

Special Meeting of the Town of Richmond Selectboard Minutes of April 18, 2023

Members Present: David Sander, Jay Furr, Jeff Forward, Lisa Miller

Absent: Bard Hill

Staff Present: Josh Arneson, Town Manager; Duncan Wardwell, Assistant to the Town Manager; Keith Osborne, Town Planner

Others Present: Meeting was recorded by MMCTV, Adam Wood, Allen Knowles, Amy Lord, Andrew Bessette, Blair Knowles, Bradley Holt, Chris Granda, Christy Witters, Emily Mower, GC Morris, Jack Linn, Jan Sibal, Jim, John Rankin, Joy Reap, Karl Goetze, Katherine Long, Lauck Parke, Lisa and JP, Matt Parisi, Pennie Rand, Robert Reap, Sid Miller, Tim Clark, Virginia Clarke

Call to Order: 7:00pm

Welcome by: Furr

Public Comment:

Furr: Welcome to the April 18, 2023, Special Meeting of the Town of Richmond Selectboard. This meeting is being recorded and will be available on the Mount Mansfield Community Television website. The sole agenda item at this time is to hear and conduct a public hearing on the proposed amendments to the Zoning regulations for the Village Residential/Commercial District and the Gateway Residential/Commercial District.

Additions or Deletions to Agenda: None

Items for Presentation or Discussion with those present

Public hearing on proposed amendments to Zoning Regulations for Village Residential/Commercial District and Gateway Residential/Commercial District and associated amendments

Furr: Tonight, we'll be hearing from our Chair of the Planning Commission for the proposed amendments for the zoning regulations for two zoning districts. This is not the entire town. This will be for the Village Residential/Commercial District and the Gateway Residential/Commercial District and any associated amendments. These documents have been available for some time on the Town website. There's been a very lengthy draft process with lots of opportunities for input. This would be to discuss and review the final version of the documents. Once these have been presented, the Town residents and voters have a chance to ask questions and comments. The Selectboard might feel comfortable about passing them but that's not necessarily guaranteed. We could also vote to amend these further, we could take them back for further discussion. The main point is not to rush them into action but to hear and answer questions relating to

them. I'd like to turn the floor over to Chair of the Planning Commission, Virginia Clark. We do need a motion to open the hearing.

Forward moved to open the public hearing for consideration to amend Richmond's Zoning Regulations Sections 2.5.2, 3.1.1, 3.1.2, 3.2.1, 3.2.2, 3.3, 3.4, 3.5.1, 3.5.2, 3.6.1, 3.6.2, 3.7.1, 3.7.2, 3.8.1, 3.8.2, 3.9.1, 3.9.2, 3.10.1, 3.10.2, 4.5, 5.5, 6.1.2, 6.1.3, 7, and the Official Zoning Map and its Legend. Minor references related to the district name changes have been amended in the following additional sections: Table of Contents, 2.1, 5.7.3, 5.7.4, 5.12.2, and Index. Sander seconded. Roll Call Vote: Forward, Furr, Miller, Sander in favor. Motion approved.

Clarke: I would like to say that most of those numbers are minor changes necessary for the main changes, which are section 3.3 and section 3.4. Wherever the old names were mentioned, we had to change to new names, so this is why we have so many numbers there. I'm the current Chair of the Richmond Planning Commission. The Planning Commission, through its own hearing process of four hearings and a year and a half of work, has approved a group of amendments to our Zoning Ordinance. It has brought them to the Selectboard for their public hearing process, which involves one or more public hearings. This effort is part of the Planning Commission's ongoing process of reviewing the Zoning Ordinance for compatibility with our 2018 Town Plan. We have elected at the Planning Commission to just work on a small patch of the Ordinance at a time because we felt that it was way too much to look at the whole Zoning Ordinance at the same time. We're doing it section by section.

We'll look at the current zoning map so you can see these two current districts:
<https://www.richmondvt.gov/fileadmin/files/Selectboard/Meetings/2023/04/3g8-RichmondZoning20220523.pdf>

In an effort to achieve the housing goals of the Town, the County, the State, we are now calling it the Gateway Residential/Commercial District. The other district is in the Village. This district was formerly called the Residential/Commercial district, we have rebranded that the Village Residential/Commercial District to differentiate it from the Gateway. We have added some areas to it because it is a mixed-use district. This is a traditional village style where businesses and residences are intermixed. We are not changing the strictly residential neighborhoods in the Village. The changes that we're making just involve these two mixed-use districts.

If we look at the next map (https://www.richmondvt.gov/fileadmin/files/Selectboard/Meetings/2023/04/3g9-DraftZoningMapChanges_20230327_11X17.pdf), I can point out the areas that we're proposing to add to the Village Residential/Commercial District. We're proposing to add to the Village Residential/Commercial because we feel that those are places where commercial enterprises could thrive. The main change for the Gateway, the main change is opening it up to residential it was a strictly commercial district. The changes that are going to be made are not going to be huge, they're going to be modest. If we can add a modest amount of housing, then that's our goal. In order to have a viable walkable village, you have to have businesses as well as housing. We also have our climate change goals, trying to increase the walkability of our village.

I want to remind you how to get all this information. You can go to the Town of Richmond website (<https://www.richmondvt.gov/calendar/meeting/selectboard-public-hearing-4-18-23>) and scroll down to Related Files. If you want to go back and look at it later, it's all there. Our goal is to allow for what is called gentle infill, which is a modest amount of housing.

We're considering the districts together because they have many features in common. I'll talk first about the amendments that affect both of these districts. All we can do is remove some regulatory barriers so that it becomes more appealing for developers to build some housing. Both of these districts are going to allow approximately eight units per acre. We're using the square foot instead of acres, because that is what planners do for talking about sizes of lots that are under an acre, so one unit per 5000 square feet. Currently, the Residential/Commercial is six units per acre.

Some of the uses in the use chart are being moved from Conditional to Permitted. We have a PUD (planned unit development) process which is even more difficult than Conditional use. One way to reduce regulatory barriers is to move things from Conditional use to Permitted or to move things from PUD to Conditional. It makes housing more affordable.

We are proposing to allow two principal residences on a lot. In our current Zoning, you can have a duplex. We are hoping that this encourages home ownership and not just rental because the properties can either be under the same ownership or they can be like condominiums on a property under different ownership. We already have the accessory dwelling concept, which is like the mother-in-law apartment, so you can convert part of your house into an accessory dwelling. Or you can put in a small, freestanding accessory dwelling. It has to be a certain size. It has to be occupied by the owner of the property. There's a whole bunch of restrictions that are in the statute about accessory dwellings. There are just different ways to allow a little bit more housing on the same property. It's only residential structures and we've only allowed two.

We have allowed for buildings that have three and four dwelling units, small multi-families, as a Permitted use. The State is planning to make three and four units mandatory, so we put it in as Permitted use. We have also put in Conditional uses multi-family housing with more than four units. This was always possible in our Zoning through the PUD process. Most of these changes are just moving the development style to a slightly easier format.

We have put in place a set of multi-family housing development standards. These are a list of standards so multi-family housing units are nice places to live that they're not warehousing people, that there's some outdoor space, laundry facilities within the building, outdoor or extra storage.

We want the mixed-use part of the businesses and the housing to be compatible. We are proposing some design features, some character of the neighborhood standards, that will help to ensure that there's compatibility between the businesses and the residences. Most of them will be going through the DRB process, whether the character of the neighborhood is retained.

We are proposing to separate into a large- and small-retail pharmacies and grocery stores. In these two districts, we're proposing only to allow what we're calling Village scale,

which is 5000 square feet or less. We will allow larger ones in our Commercial districts. We felt in mix residences and businesses districts it was better to stick to this smaller Village scale. We'll talk about that more when we get to definitions.

The map of the Village Residential/Commercial District (https://www.richmondvt.gov/fileadmin/files/Selectboard/Meetings/2023/03/3g6_a_VillageRCMap02-15-23.pdf) functions as a kind of a transitional zone between the core downtown, the Bridge St upper block, and the neighborhoods. It's ideal for the gentle infill concept, which allows for small amounts of additional housing. We will have more Village residents to use our wastewater treatment facility which would reduce costs for everyone. We do have room in our schools that is not a limiting factor for us right now.

We have added some uses to this district supported housing which was not previously in our Zoning. It replaces retirement community with a better definition. We've added fitness facility, which is a new definition that we put in based on what exists out there in the world, a laundromat, healthcare services. We've added small village-scale retail, retail pharmacy and grocery store. We have put catering in this district because we already have catering with the Richmond Community Kitchen. The food processing facility, we already have Harringtons in this district.

We are changing the traffic impact section to require a study. Our Zoning Ordinance is a little confusing in that some sections just prohibit certain amounts of traffic. Other districts require a study. We have put in the Jolina Ct District and the downtown, upper Bridge St block district that those both require traffic studies.

We've also added some new building and site design standards to retain the traditional Village appearance and to try to discourage the big boxes. Part of the reason for dividing those three categories of stores into a village-scale and a large scale is to try to put some guardrails around the big boxes.

The main change to the Gateway Residential/Commercial District is opening up to housing as well as businesses. The other important feature is to retain the scenic entranceway to Richmond. Everybody is interested in having our rural, agricultural, small-scale entrepreneurial businesses reflected as you enter the Village of Richmond. We do want to give some certainty and clarity to the Willis Farm development that is a PUD permitted already. They need to know what they can and can't do beyond their PUD. We've justified that removal of the 40% commercial requirement for all new development projects. We felt we wanted to allow just residential projects if people wanted that, or mixed residential commercial. We continued not to allow retail of any kind out there. We did allow for the village-scale grocery stores and pharmacies to be out there. We allowed restaurants to be in that district, also the fitness facility, the health care services, and laundromat. We took great pains to craft something that was not going to look like commercial strip development. Parking in the front makes it look like strip development, we are not allowing that. Same with retail of any size because the big boxes are now going to little boxes to try to get into these areas.

In each of the Zoning districts there's a traffic impact section. If you want to put up a project that is going to exceed that number of trip ends, you just can't do it. It's difficult to actually determine what the number of trip ends is during the pm peak hour. We could probably spend a whole meeting talking about traffic impact and what those numbers

actually mean. If you want to put in a project that is going to generate more than that number of trip ends according to this manual, then you can't do it according to our current Zoning.

The next few changes affect the whole Zoning Ordinance, other districts as well. One is this terminology of using square feet for lot sizes that are under an acre. An acre is about 44,000 square feet. If you're going to talk about a quarter of an acre, you're going to talk about 10,000 square feet. When we talk about eight units per acre, we're talking about one unit needing to have 5000 square feet. You could put a duplex on a quarter of an acre lot. And each one would be an eighth of an acre, which is approximately eight units per acre. We're saying that the minimum lot size is 10,000 square feet. The tiny lots that are in the Village, many of them are already smaller than a quarter of an acre. One dwelling unit requires 5000 square feet.

The section that talks about the non-developable portions, says there are portions of lots that you can't build on. They may be wetlands, they may be steep slopes, they may be under easement, there are a variety of reasons that you might not be able to build on them. The old language in the Zoning says that every lot has to have 10,000 square feet of developable land. You only need 5000 to put a house or to put a dwelling. You can't require that all of these 10,000 square foot lots have every single square foot be developable. We are not suggesting that you develop on non developable land. In the downtown district, you have lots that are smaller than 10,000 square feet, they can't possibly have 10,000 square feet of developable land.

Multiple uses and principal structures on a lot allows for the two principal residential structures and multi-use buildings. It's only for these two districts so far that we're allowing this. We did change the parking table which desperately needed up grading. There were a couple of reasons for putting the parking table in with this packet of amendments. We are proposing to have reduced parking for multi-family residences. Currently, two units, two parking spaces are required for each dwelling unit. We did reduce that number.

CS0080, CS0064, CS0052, I think there's two buildings, they only own their footprint. That's why it's just the buildings that are shown in yellow. The yellow on this map is the residential neighborhood. The one on the other side of Railroad St, those are all part of the commercial district. I'll have to fix that on the map, they should be yellow.

Linn: You're allowing only one parking space per unit? Is that correct?

Clarke: We have put in one as a minimum, this is not the maximum that we're allowing. The minimum for a single-family home is one. For each unit in a multi-family building, it would be 1.5 minimum. You can put in more.

Definitions was a place that we made some changes. For Bank, it now allows drive through. Hotel and motel and guest house, we made it more specific as to what those meant. We hope that we're setting ourselves up better for short term rentals talk that we're going to have to have at some point. Short term rentals, cutting into housing is a problem. Light manufacturing clarifies that this is an indoor use, and that any kind of accessory outdoor activities have to be screened from view. Personal services clarifies what it means like any skincare or haircare business. Some definitions require more

discussion. The character of the area we have become much more specific about describing. We're putting in place what the standards are for the district, what the features are. We added the two sizes of retail grocery and pharmacy. Village scale is 5000 square feet or less. We also attempted to reduce the likelihood that we were going to end up with a food desert. If 2% of your floor area was food then you were going to have to make 25% of your floor area perishables, fresh, frozen meals, vegetables, fruit of any kind. If you're going to sell food, you have to sell perishable food.

The few main questions that people have asked us is why do we even want more density? Why do we want to make things a little easier for people to build, especially housing? The answer is that we need housing. Housing is going to be mandated. We're trying to allow for modest growth. If we don't have people who can afford to live here, this is not a good place for the Village. This mixed-use district seemed like a place that was a better place to try to have a little bit more housing.

Miller: We can reduce the cost of the permitting process. We can make it simpler so they don't need a whole team of engineers. It's a piece of the cost that was taken out.

Clarke: Building is pretty expensive right now. We can streamline the process without giving away the Village to help make this possible to have more housing.

Furr: This would be the time if you have questions.

Knowles, A: I am Allen Knowles and I live at 112 East Main in the Village Residential/Commercial. I want to express my strong support for the new Zoning regulations for that area. I have no objection to the changes in the Gateway.

Rankin: Hi, John Rankin from Church Street. I'm interested in why Jolina Ct was not combined with the Residential/Commercial. It's been 20 years since the Creamery closed and there have been numerous proposals to add residential units. It's always been stymied by this insistence that there also be a mixed Commercial within it. There's very limited interest in commercial. Had you considered combining it?

Clarke: There was a long and torturous history of Jolina Ct. The reason that it ended up being put in its own district was because of the way interim zoning was put into place. It originally had been perceived as being desirable to make that part of the Commercial aspect of the Village. It was reduced to the Commercial being required on the ground floor. Jolina Ct is currently applying for its remaining residential units, which are 31 in number. They still have the Commercial on the first floor, in the Zoning that they're working under. They're going to have a second building with 31 units and Commercial on the ground floor. We are definitely considering if we want more residential units there. That will require a good amount of discussion. People at regional planning are salivating over that property for more housing. They would like to have 90 units in there. Do we want 90 units in there? A lot of historical water there.

Furr: I do see a question in the chat. Emily Mower type "Is there a compelling need for more commercial real estate near Mann & Machine or is the main motivation for including that spot in the Village RC zone for increased residential density?"

Clarke: Mann & Machine and Stone Corral remains a Commercial district. Those four buildings across the street from them could either be developed for either multi-family housing, single family housing or they could have businesses. Those properties might have additional housing, or they might have a business.

Knowles, B: I just wanted to echo what Allen said and speak for my husband and say that we're strongly in favor of passing the increased density and ability to build on East Main St. We would personally hope to build an additional unit in the backyard for our expanding family. It would help us to be able to stay in Richmond and raise a family here. I personally feel like it's been given quite a bit of time, including this meeting, so we'd love to see it happen in a timely manner.

Lord: I'm Amy Lord and I live on Jericho Rd. Right now, we're in the high density Residential. My main concern is about the change to adding a Commercial component. I would hate to see any current residences become commercial. What's different about Jericho Rd is the route to school. Most of the driveways on the road are pull in and back out. I would feel better about keeping that section of the district, high density Residential.

Clarke: The Goodwin Baker Building, which is a commercial building, he's not allowed currently to have any housing. We would like to have multi-family housing up Jericho Rd, that's another reason to put that area into the Residential/Commercial district, rather than keeping it as a high density residential, where you can't do anything else, but an accessory dwelling.

Goetze: My name is Karl Goetze at 62 Jericho Road and Amy's husband. If you add Commercial up Jericho Rd, I think it is the most appealing place for people to come in, buy a house and turn it into an office. My worry is that those houses along the road would become a target for just becoming commercial.

Clarke: I'm not sure if that that's really going to happen. The other thing that we are considering is that if you're going to have a walkable Village, then you got to have things to walk to. You've got to have commercial if it's going to succeed in the future.

Goetze: My worry is if we change it to Commercial, we may end up removing housing. I do want to say I really appreciate the work that's gone into this. We need to make more housing affordable to people in the State.

Miller: If something starts going in direction that we didn't intend or is not favorable, we have the ability to change it. If it's not going the way that it should be, then we'll meet again.

Clarke: We have talked about Jericho Rd in all different ways. There were a lot of iterations of it.

Goetze: The high-density Residential is what it is right now. I think we're adding Commercial to it.

Clarke: That's kind of what comes with this district. Commercial and the multi-family housing is what we've got in front of us. We don't know what will happen with the other districts.

Furr: In the chat Christy Witters types "Does the proposed parking table apply to all districts if it is passed now? I would caution against reducing parking minimums prior to the Legislature requiring it. Many duplexes in town have 3 cars per unit = 6 cars per duplex."

Clarke: That will apply to the whole Town parking table.

Furr: In the chat Christy Witters types "What is the reason for having 2 primary residences on one lot? Why not subdivide if we are encouraging separate owners? two primary residences on one line? Why not subdivide if we're encouraging separate owners."

Clarke: The point of that is to make more options for people who didn't want to subdivide the lot, who wanted to retain ownership of the lot. It would be like wanting to make your single-family home into a duplex where you retain ownership of the land, but you had two houses, one of which you rent and one of which you live in. Or you could sell just the house on its footprint. It simply provides more options for putting a second dwelling unit.

Rand: Thanks Virginia for such a clear explanation for those of us who haven't been following all the details through this whole process. I did want to just give a little plug for my concern for the same area that Karl and Amy mentioned. It is mostly because of our desire for our community to be pedestrian friendly and the school is there. Because of the waterfall and the geography of the land, it would make it really difficult to have this ingress and egress of vehicles.

Clarke: We can make many more little districts. It's not too desirable to make every single street into a different district with different requirements. The review process is important. I think it does give people more options about using their dwellings. If people would like to have a home office within a home, that's kind of a residential commercial mix that we wanted to provide the flexibility. It's a dilemma.

Forward: Some of that could be addressed through the Development Review Board process.

Knowles, B: I also own an office building that is in a residential building on Rt 2 in Williston. We converted that building from Residential to Commercial. The only reason we were able to do that is that nobody wanted the house. It was not practical for a modern family, and it needed a lot of work. I don't think that we should necessarily ban Commercial on Jericho Rd. It opens up people to be creative. I am a fan of having more options for people when housing is difficult. Would there still be the opportunity for oversight?

Clarke: Most of the uses in this district would be Conditional uses. There are uses that have moved to Permitted but the list of Conditional uses is still longer. Some of them like personal services are permitted uses. The Zoning Administrator would have to

review them for compatibility with the all the regulations, but it would not have to go through the public hearing.

Goetze: I like it when we get a chance to know what's going on.

Clarke: That could also be addressed by taking those uses out of the Permitted and putting them back into Conditional. That would allow for the review process.

Forward: There is a distinction to me between an office for professional services, a doctor's office or a veterinary clinic and a realtors or lawyers office.

Clarke: We have a very limited area for businesses in the Village. We're so constrained in terms of where we can actually have walkable businesses that people can go to.

Furr: In the chat Emily Mower types "I agree with the thanks for all the efforts as well as the point that we should encourage residential over commercial with these changes. What's the timeline for potentially being able to add multi-family housing to the zones outside village RC?"

Mower: I think there is a broader question about how we encourage multi-family housing maybe separate from commercial.

Furr: How soon can we add multi-family to the other Zones?

Clarke: It depends on how fast we, the Planning Commission, can proceed with reviewing the other districts. We're currently looking at the Village Residential neighborhoods. Then we will move to the Ag/Res District, which has its own particular different kind of issues. It's just the Planning process, you know how long it takes. Multi-family housing is doable with the PUD process and it's more efficient when you have infrastructure like water and sewer or community septic system.

Morris: I'm seeing pressure from both sides. The Commercial/Residential aspect of the Gateway hasn't happened. I argued that the neighbors that aren't there at night are not there. Members of the Planning Commission actually walked up the street and looked at how these lights twinkle over here. It's just on because it's a business. We've talked about more oversight. It's my understanding, we don't have a historic district. Perhaps we could have a historic district for those four streets that are so visible to all of the tourists and ourselves. That could preserve the character of the neighborhood as a residential neighborhood while allowing appropriate uses. I know our area is a significant cluster of historic dwellings, but I don't believe we have the designation. It would seem we could solve some of these problems by doing that.

Clarke: It seemed daunting to the Planning Commission to have a historic district. You need a historic design review committee and process for lots of very specific regulations about what things are going to be like. It just has seemed a bit beyond our capabilities. We talked about it, especially around the Round Church area.

Furr: The Selectboard has an option if we feel it necessary to continue this hearing at a later date. We have the option to close the hearing. Is there anybody present who thinks we need to continue?

Clarke: The map will be changed. We could amend the map if we vote tonight.

Miller: Should there be a review of a change request?

Clarke: It depends on the use. You're talking about converting from a Residence to a Commercial business. The way we currently have it proposed, if we wanted to put in a medical office or a personal service that would go to our Zoning Administrator. The Zoning Administrator would make sure that everything about the property was in accordance with the Zoning regulations. That is Permitted use. If they wanted to put into use that was on the Conditional, then it would go through the DRB process for a Conditional use review.

Miller: Either way, there is a review, there's a record of what was said and what's going to be done.

Clarke: If it's on Permitted use, there is not going to be a public hearing process.

Morris: I'd like to see the map reflect no change to the north tail of the Village Residential/Commercial.

Furr: I think the Selectboard would like to thank everybody, especially Virginia, the Planning Commission, and everybody in the Town. Then we will close the hearing, adjourn the meeting, and put this on the agenda for a future Selectboard meeting.

Wood: Allowing those small changes to go forward is an important aspect of keeping stuff concentrated downtown. I think it's unreasonable to think that things will not change at all. If we don't include that, it'll just give us less opportunity to have that concentrated downtown that might push development outside of the downtown area. The downtown has to grow either up or out.

Parisi: Hi, Matt Parisi, 110 East Main Street. I just think it'd be good for the viewers in the public to know approximately when we're thinking it can be approved. I'm just kind of curious if there's a thought of when we're thinking of approving amendment.

Furr: This could be discussed as early as our next Selectboard meeting. Do we just want to take comment to the Selectboard, or do we want to actually continue the hearing and formally take public comment?

Forward moved to close the public hearing. Sander seconded.

Roll Call Vote: Forward, Furr, Miller, Sander in favor. Motion approved.

Furr: We are not going to hold a vote tonight, but we will discuss it at a future meeting and then vote to adopt.

Arneson: The next Selectboard meetings are May 1st and May 15th.

Adjourn

Sander moved to adjourn. Forward seconded.

Roll Call Vote: Forward, Furr, Miller, Sander in favor. Motion approved.

Meeting adjourned at: 9:14 pm

Chat file from Zoom:

01:19:58 John Rankin: On the draft district zoning map, the northeast side of church street is shown as joining the residential/commercial district. Is this correct?

01:40:24 Emily Mower: Is there a compelling need for more commercial real estate near Mann and machine or is the main motivation for including that spot in the village RC zone for increased residential density?

01:42:04 katherine long: Thank you to everyone who has been working so hard on this and for your efforts to retain the character of our community while encouraging more opportunity for affordable housing.

01:43:08 Christy Witters: Does the proposed parking table apply to all districts if it is passed now? I would caution against reducing parking minimums prior to the Legislature requiring it. Many duplexes in town have 3 cars per unit = 6 cars per duplex.

01:43:50 Emily Mower: Thank you and apologies for being off camera / audio

01:45:09 Christy Witters: What is the reason for having 2 primary residences on one lot? Why not subdivide if we are encouraging separate owners?

01:47:59 Christy Witters: I agree with Amy Lord. The expansion of the Village Res/Comm district on Jericho Rd to allow commercial discourages existing residential. This is currently a residential district.

01:49:10 katherine long: Agree with Amy and and Karl on that.

01:53:53 Emily Mower: I agree with the thanks for all the efforts as well as the point that we should encourage residential over commercial with these changes

01:57:35 Emily Mower: What's the timeline for potentially being able to add multi-family housing to the zones outside village RC?

02:30:04 Emily Mower: It seems like there's quite a bit of support for keeping the barrier a little higher for commercial spaces. Would not allowing more uses as permitted uses count as a significant change or be something that can be done at the Selectboard level?