

1 **Town of Richmond**
2 **Special Meeting of the Town of Richmond Selectboard:**
3 **Volunteers Green Round Table Discussion**
4 **Minutes of May 13, 2024**

5
6 **Members Present:** Adam Wood, Bard Hill, David Sander, Jay Furr, Lisa Miller

7
8 **Absent:** None

9
10 **Staff Present:** Josh Arneson, Town Manager; Duncan Wardwell, Assistant to the Town
11 Manager; Keith Osborne, Town Planner; Tyler Machia, Zoning Administrator; Peter
12 Gosselin, Highway Foreman

13
14 **Others Present:** Meeting was recorded by MMCTV, 18023553391, Alison Aiken, Beth, Bob Marquis,
15 Cara LaBounty, Chris Hagerty, Chuck Senick, Denise Barnard, Erik Filkhorn, Fran Thomas, Irwin Langer,
16 Jeanne Agner, Jessie Heiser, John Linn, John Rankin, Jon, Judy Rosovsky, June Heston, Kendra Ziskie,
17 Kirsten's iPad, Kyle Medash, Mark Fausel, Martha, Martha Nye, Mary Lefebvre, Megan Andrews, Otie
18 Filkhorn, Rachel's iPad, Rod West, Tess Storrs, Tom Astle, Velma, Virginia Clarke

19
20 **MMCTV Video:** https://youtu.be/vzE5Ld22Am4?si=gaK5QcovsA_Kj_V7

21
22 **Call to Order:** 6:05 pm

23
24 **Welcome by:** Sander

25
26 **Additions or Deletions to Agenda:** None

27
28 **Items for Presentation or Discussion with those present**

29
30 **Introduction of participants**

31
32 **Purpose of this discussion-**

33 **Why are we here today; what do we want to achieve today?**

34 Timestamp: 0:01

35
36 Sander summarized that Volunteers Green is a wonderful community resource for
37 recreation that includes open green space, a playground, a bandshell, Little League fields,
38 soccer fields, restrooms, and a hiking trail but it is unfortunately located in the floodway
39 so there are limitations in the Zoning regulations as to what can be built in the park.
40 Sander stated that they want to be conscious about the cost of damages to approve
41 structures when the park floods.

42
43 **Guidelines for the discussion**

44 Timestamp: 0:03

45
46 **Brief history of Volunteers Green – Fran Thomas**

47 Timestamp: 0:04

48
49 Thomas reviewed the history of the construction of Volunteers Green:
50 An option on 18 acres of a cornfield was obtained by the Town in 1959. In 1971, a

51 sewage treatment plant was built and the land that was not used for the sewage treatment
52 plant was designated by the voters of Richmond as a park in March 1974. The park was
53 named Volunteers Green because it was through the efforts of volunteers and Town
54 equipment that the park was created. In the 70s, there was one small ballfield, a sandbox,
55 a small swing set, some picnic tables and a locally built climbing apparatus. In the 1970s,
56 the Bandshell was built on the plateau area and trees were planted in 1982. In the late 80s
57 and early 90s, part of the Recreation Committee worked to expand the park so the
58 cornfield was leveled, seeded and converted into two regulation ballfields. They were
59 given permission by the Army Corps of Engineers to build the restroom and concession
60 stand. The dugouts were added later with concrete that was donated. The playground was
61 purchased and installed and the soccer fields were created using most of the rest of the
62 cornfield in the mid-1990s.

63

64 Thomas summarized the flooding history and damage associated with Volunteers Green.

65

66 **Cost to Town to repair Volunteers Green after a flood - Josh Arneson and Pete**
67 **Gosselin**

68 Timestamp: 0:10

69

70 Arneson reviewed that the total costs came to ~\$60,000 which is staff time, Town
71 equipment, materials, outside contractors, and repairing the baseball fields.

72

73 Gosselin reviewed the two July floods and the December one which was the most severe
74 with the current and erosion. Gosselin stated that it takes 5-7 days for Highway to put the
75 playground and park together after a flood and FEMA does not always put together the
76 costs. Gosselin reviewed that the flood also took out the Concession building three times
77 this year. Gosselin summarized that Irene and the July floods were high flow but not
78 heavy current as it spread out, the December storm had a massive amount of force as it
79 toppled the flagpole and backstops and put a lot of silt in the ballfields.

80

81 **Result of survey to determine the elevations, floodway and floodplain - Chris**
82 **Haggerty**

83 Timestamp: 0:16

84

85 Haggerty reviewed the history of the 2011 FEMA maps and the requirements for the
86 Town of Richmond which is bound by its own rules to put life back together for the
87 restrooms, the backstops, the wastewater treatment plant, and the Town well.

88 Haggerty summarized that on the maps there is a small island around the Bandstand.

89 Haggerty stated that the finished floor elevation of the Bandstand is about 310 feet which
90 is within the lay of the land. Haggerty stated that if they move material from one place
91 within a flood zone to that same flood zone or floodway, that is not a net decrease in the
92 flood carrying capacity and they have not changed anything, and it is not considered fill.
93 Haggerty confirmed that the Base Flood Elevation (BFE) is 310 feet for the 100-year
94 flood zone, and they have come real close.

95

96 Medash confirmed that the Bandstand is listed at 313 feet so about 3 feet above that
97 plateau.

98

99 Arenson confirmed that floods impact the Town Center parking lots and the crawl space
100 under the Post Office.

101 Medash stated that at the houses on Esplanade, there's the road and little rock walls that
102 are kind of the boundary of the floodway.

103

104 **Review of what can and cannot be done at Volunteers Green going forward relative**
105 **to the Town's regulations - Tyler Machia**

106 Timestamp: 0:29

107

108 Machia reviewed the maps of the regulated floodway with the particular concern of a
109 bunch of debris that's moving at force. Machia stated that most of the amenities of
110 Volunteers Green are located in the floodway. Machia summarized that they cannot do
111 Item j) except for in the Bandstand area identified. Machia summarized that Item k), they
112 can't put new stuff in the Bandshell area because the whole area is inside of the base
113 flood elevation. Machia stated that Item n), the crabapple trees could not be replaced with
114 a pavilion. Machia stated that they can replace the existing playground equipment with
115 new equipment in the same location that takes up the same amount of space and might be
116 able to raise them up out of the BFE. Machia summarized Item l), that principal
117 structures potentially could include the restroom, concession stands, and the current
118 Bandshell could be raised up. Machi stated that Item p) they could put other trails along
119 the riverbank provided not putting structures in the path like foot bridges. Machia
120 summarized that Item q), is possible but the path would have to be packed and not paved.

121

122 **Review of FEMA and any State regulations. Is there any recent data available**
123 **relative to Richmond and the recent floods? - FEMA Representative**

124 Timestamp: 0:40

125

126 Machia reviewed that floodplain regulations start at the municipal and FEMA sets the
127 National Flood Insurance Program or the regulation minimums. Machia stated that
128 FEMA lets them do more things in the floodway than their regulations. Machia listed the
129 things that are prohibited expressly in the floodway: temporary structures, accessory
130 structures, dwelling units, principal structures, basements, or anything given the
131 definition of structure or an assemblage of material for occupancy or use. Machia
132 reviewed that FEMA sets the firm maps and the municipality looks at and it can be
133 appealed and challenged by the municipality or individuals. Machia reviewed that with
134 the recent flooding and damage in Vermont that might be bumped up. Machia
135 summarized that if he started issuing permits for things in the floodway, they could get
136 audited by FEMA for not being compliant with their own floodplain regulations and be
137 penalized which would raise the flood insurance rates of everybody who has NFIP flood
138 insurance. Machia summarized that to raise an area above the BFE with fill, FEMA
139 would allow it but their regulations do not at this point.

140

141 Medash stated that trying to revise that FEMA map is a long, possibly extensive, and
142 expensive endeavor that might not be fruitful.

143

144 Machia summarized that since the Bandshell is an existing structure, they might be able
145 to elevate it with fill, but you could not pick it up and move it. Machia stated that a
146 Conditional Use is allowed by the Development Review Board, but a new structure is not
147 a Conditional Use, so he cannot approve it. Machia summarized that FEMA does grant
148 variances but they are strongly discouraged in the floodplain regulations.

149

150 Medash confirmed that variances are hard to do and not encouraged as the flood

151 regulations are tied to the insurance program.

152

153 Machia stated that he has a liberal view with maintenance so the Bandstand could be
154 ripped down to the studs and rebuilt in the same spot and you do not need a Zoning
155 permit. Machia stated that if you move it 5 feet over then it is considered a new building.
156 Machia stated that changing the Zoning regulations could potentially allow for more
157 stuff. Machia reviewed the definitions of fill and confirmed they could be changed in
158 their regulations.

159

160 Medash reviewed that if they want to move some fill around then you get into a hydraulic
161 analysis of where it causes a rise. Medash stated they would hire an engineer to build a
162 model showing the different scenarios with Volunteers Green. Medash confirmed that
163 any silt deposited by the flood can be left where it is or it has to be exported.

164

165 **Are there any changes possible to Town regulations that would allow for**
166 **development on the band shell plateau and not add to flood damage? Is that a good**
167 **idea? Can any regulations be waived? - Planning Commission/Town Planner**

168 Timestamp: 1:05

169

170 Clarke stated that they could change the definition of fill and structure.

171

172 Machia stated that new bridges, culverts, docks or public projects which are functionally
173 dependent on-stream access or stream crossings are allowed through Conditional Use
174 review in the floodplain. Machia confirmed that the Town is bound by the same
175 regulations as the public.

176

177 Fausel stated that they can create a Recreational District that would allow more
178 flexibility. Fausel summarized that the Town Zoning regulations say they can't do all of
179 this stuff so they need to create a separate district with lax Zoning regulations.

180

181 Clarke stated that they do not want the expense of putting things over and over in the
182 floodway.

183

184 Medash suggested it might be as simple as saying they can move structures to a less
185 hazardous location.

186

187 **Thoughts on the location of a new playground structure - Pete Gosselin**

188

189 **Where can a new playground be located, band shell level or current location?**

190

191 **If the playground remains in its current location, is there a way that it can be**
192 **constructed so that flood damage to playground structures is greatly reduced or**
193 **eliminated?**

194

195 **If the playground remains at its current location, what is done with the band shell?**
196 **Have an engineering study on what might need to be done to make it structurally**
197 **sound? Renovate the band shell or remove it and replace it with a small pavilion**
198 **and a restroom?**

199

200

201 Timestamp: 1:15
202
203 Gosselin stated that they can hard-mount a playground structure on a slab and then place
204 a rubber foam isolator barrier.
205
206 Machia confirmed that if they can keep it in this box of the current playground and not
207 move it from its current location, that will be considered maintenance.
208
209 Furr suggested making a motion to get a quote on the grade level slab and rubber foam so
210 they can say the playground will stay put.
211
212 Gosselin stated that he would like to see the whole upper level revamped with a whole
213 new ADA bathroom. Gosselin reviewed that the Bandshell needs new siding and an
214 ADA ramp.
215
216 Kart stated that the idea of putting a slab and pad with foam down is not going to
217 magically make turbulence and scour not happen.
218
219 Machia summarized that if they were to try and build Volunteers Green today from
220 scratch, they couldn't do it because they want that area to be left free to let the river do
221 what it wants to do, which is expand and meander around.
222
223 Medash confirmed they would need the engineering to show that that slab is basically
224 scour proof.
225
226 Machia confirmed that fill can be moved from one place to another within the Special
227 Flood Hazard Area if there is no net loss if it is outside of the floodway.
228
229 Medash said you could put in a provision and do a hydraulic analysis.
230
231 Thomas stated that she does not think they are ready to make any decisions tonight but
232 might consider changing the regulations or putting the playground on a concrete slab.
233 Thomas stated that they need two reports of what it is going to cost down below and what
234 it is going to take to create a new Recreation zone.
235
236 *Furr moved to investigate the cost of the slab-based approach and the other hydrological*
237 *concerns so that they can make an educated decision. Miller seconded.*
238 *Roll Call Vote follows discussion.*
239
240 Furr stated that his motion is not asking to absolutely commit to doing this but to get
241 enough information. Furr stated that the next motion could be to investigate setting up
242 the new district to make doing things up on the Bandshell green possible in the first
243 place.
244
245 Machia stated that the State just passed S.230, which depending on if the Governor signs
246 it or not, the State will take over permitting for projects inside of Special Flood Hazard
247 Overlay districts along river corridors.
248
249 Osborne stated that the approach of a less hazardous location should seriously be
250 considered at this point but how it is applied is another discussion, is it a Conditional Use

251 or a Permitted Use.

252

253 Clarke stated that it is going to be a whole lot cheaper to investigate doing something
254 with the Zoning a whole lot less cheap than looking into the slab.

255

256 *Hill amended the motion to investigate the cost of the slab-based approach and the other*
257 *hydrological concerns so that they can make an educated decision not to exceed a cost of*
258 *\$5,000. Furr seconded.*

259 *Roll Call Vote: Furr, Hill, Miller, Sander, Wood in favor. Motion approved.*

260

261 *Furr moved to direct Town staff and the Planning Commission to investigate what*
262 *regulatory changes would be necessary up to including the new Zoning district to allow*
263 *Town recreational facilities to be moved within the Volunteers Green area and*
264 *potentially to the top of the knoll. Wood seconded.*

265 *Roll Call Vote: Furr, Hill, Miller, Sander, Wood in favor. Motion approved.*

266

267 **If the playground structure can be moved up to the location of the bandshell should**
268 **the crabapple trees be removed and replaced with a small pavilion with a restroom**
269 **facility?**

270 Timestamp: 2:04

271

272 Thomas stated that she's spoken to the family for which that whole area was designed,
273 and they have no problem with doing what is necessary to use that area.

274

275 Gosselin stated that they really need that entire plot to do everything proposed.

276

277 **Can anything be done to make the current restrooms more flood resilient as well as**
278 **handicap accessible?**

279 Timestamp: 2:10

280

281 Gosselin reviewed that the floodwaters full of silt damages the restrooms as it gets into
282 all the orifices of toilets, drains, electrical outlets and the water has reached the ceiling
283 several times.

284

285 Thomas stated that the actual stalls are not handicapped.

286

287 Machia summarized that you cannot dry flood proof buildings inside of the Flood Hazard
288 Overlay District. Machia stated that if it is a principal structure then they can improve it
289 based on Conditional Use or maintenance.

290

291 **Can the current trail along the riverbank be improved and more flood resilient?**

292

293 **Could a hard surface path (sure-pack or paved) that is friendly to strollers, bikes,**
294 **wheelchairs, etc. be built along the perimeter of the park?**

295

296 Timestamp: 2:16

297

298 Thomas reviewed the requests for a trail around the inside of the park that would work
299 for strollers, bikes, and wheelchairs.

300

301 Machia reviewed a memo he wrote that recreational paths are allowed provided they
302 don't have structures, an assemblage of material for occupancy or use. Machia reviewed
303 that if it's made of rocks or other natural materials that conceivably could be there but
304 once they start paving it or put foot bridges on it then it is a structure. Machia confirmed
305 that the trail would be in the floodway which is the issue.

306

307 LaBounty stated that to send somebody who pays property taxes in this Town to go to
308 another Town to be able to go for a walk is disgusting.

309

310 Kart stated that it doesn't make sense to put a paved path in the floodway as the edges of
311 that thing are going to cause scour and it's going to be undermined.

312

313 Rosovsky agreed that the Volunteers Green is not the right place for a paved trail.

314

315 Heiser stated that just because things are possible does not mean the Town should be
316 responding to floodway concerns. Heiser stated that there's been no clear mechanisms
317 for ascertaining the public's desire for it.

318

319 Furr stated that when he was Chair of the ARPA committee, they heard through the
320 surveys and meetings that a safe walking trail was a high priority for many people.

321

322 Sander observed that the riverbank is eroding, and silt is being deposited on it.

323

324 Barnard stated that the Three Parks Committee did not hear a hard no but were thinking
325 of outside the box ways to do it.

326

327 Aiken reviewed the current trail work of rehabbing and rerouting it with a low budget
328 along with every other trail in town. Aiken summarized that they're not very accessible
329 trails because they live in a valley and that leaves us with hills and a floodplain.

330

331 Ziskie reviewed that random people can't just be going up to the school during school
332 hours utilizing the trail facilities at the school as it's a safety concern.

333

334 Hill reviewed the conversations with hydrologists and riparian buffer experts that they
335 want to be thoughtful about using riprap to protect the high value things that are at risk.
336 Hill summarized that if they try to riprap a quarter mile, it speeds the water up so that
337 when it gets to the far end, it's going faster.

338

339 Rosovsky stated that riprap causes more downstream issues.

340

341 Heston summarized a statement from a friend/neighbor in favor of the paved path as they
342 noticed how inaccessible most places are, including Richmond, and that many people
343 with all types of disabilities find it hard to access public spaces. Heston stated that they
344 need to find ways to make the Town more welcoming for differently abled people.

345

346 Furr reviewed Richmond's Declaration of Equity and Inclusion and that a path of some
347 kind at Volunteers Green is necessary.

348

349 Wood stated that he agrees that it would make it more inclusive, but he has serious
350 concerns that anything will be accessible after one flood so they would need a plan in

351 place and money set aside.

352

353 Machia reviewed that they would have to make changes to our regulations if they were to
354 have explicitly paved paths.

355

356 Rosovsky wondered why they are trying to build a permanent structure in an area that's
357 going to be repeatedly flooded and disrupted.

358

359 Ziskie reviewed that the sure-pack path would be \$78,500 and the paved pricing of a 5-
360 foot paved path next to a 5-foot gravel is \$56,000 and an 8-foot paved path is puts you at
361 \$89,000.

362

363 **Should the fields continue to be made available and playable for baseball, softball,
364 and soccer?**

365 Timestamp: 2:49

366

367 Machia reviewed that they can do new drainage channel management projects and bank
368 stabilization projects that requires Conditional Use review from the DRB.

369

370 Hill asked at what point do they decide to protect the rest of the riverbank.

371

372 Kart reviewed that the 120-yard section of riprap from the bridge south to the boat put-in
373 was \$165,000. Kart summarized that it's going to be harder to make a solid claim that
374 they're protecting vital infrastructure with the new floodplain regulations.

375

376 Thomas stated that it was more of a philosophical question as they are worried about
377 contamination of the soil when it floods.

378

379 Wood reviewed that he thinks that within 72 hours it is considered moderately safe and
380 within a week of rain it's for the most part safe unless there's a huge E. Coli associated
381 with it.

382

383 **Should Volunteers Green continue as the host site for the Farmer's Market and if
384 so, where?**

385 Timestamp: 2:58

386

387 Thomas reviewed that if the playground moved up then the Farmers Market would have
388 to move down.

389

390 Senick stated that the Farmers Market is partners with the Town and if everything moves
391 up then they would be down at the bottom of the hill.

392

393 **Anything that has not been covered that Roundtable Invitees want to discuss?**

394 Timestamp: 2:59

395

396 **Public Comment**

397 Timestamp: 3:01

398

399 Rankin stated that keeping the playground location is better because a leading cause

400 accidental deaths among U.S. children is number one traffic accidents and number two
401 drowning.

402

403 Rand encouraged the Town to consider the maintenance and upkeep of a structure or a
404 path and who is accountable, and money is set aside.

405

406 **Adjourn**

407

408 *Furr moved to adjourn. Miller seconded.*

409 *Roll Call Vote: Furr, Hill, Miller, Sander, Wood in favor. Motion approved.*

410

411 **Meeting adjourned at: 9:12 pm**

412

413 **Chat file from Zoom:**

414 02:00:10 John Linn, AIA: Aren't we adding an awful lot of impervious surface
415 to the park if we pour an 80' diameter concrete slab?

416 02:03:58 Judy.Rosovsky: I agree with you Jack. And I agree with Jon's
417 concern about the water undermining the slab or creating more erosion problems.