B, new building on this lot would not require an Act 250 permit amendment or oversight, but the original conditions would still apply to the parcel. Clarke felt it would be important to know who would make sure any previous Act 250 conditions were being honored in the new phase of building on this parcel. Osborne said he would find out this information, and that he would send out a list of the Act 250 criteria to the commissioners. Clarke mentioned that more information about the criteria could be found in 10 VSA 6086. Bender said he had reservations about opting in for 1B. Osborne said he would add 1B to the agenda for the next meeting.

The discussion then turned to the issue of more closely reviewing CCRPC's proposed Future Land Use Map (FLU) to make sure all of the designations are what we want them to be. Clarke wondered about the "Transition" areas and Moeller about the 4 different categories of rural areas – what effects would these designations have on the landowners in these districts. Clarke pointed out that this is not a zoning map, so there are no direct

implications for land owners, but that this FLU, if adopted into our Town Plan, would need to be translated into zoning by the PC. Moeller thought we should be discussing these designations with the people who own land in these areas. Clarke said a further discussion about refining the map would be on the PC's next agenda.

8f. Other PC work priorities

Clarke reviewed other topics that the PC might work on besides decision-making for the CCRPC's new map. Various topics were mentioned including working on the Village Commercial ZD; stormwater management and reducing flood damage; updating the Village Residential/Commercial ZD to incorporate Act 47/181 and other technical updates to the RZR, and removing the Master Development Plan language, which we replaced with Critical Permit Conditions language, from the Subdivision Regulations. Osborne thought the Subdivision Regs needed some other revisions as well, since it has been quite awhile since we looked at them. Clarke suggested that the PC might have a better idea of the time available to take up one or more of these topics after the SB meeting on April 7th, so the decision was postponed until a further meeting. After viewing Bender's new puppy, "Cooper," a Corgihua, who was incredibly cute, Granda made the motion to adjourn with Moeller seconding. As there was no objection, Clarke adjourned the meeting at 8:48 pm.

Minutes submitted by Virginia Clarke