

2.21.24 meeting minutes

Meeting conducted remotely

Members present: Alison Anand, Ian Bender, Virginia Clarke, Mark Fausel, Chris Ganda, Joy Reap, Adam Wood

Members absent: *(none)*

Others present: Keith Osborne (Director of Planning and Zoning), Erin Wagg (MMCTV), Jeanne Agner, Katie Mather, Lisa Miller

1. Welcome

Clarke welcomed the commissioners and guests to the meeting. As several of the members had had difficulty connecting to the Zoom from the posted agenda, there was discussion about this problem, and concern that members of the public might not have been able to connect. Osborne said he would post additional connecting information as we were proceeding. The meeting began at 7:10 PM.

2. Review and adjust agenda

The only comment offered under this item was from Clarke, who explained that the two Buttermilk letters, one from Josi Kytle and one from Brendan O'Reilly, as well as Clarke's own responses, Memo #2 and Memo #3, had all come in too close to the time of this meeting to be fully considered tonight. She said she included them in the packet so that everyone could read and consider them prior to our next meeting on March 6, which will be focused on Buttermilk. She offered that any brief questions about these submittals could be raised under "Other business" at the end of tonight's meeting if desired. AS there were no issues with this, the meeting continued with the published agenda.

3. Public comment on non-agenda items

There was no public comment on non-agenda items.

4. Review minutes of 2.7.24 meeting

As there were no corrections or additions to the minutes of the meeting of 2.7.24, they were accepted into the record as written.

5. Continued discussion of VRN Districts

Clarke started the discussion by introducing the topic of whether to include "supported housing" or "emergency shelter" as a conditional use in these districts. This is one of the few remaining topics to be discussed relative to these districts. Clarke explained that the term "supported housing" was one that this PC had defined and added in the R/C district amendments to encompass group residential housing that was neither owner nor renter occupied, nor fit in the definition of "group home." At the time we introduced it, this term included housing for those experiencing homelessness. On the other hand, the term "emergency shelter" was introduced by Act 47, which requires that this category of housing for the homeless be included in 24 VSA 4413 along side schools, churches and municipal or state buildings, which can be regulated by our zoning only within certain parameters, but seemingly not excluded from the town.

She continued: the PC's decision here is whether to include all forms of "supported housing" in the VRNs, or just "emergency shelters" or neither. Another option would be to adjust our current definitions to provide a different option. Bender suggested that as this is kind of a sensitive question, and that we might want to ask the people who live in these neighborhoods how they feel about this. Wood asked if there was a way to distinguish between long-term care facilities and other types of facilities such as drug

rehab or homeless facilities, to which Clarke answered that we could rewrite our definitions however we wanted, presumably as long as there was somewhere in Richmond where an “emergency shelter” would be allowed as required by Act 47. There was further discussion about ways we might involve the neighbors in this discussion, and about the type of facilities that neighbors might find more acceptable. Wood suggested that long term care facilities, such as Sterling House and Richmond Terrace, which already occur in the VRN South, seem to fit seamlessly into the neighborhood with minimal conflicts, but if other types of facilities were proposed he would like to know that adequate oversight would be in place.

Anand agreed with Bender that this is a sensitive issue, and should be considered carefully in order to balance providing care with public safety. She said that as good citizens are obligated to help each other when we can, but not obligated to put ourselves at risk. She thought that talking to people involved in these kinds of care, as well as police and others with relevant experience, might help us come to a decision. Osborne added that the first step is to find out more exactly what the actual statutory requirements are. He has inquiries in to CCRPC about this, and so far people seem to agree that the language is ambiguous. He said he will continue his researches. Clarke mentioned that she also wondered how storm-related “emergency shelters” fit into this definition, as our schools, which are in the VRN North, have functioned this way in the past.

Katie Mather, a resident of the proposed VRNS, said she would like to see some examples of places these kinds of facilities have been successfully integrated into a community. She said she’d like to understand what the conditions are that would make them successful, and that this kind of research would be the type of information that might create buy-in for her as a neighbor. Reap offered that it seems like the village would be the only place where adequate water and septic capability would allow a facility such as an emergency shelter to be built, so the next step might be to try to narrow down which areas that are supplied with municipal W&S might be suitable. In answer to a question from Mather, Clarke clarified that this would probably not be something the town itself would develop, but would rather we would just be allowing it as a conditional use in our zoning so another entity would not be prohibited from developing such a facility.

Fausel wondered if we could divide the definition of supported housing into different categories, such that, for example, a drug addiction treatment facility would fall under a different definition from a facility for those disabled by age. He feels that we would want to check on the legality of that, based on the ADA (Americans with Disabilities Act) and with policies regarding health care discrimination. Clarke pointed out that “group homes” are already required by statute to be allowed wherever residential uses are allowed. “Group homes” are residences for 8 or fewer people with disabilities, but the word “disability” is not defined, and it is unclear if “alcohol dependence” or “drug addiction” would count as a disability. Osborne agreed with Fausel that more research would be needed in order to answer that question and try to clear up the ambiguity here.

Clarke then moved on to the next topic – the question of whether to require sidewalks or sidewalk easements in the VRNs. She said that after conversations with Osborne and Pete Gosselin, it seemed like the situations throughout these districts were too variable to write one requirement that mandated sidewalks for all streets. Anand suggested that we should at least have sidewalks along all the main roads, and that she really supports the idea of sidewalks so people have the option to make the healthier choice of walking. Clarke said the new proposed language would “encourage” sidewalks by suggesting they should be considered “where feasible.” Osborne referenced the plans for the sidewalk along the east side of upper Bridge St, along with the project to plan for sidewalks around the Thompson Rd /

Bridge St / Huntington Rd / Cochran Rd intersection as part of a traffic control strategy being proposed by the Transportation Committee. He said he thinks that the only sidewalks required outside of these projects should probably just be those within any future subdivision that contemplates turning over the road(s) to the town, and that this should be part of the Subdivision Regs. He also mentioned that sidewalks are usually in the town road rights-of-way, and so would be the responsibility of the town. Lisa Miller wondered if the subdivision regs should require property owners to maintain a strip of land next to the road, but not necessarily put in a sidewalk, to allow for walking. Clarke said we could think about this when we revisit the Subdivision Regulations to allow for removal of the Master Development Plan language.

Clarke then reviewed the setback suggestions arising from the PC's 2.7.24 meeting: 10 or 15 feet for the front yard, with accessory structures set behind the front of the principle structure; 10 feet for side and rear setbacks for habitable structures, and 5 feet for non-habitable structures. As the commission seemed okay with this strategy, they moved on to the topic of lot coverage. Clarke thought the PC had arrived at 40 – 60% at the last meeting. Wood said he had done some calculations, and that 50% seemed to work well and fit in with the existing neighborhoods, and still leave some space for vegetated ground to absorb storm water. There were no other comments about lot coverage, so Clarke said she would put that in the draft for now. She then reviewed the definitions that had been discussed: structures for buildings and above-ground improvements; on-ground improvements for parking areas, driveways, sidewalks, patios and other impervious surfaces. She said the whole concept of "green infrastructure" seemed to be beyond our scope at the moment, but we can think about it again when we come to working more on our stormwater management to deal with the heavier rains from climate change.

The topic of whether to keep the VRNN and the VRNS as separate districts or combine them into one was briefly discussed. Anand wondered what the differences were between the two proposed districts, and what were the pros and cons of combining them into one. Clarke replied that there were minimal differences now that Act 47 required both to have a minimum lot size of 1/5 A; there were a few use differences, but not many. Combining them would make a slightly simpler zoning document. Osborne added that the two districts were geographically distinct, and that future development might be tailored to each if they remained separate. From an administrative point of view, he said, there was no advantage either way. Clarke said she'd leave them separate for the next draft. Wood suggested that we drop our frontage length requirement down to 50 – 55 ft since we are allowing for smaller lots of 1/5 A, and that a common lot configuration of three times as deep as wide would average a width of 53 ft.

Fausel returned to the subject of lot coverage, and said the increasingly heavy rains end up draining directly into the floodway and the river, creating more flood conditions here and downstream. This seems ironic, because at the same time we are worrying about putting structures and impervious surfaces at Volunteers' Green for the same reason. He suggested that we should think about a regulatory system that permits more lot coverage only if mitigating storm water management infrastructure such as ground infiltration devices are installed. Osborne added that this kind of thing is not uncommon, and that a metric would be needed, such as providing for the 25-year storm. He agreed that we should be considering this. Clarke said that in order to align with Act 47 we need to allow enough lot coverage that would permit average property development of 1/5 A lots. Osborne said that at this time Richmond doesn't have regulations that require zero discharge of stormwater off the property for any lot under .5 A, but that it is something that is at least considered when zoning permits are issued. Developers are required to have an erosion and sedimentation plan for the construction. Fausel suggested that a density bonus system where anything over 30% lot coverage would require the

installation of mitigating infrastructure such as a dry well. Osborne responded that developing and enforcing such a system is doable, but complicated and may require significant expense for education, engineering, inspection, enforcement etc. which will drive up the costs for developing housing. He said that Richmond would benefit from this kind of discussion, which was very important when he was working at Lake George.

Mather agreed that this stormwater conversation was very important, especially in the village where the housing density is increasing. She related a recent conversation with a resident whose basement was just flooded by run-off from a neighbor's new construction. Osborne responded that his office is dealing with that very situation, and a plan is being developed. He reiterated that there is no requirement on the books currently that you need to take care of your stormwater, which is unfortunate, but the zoning permitting process will be looking at this more closely from now on, as a result of this case. Clarke said she would put this discussion on the PC's list.

6. Report by Mark Fausel on Recreation and Three Parks Committees activities

Fausel started his summary by introducing Jeanne Agner of the Three Parks Committee. He continued: the "easy" park is the Round Church green that is slated for some landscaping and clean-up of the monuments. The most controversial park right now is the Browns Court Ballfield, for which the Three Parks Committee has been developing ideas. A survey of the property has found that there are only about 2.2 A of park at this site, which, with the proposed residential density of 5 U/A would theoretically allow 11 affordable housing units. This is less than the roughly 20 units that the non-profits like for affordable housing. The alternative proposal is for upgrading the softball field in its current location with fencing and some infrastructure; paving an area for pickleball courts (tennis courts were less popular); putting in a 20 car parking area (likely gravel); and paralleling the Browns Court road with some bocce courts. A water station for people and animals, and a small equipment shed would complete that renovation strategy.

Fausel suggested that these ideas for recreational improvements and maintaining the open space seemed to him to provide more benefits to more people than a small number of affordable housing units. Agner added that these were just ideas so far, and that actual proposals had not yet been presented to the Selectboard. She said that the SB had originally set a March 31 deadline, but that there will likely be an extension of that. In answer to a question about an actual access to Browns Court, Fausel replied that that was still an open question, as the road appears to have shifted since the park was donated in the early 1900's, and that arrangements back then were likely less formal. He also added that there will be Porta Potties there, just as there are during the summer softball season; and that landscaping, including the removal of dead trees and the planting of new trees, is also being planned.

Fausel then turned to the third park, Volunteers Green. Agner affirmed that the engineering survey to delineate what is and isn't in the floodplain or the floodway for this park, is not yet complete. Pete Gosselin has suggested that perhaps the playground could go up on the higher ground where the bandshell is currently, to avoid having to repair it so often after flood events. This becomes time consuming and costly as these floods are becoming more common. A smaller bandshell or pavilion might also fit in with the playground on the higher elevation ground, either near the road or towards the back of the park. There would likely have to be fencing along the river and the road if the playground were in that location. Fausel discussed the zoning issues related to the playground being in the floodway -- would some other type of more flood-resistant recreational use be allowed there if the playground were moved? And what about a paved path around the grassy area? All of these ideas are being looked at, and priced out, but the first step for this park is to get the survey of flood elevations done.

Mather offered that there were quite a lot of people who would like to be included in the conversation about improvements to Volunteers Green, in particular regarding the paved path. Agner responded that a big part of what they are tasked to do is to provide opportunities for public input by various means about these ideas. Clarke suggested that to put any structures or improvements back into the floodway might not make sense due to the expense of repairing them after flood events. Agner concurred, and said they were thinking more about green space for the Farmers Market and other temporary activities in the area where the playground is currently. Fausel thought a basketball court might be considered, and mentioned that the Rec Committee had applied for a grant for redoing the playground structure. He felt that the interpretation of the zoning relative to the floodplain (rather than the floodway) may need to be examined, and reiterated the plan for public outreach. Agner added that there were some serious structural concerns with the band shell, which has roof, beams, and floor issues, and is not a historic structure, so may not need to be saved. Clarke thanked Agner and Fausel for their presentation.

7. Resident request to add residential density in the Jonesville Commercial District

Osborne shared a map of the area in question, near the I-89 overpass above Rt 2 in Jonesville. He described the request as one involving turning a barn on a residential lot into a 1, 2 or multifamily dwelling, for which a density increase in the zoning would be needed. Osborne said a PUD would be required, as the standard setbacks couldn't be met, but that potentially it might be doable, and might resemble in some way our recent adjustments to the I/C District, that we made in order to accommodate more housing. He wondered what the appetite of the PC was for working on this issue. Wood asked whether the property is in the floodplain, and Osborne responded that the portion hosting the proposed development is out of the floodplain. There was further discussion about the whole of the Jonesville area, which includes the "Jonesville Commercial District," where this parcel is located, as well as the residential parts of "Jonesville" which are across the river and extending out from Rt 2. Fausel said that the folks in Jonesville had expressed a desire to keep the variety of uses during Town Plan discussions, and weren't looking for a lot of restrictions.

Clarke said that one of the options here is to get rid of this tiny commercial area and have a larger Residential/Commercial area here with greater residential density. She also suggested that the PC look at the VYCC Commercial District, while we are looking at pieces of the Commercial District, and consider putting that back into the Ag/Res District where it was originally. No one seemed opposed to taking up this situation as it presents an opportunity to add housing, and Wood said he was in favor of researching it further, so Clarke said she and Osborne would start bringing some ideas for the commission to consider. Fausel concurred that the Jonesville area has a lot of potential and should be worked on, but he would also like to complete the village districts. Clarke agreed, and felt the VRNs should be able to be completed soon.

8. Other business and updates

There was some further discussion about the difficulty everyone had using the Zoom link to get to the meeting. Osborne said that some other meetings had had the same issue, and that we were going to get it worked out. Clarke reminded the commissioners to reread the Buttermilk letters and her memos #2 and #3 for the next meeting.

Fausel motioned to adjourn, with Anand seconding, and the meeting adjourned at 9:10 PM.

Minutes submitted by Virginia Clarke

