

7.19.23 meeting minutes

Richmond Planning Commission Meeting of 7.19.23

Members present: Adam wood, Joy Reap, Chris Granda, Virginia Clarke, Alison Anand

Members absent: Mark Fausel, (one vacancy)

Others present: Keith Osborne (Director of Planning and Zoning); MMCTV; Lisa Miller (Richmond Selectboard)

1. Welcome

Clarke opened the meeting at 7:02PM and welcomed everyone.

2. and 3. Agenda and non-agenda comments

Clarke reviewed the agenda and asked for comments. Granda offered additional agenda items: 1) a possible presentation by a Jericho Planning Commission colleague about a Jericho initiative to encourage affordable housing; and 2) a possible role for the Planning Commission in encouraging folks to replace flooded-out hot water heaters with heat pump water heaters. He mentioned that this would provide an opportunity for us to advance a town plan energy goal, and also that there was a \$300 per unit incentive available from Efficiency Vermont in addition to federal tax credits for taking this step, so this would be timely. He wondered if there was data on how many water heaters were affected by the recent flooding. Osborne felt that the number was likely less than a dozen, but that it was definitely a worthy goal to start focusing towards sustainability. Granda felt that publicizing this would be a good start, and if folks had not already replaced their water heaters perhaps aggregating the work to those plumbers who knew how to work on such pumps.

Wood commented that at least 3 of the flooded water heaters he had seen on Esplanade were already of the heat pump type, but that folks might be more receptive to the information at a time other than in a crunch. Clarke suggested that the Energy Committee might be good at doing a promotional campaign for the heat pump water heater issue. Granda suggested that both committees might work on it, and that because sustainability was in the Town Plan, the Planning Commission should have a role here.

Returning to Granda's contact in Jericho, Clarke suggested that the Housing Committee would be a good place for this presentation as they are struggling with this issue. Granda suggested inviting the Housing Committee to a PC meeting. Clarke said we should add these two items to **7. "Other business."** As there were no other comments regarding the agenda, the PC proceeded with the published agenda.

4. Minutes of PC meeting of 7.5.23

There were no additions or corrections to the draft minutes of the 7.5.23 meeting, so they were accepted into the record as written.

5. Update on Rogers Lane zoning revision

Osborne stated that letters to the owners of the five parcels on Rogers Lane that would be affected were written and ready to send out. Four of the parcels are neighboring residential lots, and two are owned by the same individuals. These lots would be re-assigned to the HDR zoning district from their current I/C district. The fifth parcel, RG0092, is owned by Patterson Fuel and will get a different letter, which suggests the concept of re-assigning only the northern portion of the lot from I/C to HDR. He stated that the letters would go out on 7.20.23.

Osborne continued that the only changes that would need to be made are to the Zoning Map and the citation on the first page of the RZR. There would be no changes to the RZR text. He continued that his plan was to re-send the letters by certified mail if there was no reply within a couple/few weeks, and that he was available to respond to any questions from the owners. Clarke added that the content of the letters was as previously discussed by the PC, with the aim to put these residential lots into a residential/neighborhood-type district. She expected that the Donovan's at least would be supportive of this idea. The Patterson letter had more of an explanation about the concept of their lot being in two districts, and we are obviously waiting to see how they feel about this. Osborne added that he would forward a copy of the letters to PC members in case they wished to see the wording, but that he and Clarke had not posted them on the public website. Clarke asked if there were any questions about this project.

For Miller's sake, who had not heard all of the previous PC discussion, she added a short summary of the PC's goal to allow some needed housing with minimal impact. She summarized the next steps as seeking buy-in from Patterson, followed by determining exactly where the zoning district line should go on RG 0092 depending on Patterson's plans/needs, which might involve some research or fieldwork. As no one had any further comments, Clarke moved on to item #6.

6. Review of zoning requirements relative to S. 100

Clarke opened the discussion by saying that S.100, having been approved by the legislature and signed by Governor Scott, was now called Act 47. She said that she and Osborne had reviewed the Official Summary of Act 47 together, and marked the items in the municipal zoning section that would likely require us to make changes to our RZR. Most of the mandates were clearly focused on those areas served by municipal water and sewer infrastructure. She said that a number of the 16 items they reviewed are already compliant in our current zoning, but that 6-7 would require changes and a few needed further research to fully understand. Some would require changes to some districts but not others; some would require additional definitions or concepts. Osborne screen-shared the list, which can be found under Act 47 on the Vermont Laws website, while Clarke presented a numbered draft of the bulleted list, with a "yes," "no," or "maybe," as to whether we will need to make changes for each item.

Osborne and Clarke felt that the items needing change in our RZR likely include: (bullet) **1.** We can't require more than 1 parking space per dwelling unit; **2.b.** We must permit buildings with 3-4 dwelling units; **5.** We must allow 5+ dwelling units per acre; **6.** Affordable housing projects may allow an additional 40% density and one extra floor; **13.** We will have "by right zoning" requiring "appropriate panel" to provide reasons for adjusting dimensional requirements; and **14.** We need to add detail to the housing element of the municipal plan. We appear to be in compliance already with items **#2.a., 3, 4, 8, 9, 10, 11, 12 and 16.** The remaining items will need further study to know what we need to do. Osborne added that **#13** likely would require discussion with the Town attorney, as this might be a significant change to our regulations, allowing waivers to our regulations without going through a variance procedure. Miller questioned the implications of this item, and Clarke replied that we haven't figured out exactly what this even means yet, so the implications are unknown. Almost certainly, however, some alterations in our RZR will be needed. Osborne stated that he believed **#14** could be accomplished at the time of the scheduled update of our 2018 Town Plan, which would be 2026. Granda re-iterated that his Jericho planning colleague might be helpful with this.

Clarke mentioned that we needed to research **#15** to fully understand if Richmond had ever voted to be considered a rural town, and if so, if we have ever voted to submit all bylaw amendment votes to Australian ballot. No one present, including Clarke, Granda and Miller, who have either been on the

Selectboard previously or currently, could recall taking these votes. This is being removed from statute by Act 47, so not a problem going forward, but we need to be sure there are no historical implications. It was suggested that this might be in our charter, and also that Bard Hill, David Sander or David Sunshine might have some knowledge of this. Osborne and Clarke said they would research this, and that the plan going forward is to discuss in detail at our next meeting the items that require us to make changes to our RZR. Clarke asked if there were any other strategies that folks would like to pursue.

Reap asked if there was state assistance to help make the necessary changes to our RZR. Osborne replied that bylaw modernization grants were available, but that he (Osborne), as staff, was ready to assist with this work. She wondered about the deadlines for making the changes, and Clarke replied that the municipal zoning changes took effect on July 1, 2023, and even if we haven't changed our zoning, the ZA and DRB will have to apply the new mandates as of now. Osborne confirmed this, and mentioned that there are also other state statutes on the books, like cannabis, that the ZA and DRB have to abide by even though our zoning hasn't caught up with these yet. Osborne referred to these changes as "technical fixes." Clarke added that the sooner we change our RZR the better, so there is no confusion among applicants between what our bylaw says and what the state law is. As our Village Residential Neighborhoods are currently in the process of being updated, this seems like a good time to incorporate these new mandates. Clarke asked for suggestions from the commission on the way forward with this material.

Wood offered that he suspects we know which changes are going to be controversial – the density requirement and the small multifamilies – and those seem to be pretty clearly laid out. He felt that the public might understand that these changes are being imposed on us by the state, and that the PC could not exactly be held responsible for these possibly unpopular choices. The items that need researching may be less challenging for the public, so perhaps we should start with public discussion on the items that are straightforward while we continue to research the others. Miller concurred with getting these ideas out in public sooner rather than later. Granda felt that we had an adequate grasp of the new requirements to keep the public discussion on track. Wood also felt that it would be good to allow people to get over the "shock value" of these new mandates before we send them to the Selectboard. Osborne added that we, the PC, need to really "own" these changes in the sense of all being on the same page in our understanding of what was being required of us.

Representative Jana Brown was discussed as a possible guest to help present this issue. The discussion then turned to the legislature's rationale for S. 100. Clarke offered that in the testimony she read, many statements were made about the fact that the legislature, feeling compelled to help with the housing crisis, had been making recommendations to municipalities over the last decade to voluntarily remove zoning barriers to housing, but that these were not effective, and so it was now necessary to mandate the changes. She added that in the testimony, it was clear that not everyone liked every strategy, but the final result seemed like a reasonable compromise, as most agreed that it's not okay to have large numbers of unhoused people in the state, nor to make housing prices unaffordable for most buyers. She also pointed out that we were not as far back as some municipalities, as our housing consultant had told us that these requirements were coming, and we have acted on that advice for our new R/C districts. Now we just need to apply these requirements more broadly in our zoning.

Clarke agreed that inviting the public in to help them understand this new law, billing it as an informational session and letting them ask questions, would be a good way to go. Osborne suggested that this might be a recurring item on our agenda, or we might have a special session after the summer vacation season is over, and then begin to talk about how we are going to incorporate this material into

our zoning district revisions, starting with the village neighborhoods. Reap thought that it would be useful to distinguish between the mandates of Act 47 and what the PC had already been planning for the village neighborhoods. Granda concurred, and suggested having a presentation ready to illustrate what the new law was about, what its goals are, how the PC is going to respond, and how it will actually affect people. Reap suggested creating an explanatory page on the PC's website, and a brief summary for the FPF so folks could read about it in advance. Clarke thought these were good suggestions.

Anand reported that all the stories she had been listening to at her swimming lessons about the recent flooding made her think about what effect this community trauma might have on our PC work, and on the mandate to fit more people into our village. Granda appreciated Anand's comments, and said that, on the one hand, maybe people need time to recover and to spend August without having to think about these planning matters, but that on the other hand, all of the issues that we are dealing with – including lack of housing, marginal or inadequate housing – and climate change-related extreme weather are very much interrelated and all need to be woven together with some urgency in our discussions. Clarke agreed that the PC should recognize that the flooding happened, and asked Osborne if the PC had any direct responsibilities here beyond the planning aspect, such as with stormwater management.

Osborne replied that stormwater was primarily in the state's jurisdiction, and that the regulations may not have caught up with the current storm intensity. This might require increasing the size of culverts, for instance, something that the town has been doing since Irene. He recommended continuing to increase resilience and making sure the flood maps are up-to-date and reflective of reality. The target date for new FEMA flood maps is 2026. He also mentioned that both he and Tyler Machia, the ZA, have been going through the floodplain management training.

Clarke asked about stream regulations, and Osborne said that the state mandate was to protect 50' of shoreline of named streams and rivers, but that we have no rules about the small, unnamed streams. Should we have such regulations? Osborne and Wood suggested that such rules might negatively impact our ability to build housing, let alone affordable housing, and that it seems impossible to predict where there might be flooding in 50 years, so rules would be hard to develop. Clarke added that we know that planning for climate change is going to be expensive, but so is not doing planning for it, and balancing these expenses will be challenging. Miller added to the discussion, saying that what we had thought were good standards had failed, and that it was completely unexpected that her own road had just washed out with the downpour. She hoped that current developers will be doing the engineering work as they build to avoid some of these problems.

Clarke returned to the topic of our next agenda. She summarized the plan to further discuss exactly what and where we would need to make the changes in the RZR with the "yes" items from the Act 47 summary list. She suggested we focus on the need to allow more housing, even though we want to try to avoid putting more people in harms way. It will be a working/informational session, and the public will be welcome to come and hear our discussion and learn more about Act 47.

7. Other business

Granda returned to the idea of having his colleague Sue Bresee from the Jericho Planning Commission come and report on a project that Jericho had engaged in to respond to the Chittenden County housing goals. Apparently the town purchased land and entered into an agreement with a developer to build affordable housing. Clarke asked if Bresee would like to address the Housing Committee? Granda suggested that we get both the PC and the Housing Committee together to hear the presentation.

Osborne thought we could suggest, at the Housing Committee's upcoming meeting, that a joint meeting be scheduled.

Clarke encouraged all PC members to come to such a meeting, and reported that member Dan Mullen had submitted his resignation so we have one vacancy. Wood reported that our discussion reminded him that Vermont Public had made a recent "Brave Little State" program about streams and flooding, which really explained a lot about why flooding is now worse. He recommended listening to it. Clarke also mentioned that months ago she had sent BTV airport Richmond's proposed language about the approach cone, and that to date they have not replied. As we were waiting for them to comment on the language before putting it in our zoning, we have not yet put it in our document.

As there were no further items for discussion, Granda moved to adjourn, seconded by Wood. As there were no objections, the meeting adjourned at 8:50 PM.

Minutes submitted by Virginia Clarke