

Richmond Selectboard Minutes

8-19-19

Called to Order: 6:38pm

Present: Roger Brown, Bard Hill, David Sander, Dennis Gile, Mary Houle, Gary Bressor, Judy Rosovsky, Jessica Draper, Josh Arneson, Lou Borie, Josi Kytte, Colin Moffat, Jim Feinson, Mark Klonicke, Heidi Bormann, Tim Monty, Scott Nickerson, Chris Cole, Virginia Clarke, Bill Escholz, Julie Escholz, Adam Wood

Public Comment: Mary Houle said she wanted to send best wishes to Linda after her unexpected surgery.

David asked to add an item to the agenda for discussion of the fire department security cameras. Roger moved to amend the agenda to include this. Seconded by Bard. All were in favor, so moved.

Conservation of Parcel: Wright Preston presented regarding the town owned forest parcel that touches the Bolton line. Wright explained that the Cunninghams gave the parcel to the town in the early 1900's. He explained that the abutting land is conserved in various ways. The town of Bolton recently decided to donate a conservation easement to the Richmond Land Trust for their abutting land. Wright asked if the town of Richmond would be interested in conserving the parcel and contributing to a stewardship fund from the conservation reserve fund. He explained that the conservation commission supported the proposal. Discussion ensued about the potential uses and prohibitions on the land. Roger said that he didn't see the concern about the development of the parcel that would warrant conservation. Discussion ensued about whether the town could just vote to not develop or needed to formally conserve. Jim commented that conservation is also about promoting good uses. Judy said she felt that there isn't a zero risk of development, and that there is money available to cover this. Mary said that since it is already non-contributing to taxes, and with available funds, it's a win win. Bard moved to approve the proposal with the contribution funded by the conservation reserve fund. David seconded. Roger said he was unsure of the need. All were in favor, so moved. Wright explained that the next step is to forward the draft easement from Bolton to circulate among the board members.

Fire Station Security: Dennis presented concerns about security for the department building. He said items have come up missing over the years, and they have recently gotten a \$2600 rebate check from efficiency upgrades. He explained that the security system would cost about \$2900. The fire department has a few million dollars in assets, and he would like to be able to monitor the building remotely because it is not occupied for much of the time. Roger asked what has gone missing. Dennis said that a battery charger had been taken last year, and recently a \$200 strobe light was taken. He said that a couple of years ago, 5 radios were stolen and they're about \$800 a piece. He suggested that all of the town facilities invest in security systems. Josh said that during his conversation with Dennis he was only informed him of two thefts in 15 years, and he noted the recent expense of about \$3000 for physicals. Josh said he would prefer to look into it in the FY21 budget instead. Discussion ensued about recent building improvement expenses. David said that he agreed that a security system is necessary and would like to see it implemented throughout the town facilities. Heidi said that she agreed with Dennis and felt that it was worth it. Roger moved to approve the Fire Department security project going forward with \$2600 of miscellaneous revenue from the efficiency Vermont rebate. Seconded by Bard. All were in favor, so moved.

Fee Schedule: Jessica explained the changes. Roger moved to approve the fee schedule as amended. Seconded by Bard. All were in favor, so moved.

David suggested to table the building committee update until the 9/3/19 meeting.

Edmunds Trust: David explained how the Edmunds Trust can and cannot be spent. The proposal is to partially pay for HVAC repairs at the library. Roger moved to approve the proposal. Seconded by Bard. All were in favor, so moved.

VOSHA Inspection: Josh explained that VOSHA did a surprise inspection, and the staff are in the process of fixing the issues that were identified. He explained that there were 5 violations, and that many of the issues have been corrected already and some immediately. David said that we should plead our case that prior inspections had not indicated some of the issues, and that there was proof of intent to be compliant. Roger asked to make sure that the fines are divided among the proper departments.

Fire Department Respiratory Protection Policy. Bard moved to approve the policy. Seconded by Roger. Bard asked if there were comments from the present members. The members said they support the policy. All were in favor, so moved.

Code of Ethics Policy: Bard moved to approve the policy. Seconded by Roger. Josh explained that this one and the next two policies were edited for compliance with the Federal Funds regulations, and thanked Jess for making the changes. All were in favor, so moved.

Grant Management Policy: Bard moved to approve the policy, Seconded by Roger. All were in favor, so moved.

Municipal Purchasing Policy: Bard moved to approve the policy, Seconded by Roger. All were in favor, so moved. Bard commented that we should continue to make these policies transparent and ensure that staff know that they must adhere to these policies.

VLCT Delegate: Bard moved to appoint Josh to the delegate. Seconded by Roger. All were in favor so moved.

Health Insurance Rate Increase: The average rate increase approved by the Green Mountain Care board was 12.4%. Bard said that it was worth noting that as time goes by we should forecast the insurance increases, and discuss how to deal with that. Roger said he felt that we should strive to pay appropriate compensation, and that it should be included in those discussions and budget discussions. Mary said that if socialized medicine happens, medical facilities will narrow, and the cost of this could become even greater. Chris Cole said that he looked at different structures of insurance coverage, and supplemental coverages in past positions. Roger said he's not in favor of taking away benefits, but is in favor of looking at different cost management methods.

Roger moved to open the continuation of the hearing for Jolina Court Zoning Amendment. Bard Seconded. All were in favor, so moved. Hearing re-opened at 7:40pm

David re-caped the agenda.

David read a letter from Brendan O'Reilly a partner in Buttermilk. A summary: We worked with Planning Commission on the zoning. The site was a brownfield and we looked at the potential. It took two years to organize. Clean up took longer and was costly. Development plan is for four net zero buildings to create vibrancy in Richmond. Plan is for more commercial space than the Creamery provide. We need building two to make solar investment viable. There is an oversupply of commercial space in the area. But, housing is very much needed.

David: Let's start at density.

Bard: I want to stay with 15 units per acre as stated in the current document. For a total of 45 on the site, including the 14 units in building one.

Virginia: We changed the wording of the paragraph that talks about density to make it easier to understand and more direct by stating density as 15 units per acre.

Heidi Bormann: I was on the Interim Zoning Committee. How did we go from 8 units in discussion in the first building, to 10 on the approval and now we're at 14 units that have been built. Have the lots been merged?

Jess: Legally they have not been merged. It is two parcels in terms of legal and deeds. But they count as one parcel for zoning in terms of density.

Heidi: If they sold building one or two what happens to that deed?

Jess: They would need a boundary line adjustment to give each parcel enough acreage for their density.

Heidi: How would it show up a title search?

Jess: It would show up in the records. The boundary adjustment should be done in the future.

Josi: The cost to do the merger was significant and would not change the use of the site.

Virginia: Do the units have to be on a specific lot?

Jess: Lot one is .07 acres, but since lots are adjoining they can use the acreage from the adjoining lot for density. So they are merged for zoning, but not legally. It would take a boundary line adjustment to merge them.

Josi: At the time it was more work than necessary to merge them. We could look into merging them now.

Bard: Should we add into the zoning that they lots are merged for zoning?

Jess: It may be better to keep lot specific information out of the zoning.

Heidi: Without merging they are not legal. My concern is if lot one is sold then you could use all the acreage from lot two and build more residential.

Bard: What can we add to the zoning document itself to make this more clear?

Heidi: Have Buttermilk do a boundary line adjustment now.

Josi: We will look into it.

David: Let's move on to density bonuses.

Bard: There is a line in the document that keeps the density bonus option open in the future.

Virginia: The Planning Commission talked about if it was necessary to include this because it would be applicable for a density bonus even without that sentence.

Chris Cole: But we kept it in as a sign post to keep it open since it had been in discussion.

Bard: We could put this into every district. There is no point to an open ended sentences about items that can happen without that sentence.

Bill Escholz: Was there discussion about what a bonus would be?

Jess: Yes, we spoke about many options but there was no agreement.

Bard: My personal preference is to strike the line.

Roger: I agree with Bard.

Jess: Someone could look at this 15 years from now and question why the line is there.

David: Let's move on to ratio of commercial to residential.

Roger: Question for Virginia and Chris. You advocate not doing 60/40 because it is hard to apply to a three story building but so is a 25/75?

Virginia: We wanted to get away from ratios because they are hard to apply to a building but street level is fairly easy to apply to a specific building.

Chris: We also talked about the tight commercial market. Housing would be a benefit and would not hold up the project looking for a commercial tenant. So it leaves upper stories open to commercial if a tenant can be found.

Heidi: Is storage and gym considered commercial?

Chris: No, that is in the basement and not commercial. Commercial is defined in the zoning document.

Gary Bressor: I appreciate Buttermilk has taken on the project and it is a nice project, even though we have differed on some of the points. I am now more open to many of the Planning Commission goals. Because we

want to match what we have on Bridge St, I feel that the floor that is on the main road in should be the one that has commercial.

Virginia: In our proposed wording it is street level, which cannot be a basement or walkout basement.

Gary: If it is written as an option then it is a loss. It is not defined enough because the lower level may not really be a walkout basement. I feel it needs to be cleared up.

Colin: Whatever commercial space goes on the first floor, the building will look the same.

Chris: I disagree, commercial spaces have signs and windows, residential does not.

Colin: I'm not picturing storefronts. Also, if you limit commercial on floors then you may lose a tenant who wants a specific floor, that is not the mandatory floor.

Gary: I think it is important to have commercial on the main street level floor.

Colin: This is not Bridge St. You have driven into a development so the feel will be different.

Roger: That's the question. Is this residential development or mixed use. Where you drive in defines the feel of it.

Colin: It's not a village street once you enter.

Bard: We are debating the sentence about where residential is allowed in the current document. The question is how do we distinguish between a basement or first floor.

Colin: We could go by 50% or more of below ground then it is a basement.

Jess: It is defined elsewhere in the zoning regulations.

Virginia: How does that definition deal with a walkout basement? We need something that is clearer that deals with the percentage of walls that are underground.

Roger: We can be specific on direction of storefronts on this parcel.

Tim Monty: I want to backup what Gary has said. He appreciates the project. I feel ratios are not constructive to the project. His employees want to live in a vibrant downtown community. There is a great opportunity now to bring in more residents to Richmond. When I worked with Josi and Brendan to secure the grant they were very helpful to get the grant. In the fall of 2017 we looked at commercial spaces for our business and almost all of them are still available. It was the bank that brought the project to a halt because they needed more residential to make the project work. We would still like to get our 10 person business to Richmond.

Virginia: Zoning is not preventing commercial on the second level.

Tim: I am aware but at the time we were in, between plans and interim zoning had expired, and the banks would not finance a project that did not have enough residential to make the building work. A new approach to the ratio is needed.

Bill: How much developable commercial land is developable now?

Bard: There is not much developable land in commercial districts.

Bill: In terms of commercial land now, this is it. I'm worried if we go just first floor then where would the commercial go? It probably will not go from residential to commercial in the future.

Jess: Showed a map of the village area to show where commercial is located.

Bard: There is not much that is developable.

Colin: If there was zero ratio we would ultimately run out of residential units based on density. We would have to build more commercial based on density restrictions.

Virginia: The Planning Commission does not know the future of what commercial development will be. We wanted to leave this open to different kinds of commercial beyond just stores.

Roger: If we are just a bedroom community then more residential is fine. Maybe it is impossible to think there will be well paying jobs in the village, but we should try to find businesses like Tim's.

Tim: The business association has been understaffed and we are trying to gauge interest in the business community with a survey to get data on what businesses want in the area. Housing in the area does not work for some people. Our business is in Colchester in a building with low rent. We were going to double our

expenses to move to Richmond, but we wanted to do it. Unfortunately we could not figure it out as a town to get the business here.

Chris: In order to have the vibrancy in downtown we need to have the residences as well. We want first floor commercial then leave the rest of the building open to whatever fits.

Roger: Do you see a concern that what is profitable is not necessarily good for the town?

Chris: I look at the pressures in Vermont and we lack housing, we have plenty of commercial space. It is expensive to live in Richmond.

Bard: If you look at our total zoning map there is not much room in town for commercial. People are living far away from where they work because the housing crunch is real. Parts of VT are shrinking while Chittenden County is growing.

Chris: Chittenden County is the only county that is growing. Businesses in other areas of the state can't find employees. We need to be aware that if people want to move to Chittenden County we need to find a balance of how to add more residential.

Roger: We are not talking about a factory vs. residences. We are talking about subtle changes, but we want to keep commercial. Can we get bus service into downtown Richmond?

Chris: I don't have the answer to that.

Bill: When you say affordable housing what does that mean? Who will be able to afford these apartments?

Josi: We need to differentiate between affordable and low income. These are at market rate. We have rents from \$895 up to \$2000, we know it is not low income, but tried to keep some units below \$1000. The \$895 unit is on the smaller side. We wanted to understand the market with building one. A lot of people are choosing the smaller units.

Bard: As written you would have 31 dwelling units left to build, and street level must be commercial, thought there can be more commercial in a building.

Virginia: There are good definitions about basements and walkout basements. I'm sure we can work that out. There is a question about if we want to allow residential in the windowed walkout area? Is it okay to have residences in the basement? The Planning Commission agreed it would be okay as long as there was an egress with windows. The part without windows would need to be just storage.

Bard: Document says residential units must be above commercial spaces. Doesn't that preclude basement apartments.

Virginia: I think that needs to be re-worked.

Jess: The zoning district draft is specific to the district. There is a definitions section that updates definitions. Then there is the letter from the Planning Commission.

Josi: Brendan would talk about the lowest floor being put together for a commercial tenant. But, Brendan does feel we could use the lowest floor for commercial and also do street level commercial.

David: Let's move on to allowed vs. conditional

Jess: In interim zoning it was all conditional. This version allows a few more uses.

Virginia: Originally the Planning Commission went with making all uses allowable, which means no DRB approval except site plan. But then we looked at this through the lens of this being mixed use and some businesses should be reviewed in light of that. Then thought it was better to just review them all. So we are okay if the Selectboard wants to make them all conditional.

Bard: That allows for businesses to be looked at in context of the makeup of their building.

David: Moving on to building height and fire protection.

Jess: There needs to be a window in every top unit that cannot exceed a sill height of 32'.

Adam (from the fire department): We want to clarify our stance. We have 35' ladders which gives us about 32' working height for egress windows. This is assuming an adjacent grade that is level and that it does not slope away from the building.

Heidi: If we do a four story building will this increase the town's insurance?

Adam: ISO uses building height as one metric to calculate rates. Any town that has a building with window sills over 32' requires a ladder truck. This building does not exceed that.

Bard: If we do not build over 32' sills then we comply?

Adam: The concern is that the four story side will be over 32' and all egress needs to be 32' or lower. Each bedroom must have a 32' egress window.

Bard: We should say every bedroom must have an egress window and that window must not exceed 32'.

Adam: We do need roof access. 35' maximum height is based on pitched roof. Ideally we need roof access in at least one spot.

Heidi: I just want to make sure this will not be a cost to the citizens of Richmond.

Adam: There is a way to do this without adding cost to citizens of Richmond.

Bard: Is there an ISO standard number?

Adam: 540-A, dated in 2014.

Bard: Let's just reference the ISO standards in the zoning. We were adamant that this should not impact ISO and should not require a ladder truck.

Adam: An architect can help with compliance.

Virginia: On the four story side will window sills be a 32'?

Colin: It is technically feasible to do it.

David: moving on to building details. People have been concerned about the look of the building not matching the all brick artist's rendering.

Jess: We talked about footprint size. Second building is 8000 square feet, but they may want 9000 square feet.

Gary: I like the all brick drawing, it looks like other buildings in town. But our zoning does not hold developers to the look of the building. It seems like this should be changed so they build what is presented.

Julie Escholz: In reading the language stating it must be comparable to the look of the town. It does not look like others in town. Also, there may be too much noise from the compressors.

Colin: The compressors are very quiet.

Jess: There is a noise threshold at the lot lines.

Julie: Did DRB ever approve the look of the building?

Jess: That was not part of the approval. What you are reading is proposed language by the planning commission.

Bill: Going forward, what will building two look like?

Josi: Building one did get approved and the plan was always to be brick on the front and become more modern as it wraps around.

Bard: Current language allows for DRB to review changes and also be subjective.

Virginia: Developers should at least have to go back if their planed look changes.

David: Moving on to parking, traffic and transportation

Bard: Sidewalks are written into the proposal.

Gary: We may need the loop road. We should not put off this discussion.

Bard: To start with what we know we know. There is an agricultural access. Any establishment of a road would be a new road and would go through that process. There is no road right now.

Heidi: Should be approach the farmer about his road?

Gary: It is just a right of way.

Josi: We are not looking to add this road in at this time. Because building one and two traffic studies did not require the road we can build and see what the traffic looks like and re-address the road idea before building three starts.

Virginia: Building two still needs to go through ACT 250. What if there is an accident as the exit, what happens to the safety of people living there? This will come up in ACT 250.

Bard: The same situation exists in Camel's Hump Middle School. I'd be more motivate to deal with CHMS first.

Roger: There are lots of other roads in town with similar issues. Will building three and four will need a traffic study?

Josi: Yes, it will trip to over 75 trips.

David: Any final comments?

Virginia: There are little things that are really important. Please take your time to make the final document. This is real legal language. Every word matters.

Roger: Are we going to close and vote tonight?

Jess: You can close the hearing and then take time to make changes. You can discuss after the close of the hearing and then discuss and finalize.

Bard moved to close the hearing. Roger Seconded. All were in favor, so move. Hearing closed. At 9:45pm

David: We'll go through and talk about the points starting with residential density.

Bard: Strike sentence 3.9.3 A about density bonus

Roger: How do we make changes and what needs to be re-worded?

Jess: If there are substantial changes then there needs to be another hearing.

Bard: 4.12 add as PC approved

7.1 add as PC approved

5.1.2 f add as PC approved

3.9.1 and 3.9.2 add as PC approved

3.9.5 needs a whole lot of work. This is the ISO info.

Need to get this into one document.

Roger: My concern is they can build building two and there is no obligation to build anything else. And it sounds like there will be a traffic study and maybe the loop road.

Jess: The loop road only mitigates safety concerns, it does not reduce traffic.

Roger: What is the performance bond?

Jess: A performance bond is to ensure that there is a financial penalty if a project is not done to specs. The only way to ensure they build more is to limit what goes in each building.

Roger: There is a distinction in the uses and how do we look at businesses that are only for residents vs. what is for more people?

Jess: You could strike businesses only for residents.

Bard: I'm not sure what to limit for businesses.

Roger: Do we want to see the whole parcel to be developed to finish their site plan? If we want to make changes now is the time to do it.

Jess: Building two has an approval but not a permit. My hunch is they want to change building two.

Bard: Let's assume whatever we put in as parameters they will work within. I also don't know if they can build four floors and still meet ISO.

Roger: Building four was a remote possibility.

Bard: They have 31 units left and can't put them on the street level floor.

Roger: They also can't subdivide due to density.

Jess: They can sell the building but not the land.

Roger: I think businesses would want to own the land. But it depends on what the tenant wants.

Roger moved to approve the minutes of August 5, 2019. Bard seconded. All were in favor, so moved.

Roger moved to approve PO # 3742 for \$48,000 for washed sand for winter maintenance. Seconded by Bard. All were in favor, so moved.

Roger moved to adjourn the meeting. Bard seconded. All were in favor, so moved. Meeting adjourned at 10:20pm.