

4.5.23 meeting minutes

Richmond Planning Commission Meeting of April 5, 2023

Members present: Joy Reap, Chris Granda, Lisa Miller, Alison Anand, Dan Mullen, Mark Fausel, Virginia Clarke

Members absent: Chris Cole, (one vacancy)

Others present: Keith Osborne (Richmond Director of Planning and Zoning), Erin Wagg (MMCTV), Gary Bressor

1 and 2. Clarke welcomed the commissioners and guests and opened the meeting when a quorum was reached.

She then introduced Richmond's new Director of Planning and Zoning, Keith Osborne, who spoke briefly about his earlier time as the Richmond Administrative (Zoning) Officer, followed by work in Charlotte. He said he understood his role here as helping to facilitate public engagement, do any needed research and make presentations especially on technical issues, with the planning commissioners in charge of making the decisions. He added that he was approachable and responsive to any questions or concerns.

The commissioners who were present, plus frequent guest Gary Bressor, and MMCTV camera operator / Richmond resident, Erin Wagg, then introduced themselves to Osborne. Miller, newly elected to the Selectboard, stated that she continued to be interested in the planning issues, and so was currently continuing with her membership on the Planning Commission as well as serving on the Selectboard. Most of the commissioners had already met Osborne from his time as ZA, or through other boards for which Osborne also serves as staff (Recreation Committee, DRB, Transportation Committee).

3 and 4. There were no adjustments to the agenda, and no public comment on items not on the agenda.

5. There were no comments, additions or corrections of the minutes of the March 15, 2023 meeting, and so they were accepted into the record as written.

6. Clarke opened the discussion of the **Village Residential Neighborhoods North and South (VRNN and VRNS)** with comments about the minor map revisions that Melanie Needle at CCRPC had assisted with depicting. Some technical difficulties delayed a viewing of the map, but during this time Clarke relayed that she had had a conversation with Andrew Powers, who had told her that he would prefer his lot TL0051, currently in the VRNN to be added to the Village R/C District, as it had a Millet St access, but that he had no immediate plans to develop the lot further. She said she had not yet contacted the owners of the other lot with the Millet St address, ML0111, so for the moment both these lots remain in the VRNN.

Clarke then relayed that she had also spoken to Rick and ChiChi Barrett, who owned the lot next to the Catholic cemetery at the eastern-most end of the VRNS. The Barretts said they were not interested in being placed in the VRNS, and would prefer to remain in the A/R District as currently. Clarke said she had the map revised accordingly, and at the same time removed the land owned by the Nature Conservancy (across Cochran Road) and the cemetery from the new VRNS district.

Granda was able to screen-share the map so the commissioners could view these alterations. Bressor pointed out that there were several lots that had land in both the proposed VRNN and the Gateway R/C district, which seemed like a mapping error. Clarke agreed that the district boundary line should be corrected so as not to divide any of these properties between the two districts, and said she would get this fixed with the next version of the map. Clarke also mentioned that the two school lots, SH0125 and SH0173, were now both placed in the VRNN district. She also pointed out parcel BC0058 which is the 4-acre, town-owned, so-called "Browns Court Ball Field" parcel, which the Housing Committee had been looking at as a possible site for affordable or senior housing.

Fausel then stated that the Recreation Committee had definitely recommended that this field could play a more prominent role in Richmond's recreation offerings with low-impact uses such as tennis, bocce or pickle-ball courts. He reminded the commission that currently, because of the flood hazard regulations, no infrastructure, such as even a picnic table, can be put in at Volunteers Green. Clarke mentioned that the Housing Committee had discussed this as a possible multifamily housing site, and so because of these competing goals for this property, there was certainly going to have to be a community discussion about what we wanted there. Clarke thanked Fausel for bringing this up and opening the door to this important discussion. Miller added that the ravines around the perimeter of this lot might reduce its development potential, and that this would have to be considered from an engineering perspective.

Clarke then brought up the chart that she and Osborne had made relating the size of the lots in the VRNN with the number of dwelling units that, in theory, could be placed on the lots at a density of 1 unit per 5,000sf of land. She said that, in reality, you would also have to consider other factors that might limit the number of units on these mostly small lots, such as non-developable portions, lot coverage, minimum lot size and whether or not the lot already has more than one unit on it. In the Tilden/Baker area many of the lots that are 10,000sf or about ¼ A already have duplexes on them. A build-out would also vary depending on whether we allow 3-4 unit buildings, as the bill S.100 currently being considered in the state legislature may require, and whether we allow two separate principal structures on a lot. If we allow multifamilies, there is the potential for putting a second story on a currently one-story building.

Bressor asked about whether you would need an additional 5,000sf for an ADU. Clarke responded that the town attorney would have to be consulted on this, as state statute does not seem to allow for prohibiting an ADU based solely on density requirements, or on non-developable land either. Parking was also mentioned as a possible limiting factor, and also stormwater. S.100 will also likely mandate only 1 required parking space per dwelling unit (or ADU), and ADU's for duplexes may be considered. Osborne reported that S.100 had passed the VT Senate 27 to 2, and that the bill was now in the House, and that municipalities would be allowed to liberalize the restrictions for ADU's, just not further reduce them.

Anand asked about the land surrounding two principal structures, or a house and an ADU, and Clarke replied that the legal arrangements for management of the whole lot would have to be worked out in advance and submitted with the application. Osborne spoke briefly about the stormwater issue, and stated that he was looking further into this issue with Pete Gosselin, and consulting our stormwater regs. It will have to be a consideration going forward if we start reducing lot coverage maximums and allowing for more structures. Granda added that more precipitation is expected with climate change, and has already been observed in VT, so that should be considered also. Osborne added that 100 year storms are more like 25 year storms, or even more frequent now. (Granda then left the meeting, as he was just recovering from surgery).

Bressor recommended setting up our regulations so that there could be a dwelling unit – either principal or ADU - for each 5,000sf of land on a lot. Clarke responded that our regs would have to be in accord with state regs, and that currently we have only gone as far in our proposed R/C amendments, to allow two principal residential structures, or one with an ADU, on a lot. In our previous outreach to the VRNN neighbors, 3-4 unit buildings were not popular, but S.100 may mandate their allowance. Commissioners felt that waiting until S.100 was decided would be prudent before discussing this further, and that after that we could do further outreach to the neighbors. Bressor thought the bill had gone too far in some areas and was eroding local control. Mullen suggested that we invite our state rep in to discuss S.100 and field questions. Clarke said she would invite our rep, Jana Brown, to come to our next meeting as the bill is currently in the House.

Clarke mentioned a few other issues with these two districts:

- do we need design standards -- Fausel felt not, except in the case of multifamily building standards; followed by some discussion of parking and screening of dumpsters in the front yard about which there was mixed feeling;
- should the frontage remain 75 ft if ¼ A lots are allowed (Clarke mentioned neighboring towns which had 50 ft or 60 ft for smaller lots, and Bressor thought 60 ft might work); do we need the “circle with 35 ft radius” language (would perhaps a minimum width of, for instance, 50 ft be better) – Osborne pointed out that this would only involve new subdivisions not existing lots, and Anand alluded to the need for an adequate turning radius for fire trucks;
- what should we do about the traffic generation language -- what do “trip ends” and “peak hours” actually mean (Bressor); could we simplify this, and should we prohibit certain traffic amounts, as we do currently, or should we just require a study, as the Jolina Court district does.

7. To start off the discussion about short-term rentals Osborne reported that he had looked at Airbnb and VRBO recently and only found a few properties listed on each, leading him to wonder if we actually have a problem here with this issue, or if the commission just felt it prudent to move forward in order to avoid a potential problem. He related that in Lake George, short term rentals were definitely a problem, primarily with noise complaints, and in Lake Placid there is a stand-alone ordinance and a full-time employee to take care of this issue, here primarily property values. There was also a lot of pushback in these tourist destinations, as there was in Charlotte. There is a property rights issue here; and also the staffing issue of having someone to deal with enforcement.

Fausel said he suspects there are more than 6 Airbnb’s in Richmond, and that we don’t really have the data on what kind of rentals these are. He is concerned about the impact on affordable long-term rental housing. Osborne said he could dig deeper into the issue, and get an idea about the seasonality and actual number of units involved. Clarke asked Osborne if he had heard of regulating short term rentals as a home occupation. Osborne said our current zoning was silent on this, except for the bed and breakfast category where the owner is present. Clarke mentioned that she had put some ideas in this meeting’s packet about regulating through definitions in the zoning that we could look at, including just prohibiting the whole-house investment/commercial usage where the owner is never present. This document also suggests requiring a contact person if the owner is going to be elsewhere at the time of the rental. Clarke hoped that commissioners could comment on this at our next meeting.

Fausel questioned whether there are currently bills in the legislature regarding short term rentals, as the state is clearly concerned about lack of housing. Clarke suggested we could find this out from our rep.

8. Clarke asked Osborne to comment on his recent meeting with Tyler Machia and the Jolina Court / Buttermilk folks about the status of their building #2. Osborne reported that the project hasn't progressed much over the last 2 years, but they are now coming in with their proposal for 31 dwelling units and commercial space on the ground floor, as is allowed in our current zoning. They are not interested in any way in developing affordable housing. Their drawings and engineering work are finalized, and they are interested in pursuing planning approval through the DRB as soon as possible. They might be open to working on increasing density later for future phases of their project. Osborne said that Machia was holding the developers strictly to the regulatory requirements.

Reap reminded the commission that it was very hard to fill commercial space, and that what we needed was residential, and wondered why we weren't allowing Jolina ground floor residential uses, when we have this opportunity that no neighbors are fighting. She felt the greater good of the community could be served here, and that if we don't start allowing housing somewhere, none of our children or others will be able to live here. Miller suggested a dialog with Buttermilk, and that perhaps it was a win-win situation. Osborne suggested that perhaps it was too late as far as building #2 was concerned, as Buttermilk's current plans are mostly finalized. Anand agreed with Reap that the commercial landscape was completely different from what it was 6 years ago when the project was negotiated with the Selectboard, and that we have different needs now.

Mullen floated a proposal to put in place a rent-control mechanism for Jolina Court, that would prevent the kind of catastrophic rent increases that he had experienced in previous rentals. He also felt that increased housing should be served by public transit, such as Green Mountain Transit, rather than ensuring that all the new residents would have to have a car, and that there should be some sort of incentives for this. He said that his concern was not really the traffic or the parking issues, but the climate crisis and affordability. He said that to meet the 2030 climate goals it is just not possible for everyone to drive around as a single person in an SUV. Osborne suggested that rent control could not be achieved through zoning, but would need a policy.

Reap said she was against rent control, and felt that just creating more units would correct the problem. She also said financing housing, affordable or otherwise, was very difficult with a lot of up-front expense. Clarke said that in conversations with Champlain Housing and Cathedral Square, it was clear that these entities needed to own the financing, the land, the building and the management in perpetuity of their affordable housing projects to make them work, and that they were not interested in managing units in someone else's project.

Fausel said he was reluctant to alter Buttermilk's current plan as he didn't know what adding even 31 units would do to the traffic on Bridge St. Clarke reminded the commission that Ravi had CCRPC do a study about whether converting the commercial spaces to residential units would increase traffic, and he said that it showed there would be no increase. Reap pointed out that commercial traffic would be coming into Richmond and not trying to leave in the morning. Fausel asked if Buttermilk was requesting a density increase, to which Osborne said no, that they were focused on completing building #2 as they have planned. Reap and the other commissioners then agreed that the best thing to do would be to wait until Buttermilk starts to think about any future phases of their project, which under current zoning would have to be all commercial.

Bressor added as a final comment to our meeting, that, to answer Anand's query about the origin of "acre" he had discovered that the term originated over 1000 years ago in England, and referenced the amount of land a man with two oxen and a wooden plow could plow in one day – turns out to be

43, 560 sf. Who knew??? You can learn anything at a PC meeting!

Osborne added that he was always available for commissioners' questions or research requests or whatever. And that he would work on fixing our technical hybrid-meeting issues! Clarke reminded members whose terms expired in 2023 to fill our renewal applications if they wanted to sign up for another term.

Motion was made by Mullen to adjourn, seconded by Miller. The motion passed unanimously.

Minutes submitted by Virginia Clarke