

1.3.24 meeting memo from the Chair

Agenda item #5. Discussion of MDP language in Richmond Subdivision Regulations (RSR).

For this discussion, it helps me to start by thinking about the following premises about regulations and process:

1. In our culture, owners of property have the right to use their property as they wish, i.e. their rights are protected. However, they are constrained by our official regulations (zoning and subdivision) and ordinances/policies. The Town Plan guides the creation of regulations and ordinances, but is not, in and of itself, a regulatory document, only an advisory one. These documents protect the rights of others – neighbors, town and state residents.
2. Zoning and subdivision regs have been found to be legal many times over. Besides protecting the rights of current residents, they conserve important natural resources and settlement patterns for future generations.
3. We need to be careful to understand and justify the removal of property owner rights for the sake of the non-property owners.
4. Our goal is to create regulations that are fair and predictable, and that balance the rights of both above groups.
5. More straightforward and clear regulations create a more efficient deliberative process and create less likelihood that people will feel that the outcomes are unpredictable or unexpected.
6. Expectations about the future should be grounded in current actions.

And one other thought:

We have a responsibility to preserve floodplain, farm and forest land in VT, but also to help relieve a severe lack of housing in VT.

My thoughts about the goals for this discussion:

- a. review where our recent PUD revision proposal removing the MDP language from 5.12 leaves us relative to the current subdivision regs
- b. understand the problems with the MDP language – review concerns submitted by Tyler and members of the DRB as well as legal review by Dave Rugh
- c. develop clear standards for natural resource protection in the A/R and other districts (similar to site and building design standards in the recently created R/C districts)
- d. create a subdivision review process that provides realistic expectations for developers and neighbors with regard to the future use of retained open space
- e. create a review process as objective as possible (i.e. with written standards/review criteria) but which doesn't remove all flexibility from the DRB to make decisions for unique situations
- f. discuss the "critical permit conditions" concept

Agenda item #6. Buttermilk discussion (mostly a repeat of meeting memo from 12.20.23)

Buttermilk is looking for greater residential density. They have given us a short-term (building 2) and a long-term (master plan) proposal. They would need some zoning changes for either of these. I am inclined to think that the short-term proposal would be more acceptable for the moment. Additional units would help with our severe housing shortage, and could be efficiently developed in the context of a currently permitted project. Any future phases of the project would require new zoning changes under new circumstances by a future Planning Commission. Here are some discussion points:

1) JC density currently 15 U/A developable. They have 3 A developable land out on a 6 A lot. So they are allowed a total of 45 A. They have built 14 DU's in building 1, and are approved for 31 DU's in building 2. They are requesting an additional 24 DU's for building 2, for a total of 55 DU's in building 2, and an overall total of 69 DU's. The additional units would be created within the currently permitted building by making more of the units smaller, and by using some of the designated commercial space for DU's.

2) The density in the Village Downtown (VD = upper Bridge St) district is 24 U/A developable. There is virtually no undevelopable land in the VD. If we matched this density for JC (24 U/A) they could have a total of 72 DU. This would accommodate their building 2 request. Could we consider the Creamery as more like our downtown district?

(Alternatively, the way density is listed in JC -- "U/A developable"-- is a way that is not used in any of our other zoning districts besides JC and VD (recommended by Jess Draper). Density is usually just "U/A" (total acres of the lot). If we altered JC density to "U/A" they would be allowed 15 U/A for a total of 6 A = 90 U. This would also accommodate their building 2 request. They would still not be able to build on the undevelopable 3 A portion, so the 90 U's would all be on the developable 3 A.)

3) Buttermilk say they cannot build building 2 with current commercial and parking requirements for economic reasons. They would like to reduce the commercial requirement to a lesser area and more neighborhood-friendly uses. What would this look like? Building 2 currently requires commercial for the whole ground floor; they would like the requirement to be reduced to about 1/3. There also might need to be some adjustment to the permitted use list.

4) Parking requirement will be reduced by Act 47, and will be reduced further if we lower the commercial requirement. Residential parking minimum would be 69 spaces for 69 dwelling units, plus some number of commercial spaces.

5) How would the changes affect the balance between car traffic and pedestrian traffic? Could mitigation of increases be achieved if necessary?

5) "In perpetuity affordable" is not possible economically for them. They say no lenders will give them loans for this situation. As a number of their units will be small (studios and 1 bedrooms) the rent will be relatively affordable for those units, similar to building 1 which has some "workforce" or relatively affordable units at 60% - 80% AMI. Currently and previously Buttermilk has offered some units at this rent level for a 10 year period. How would this work (in the zoning? an agreement with the SB?) Likely not as a formal "affordable housing" situation.

6) If we allow additional DU's can we make this more like a "neighborhood"? An attractive place to live? What are some amenities that could be offered? More greenspaces and sidewalks. A walking trail,

gardening or playing fields in the riverside 3 A. They will need to adhere to our Multifamily Housing Development Standards (6.13). Could the Neighborhood Development Area program be used? Buttermilk would apply, but the Town of Richmond would have to support. This saves them permitting fees and theoretically reduces the cost of the units.

7) If we remove the MDP requirement as we are proposing currently, we will only be facilitating building 2. Future Planning Commissions will have to decide if ever to grant more residential density based on conditions then. There will be no guarantee for Buttermilk or for neighbors that there will or won't be more DU's allowed in the future – this would necessitate future zoning changes. We may wish to allow the DRB to request a master plan for certain projects (like this one?) at their discretion, but it is hard to see that this would be useful as it would always be subject to an undefined amendment process.