

Jolina Court/Buttermilk Timeline 2014 to 2019

● 2014

- Geoff Urbanik, Wright Preston, Jessie Dobiecki, Tom Levesque, David Sander, and Bard Hill do an inspection of the abandoned creamery building and ask the owner to have the facilities secured for safety purposes.
- Consideration of an ordinance to force implementation of safety measures on the property, also started tax stabilization authority and interim zoning measures to attract a buyer.
- The interim zoning committee created the interim zoning regulation that allowed 5 units per acre with a 3 unit per acre density bonus option.
- First discussions of potential tax stabilization or other financial incentives like fee reductions.

● 2015

- Selectboard puts a question on the warning for town meeting day to authorize stabilization: *Shall the voters authorize the Richmond Selectboard to negotiate and enter a Tax Stabilization Agreement for Economic Development purposes, for the properties commonly known as the Creamery, pursuant to 24 V.S.A. 2741, for a term not to exceed ten years?*
- Voters approve the article for tax stabilization from the floor, after hearing a presentation from the town manager and asking questions. Geoff and Selectboard members at the time stated that they intended for the stabilization to not go below the assessed value at that time which was \$351,400 and that the stabilization would be stepped in incremental increases over the ten year period or whatever time period was chosen back up to the real assessed value.
- Brendan and Josi presented a development plan and requested an increase in density but a reduction in floor area ratio. The selectboard then immediately recreated the interim zoning committee, which made fast work of the requests. By the end of September, the density was increased from 5 units per acre with a possible 3 unit bonus, to 15 units per acre. The 50:50 commercial to residential ratio was also then altered to 60:40 commercial to residential, so that they could put more smaller units in, which was requested by them at the time.

● 2016

- Over the winter/early spring, Buttermilk, LLC was in negotiations with the previous property owner to purchase, and had a P&S agreement in place. However, the cleanup funding and approvals were taking longer than expected, and the P&S expired in March of 2016 and the owner stopped communication with Buttermilk. The previous owner then sold the property to the senior center for a large down payment of \$50,000 cash and \$75,000 held in private mortgage by the property's previous owner.
- Initial clean up grant approval for \$500,000.00
- Interim zoning was set to expire in May of 2016, so a hearing was held to extend it for the one year allowed by statute extension.
- After several months of negotiations between the senior center, Buttermilk, and the town, Buttermilk closed on the property on September 19, 2016 and purchased the property for \$135,000.
- At the selectboard meeting on 9/19/16, Buttermilk presented development plans for phase 1, which is what is currently being constructed at the corner of Bridge St and Jolina Ct. At meetings prior to this, and during this meeting, Buttermilk asked about the 30% parking reserve. Geoff said that it could be requested in an application to the selectboard under interim zoning, because the interim zoning parking regulations were recommended and not required.
- October 2016: Request for additional grant funds

- November 2016, the selectboard approved the \$549,478.00 Community Development Block Grant. Additional funds were secured through Brownfield program: \$148,883, and Municipal Match of \$10,114.
- In November and December 2016, Buttermilk had their first development review hearing in front of the selectboard under interim zoning for building 1 (it spanned 3 meetings). The full parking scheme for the development was not presented with their application and the 30% reserve proposal was not made. On 12-19-16, they were granted conditional use approval for building 1: two floors containing 10 apartments, and two floors of commercial space. However, building 1 has tenant storage and laundry in the basement, which reduces overall commercial square footage. 34.28 feet in height, Front setback was waived in order to meld the proposed patio with the streetscape, 40 parking spaces, proposed commercial uses included: bank, retail, personal service, professional office, light industrial, takeout restaurant. Required 60-40 be met by completion of Phase 2. 60' road right of way was waived.
- **2017**
 - In March of 2017, the 2012 Town Plan expired disallowing any town bylaw changes of any kind until adoption of a new plan.
 - In April of 2017, Buttermilk had another hearing for building 1 in front of the selectboard under interim zoning to amend their site plan which was to alter the stormwater plans and to expand the parking area. The 30% reserve was not requested at this time.
 - In May of 2017, Interim Zoning Expired.
 - In June of 2017, Buttermilk asked the town to request an increase in grant funds on their behalf for additional contamination costs of \$193,530.00.
 - In August of 2017, Buttermilk requested that their zoning fees be waived. The fees totalled \$5470. The selectboard denied this request on 9/5/17.
- **2018**
 - February 2018: An additional \$100,000 is granted to the town to cover additional costs for a new total of \$649,478.00 in CDBG funding.
 - In March of 2018, they obtained a building permit for building 1
 - In April of 2018, they came for DRB approval of building 2, without zoning regulations in place that would support their application, and the DRB approved it anyway claiming they gave authorization based on past approvals of the selectboard. Has to be 70-30 split to meet the 60-40 post-phase-2 requirement. Approved 20 dwelling units. 8000sf footprint, 34.25 ft in height. Same commercial uses proposed as building 1. The cemetery asked for a fence at this time, and Buttermilk said they would discuss other options with the cemetery offline.
 - Spring of 2018: Josi reaches out to Geoff regarding their high tax bill, Geoff says they missed the deadline for grievances and offers them to come back for the next year
 - Late 2018: Grants with the town are closed out, lien is paid off.
 - In November of 2018, the 2018 Town Plan passed allowing bylaw changes to be made.
 - In late 2018, Josi met with Josh and Jess (both of whom had not met her or been involved in the project at this point), and she gave Josh a letter for the selectboard outlining their intentions, the letter included information regarding 14 apartments, but Josh did not know any differently about their approved 10 units.
 - In December of 2018, Josh fast tracked a ROW permit for Buttermilk, and they violated said permit by digging in an unauthorized portion of the right of way to do their gas connection. They were charged a double fee for an after the fact permit.
- **2019**

- In January of 2019, the fire marshall alerted the town to the change in the number of permitted units. The town quickly changed gears in order to get the planning commission working on zoning for them, while they worked on getting DRB approval for the changes.
- In February of 2019, they applied for amendment of their building 1 approval to allow for their addition of four apartments to building 1.
- In February, the PC proposed adopting the interim regulations outright. Buttermilk said they would just ask for changes in a year anyway, so the PC decided to try and work with Buttermilk on new regulations instead of just redoing it all in a year when they came back for changes. Buttermilk asked for the following:
 - Allow full parcel acreage to count toward their density calculation, as opposed to developable acreage (6+ acres including floodplain and wetlands)
 - Redefine dwelling unit to be bedroom based.
 - Completely remove ratio of Commercial to Residential space
 - Increase density to 30 units/acre (30 units x 6 acres=180 units....)
- The planning commission felt that all of these requests were beyond what was acceptable, but agreed to discuss some variations including density bonuses to get some extra units and altering the commercial ratio requirement due to market conditions.
- In March of 2019, the DRB approved their amendment for 14 units, again without zoning to support said application.
- The commission created a subcommittee that decided to:
 - Maintain the developable acreage rule (no floodplain or wetland use toward density)
 - Maintain the traditional dwelling unit definition (no bedroom alterations to the definition)
 - Reduce the commercial ratio but not remove it
 - Maintain the 15 unit/acre density but explore density bonus units (max of 45/explore max of 60)
- Buttermilk informed the PC that they needed at least 56 units overall to get a mortgage on building 2.
- In Spring of 2019, the Water Resources Dept was having trouble with cooperation from Buttermilk and their plumber regarding the connection to our water and wastewater system.
- Spring of 2019: Buttermilk requests tax stabilization at the previous value of \$125,000, although the property value is now over 1 million dollars. The selectboard denied the request unless Buttermilk could make it so that the stabilization benefit could be directly applied to getting commercial tenants in the space through a cost savings to the tenant and not the developer.
- The density bonus ideas that were floated by the planning commission subcommittee did not meet anyone's desires on either side of the discussion, and due to Buttermilk's claimed time restraints, they asked the PC to move forward without the provision of additional units. The PC also agreed to alter the parking requirements to address concerns about dwelling unit size and parking over-supply.
- Two months after their approval, in May of 2019, they got an amended permit for the additional units in building 1.
- In Summer of 2019, Building 1 siding was being added and does not match what was presented as the facade of the building. We do not have regulations against this, but there have been complaints.
- In June of 2019, the planning commission voted to put a draft regulation for Jolina Court to hearing. This draft retained the residential density of 15 units per acre, created a residential parking requirement based on bedrooms, and reduced the commercial requirement to one street level floor minimum per building. There is no ratio, only the one commercial floor requirement in the proposed draft.

- In July of 2019, Buttermilk notified the town that Building 1 was 4590sf in footprint as opposed to the 3610 that had been permitted and approved. At the time of this document, this matter has not been resolved by permit or DRB approval, but is pending.
- Josi informed the town that she was reaching out to the cemetery to discuss landscaping ahead of the opening of the first building and was going to be sending a master plan ahead of the 8-5-19 hearing.
- Buttermilk has not applied for a building permit for building 2, and have until 4-20-20 to acquire one or they can seek an amendment to their approval for building 2. They likely will seek such an amendment.

A few notes for clarity:

DRB approvals, Zoning Permits, Certificates of Occupancy are all different things. DRB approval is required first to set conditions, and then they need to apply for a permit in order to construct. After completion, they apply for a Certificate of Occupancy which confirms that they've met all the conditions of the approval and their permit and closes the permit. Approvals and Permits may be amended depending on the nature of the amendment, but once a CO is issued, any changes require a new process.

In terms of DRB approvals, there are multiple kinds, but what applies currently to Jolina Court is Conditional Use and Site Plan approval. Under the current, interim, and proposed zoning conditional use and site plan approval applies for mixed use buildings. However, under the proposed zoning, a 100% commercial use building or a commercial use going into an existing commercial space would only require site plan approval and a permit. It is up to the selectboard how strict this should be. In actuality, it makes fairly little difference, because both require a DRB hearing.

The parking reserve that I mention above was a proposal to limit the number of parking spaces built and only build them if deemed necessary. Buttermilk had inquired about whether that could be possible and Geoff said yes, because the interim zoning had recommended (not required) parking. However, they never formally applied for the 30% reserve, so it did not get granted. Buttermilk asked for this provision again this year, but the planning commission did not think that it would be wise to have a requirement that would be triggered by, and argued by, opinions on parking supply, so they weren't willing to entertain this in the current proposal.