

## Selectboard Minutes 8-5-19

Called to Order: 6:36pm

Present: Bard Hill, David Sander, Katie Mather, Christy Witters, Roger Brown, Josh Arneson, Jessica Draper, Mary Houle, Courtney Rose, Derek Miodownik, Lars Whitman, Susan Whitman, Gary Bressor, Dennis Gile, Braden Yeates, Paul Zugaro, Cathy Aikman, Brendan O'Reilly, Josi Kytte, Scott Nickerson, Virginia Clarke, Gretchen Paulsen, Cathleen Gent, Chris Granda, Suzanne Mantegna

Public Comment: NA

Additions or Changes: NA

Vermont Youth Project:

Robin Katrick introduced herself as the project coordinator. Stefani Hartsfield introduced herself. Josh explained that this had been brought up briefly at a previous meeting, and that the purpose was to make an effort to gather information about issues with local youth and then strategize how to tackle those issues. The cost would be \$5000 maximum per year for five years. Josh explained that the question before the board is the funding. Robin explained that the cost shouldn't be a hardship and they want to know what level of funding is acceptable to the town. Christy explained that she thought the program was beneficial and the data would be helpful, but at the same time Chief Muldoon is concerned about duplication of effort with the Community Outreach Program and the cost that is not currently budgeted for. Bard asked what other towns are paying. Robin said she couldn't give specifics, but that some towns are paying as little as half the cost. Discussion ensued regarding the cost and work load associated. Roger said he felt it was troubling that this work wasn't already occurring but was also concerned that the school wasn't taking a larger financial and leadership role in this request. Stefani said she agreed it was a little gray about the components of the program. Mary said she was concerned about the five year commitment, and would be interested in a cost share with the district. Derek Miodownik introduced himself as a Richmond resident, and as the school board chair, and that he works for the Department of Corrections. He said he's not advocating as a school associate, but said he's seen the major consequences in the corrections system of youth falling through the cracks. He said he sees this as an opportunity to invest in the youth. Roger moved to move forward with the program as a one year commitment at \$2500 to be spent from unassigned funds. Christy seconded and amended the motion to include future years dependent on town meeting budget approval. All were in favor, so moved. Katie moved to accept Stefani as the point person and Josh as the financial authority. Seconded by Roger. All were in favor, so moved.

Development Fee Schedule: Josh explained the review and changes of the fee schedule. Josh said that it would come back for a vote before September 13<sup>th</sup>.

Village Downtown Zoning Proposal: David said that a hearing needs to be scheduled to address the proposal. The board discussed potential dates. Christy asked why the meeting needed to be moved. Katie said there is pressure for construction season. Christy said she felt there were a lot of pieces on the table aside from this. Roger asked Gabe to weigh in. Gabe explained that we are coming up on the poor weather season for exterior work. Jessica clarified the timeline of adoption. David proposed a public hearing for the Village Downtown District zoning proposal for August 27<sup>th</sup> at 7pm. Bard moved to hold the hearing on August 27<sup>th</sup> at 7pm. Seconded by Katie. All were in favor, so moved.

VLCT: 2020 legislative session: VLCT offered to come and discuss legislative issues for the coming session with the selectboard. Roger suggested asking them to identify pertinent issues, and Bard proposed inviting Marcia Gardener. Mary proposed asking them for a summary ahead of time in written format for review. She also said she supported the representative attending more meetings.

Library HVAC: Katie explained that the library HVAC is currently failing and there is urgency to fix it. Katie explained that the plan is to do an RFQ for potential general contractors to manage that project. Kathy commented on the existing system. Bard suggested a progress report from the committee at the next meeting. Katie expressed the time concern because of impending winter, and wants to move forward with the RFQ.

Radiate Art Lease: Josh explained that the lease has not changed very much, and was mostly updated for the dates and a new early termination clause regarding 30 day written notice. Roger moved to renew. Seconded by Bard. All were in favor, so moved.

Fraud Prevention Checklist: Josh explained that the fraud prevention list is an ongoing document and there were a few small changes. Roger moved to approve the list. Seconded by Christy. All were in favor, so moved.

Communications: Josh passed out the mail which included the official notification of the tax rate. Bard commented on the school versus town tax and encouraged people to take note of the two separate rates.

Katie commented that she wanted to thank the Bike Race organizers for the event.

Jolina Court Zoning Proposal Hearing: David asked for everyone to limit comments to two minutes.

Roger moved to open the Jolina Court Zoning Amendment Hearing. Seconded by Bard. All were in favor. Hearing opened at 7:30pm.

Jess: The Planning Commission proposed permanent zoning for Jolina Ct. as its own district for the three parcels on Jolina Ct. The majority of the amendment is from the interim zoning. Changes include eliminating the 60/40 commercial/residential split and instilling a requirement for ground floor commercial in each building. Residential parking is now based on bedrooms rather than 2 per dwelling unit to more accurately reflect the supply that is needed.

David opened meeting up for public comment. There was no comment.

David read emails from people who could attend the meeting:

- Sharron Dwyer: Feels no concessions should be given to Buttermilk. They were aware of the difficult cleanup. This is the last site for commercial in the village. She is not in support of tax stabilization.
- Kathleen Long: Does cannabis business fall in as an allowable use?
- Claudia and Detlev Hundsdoerfer: We own JC 0013, the Blue Seal Building. We support Buttermilk in every way. It is hard to find commercial tenants in Richmond but there is a demand for residential.

Cathleen Gent: Are the only changes from interim zoning for parking requirements and proportion of commercial and residential?

Jess: There were a few other changes from interim zoning. The document was formatted to match the rest of our zoning. 15 residential units per acre was not changed. 60/40 commercial/residential was changed to ground floor commercial.

Roger: How do we define street level?

Jess: Read the definition that will be included in the zoning.

Virginia: It is designed to be the level of the street.

Roger: If there are two exits to ground which do we go with?

Brendan: It is the floor that exits onto the public street level.

Jess: It is up to the Zoning Administrative Officer to determine what is the street level. It would need to be a public or private road.

Josi: Building 2 is unique because there will be two street levels.

Katie: We're just trying to figure out which level counts as street level for commercial.

Cathleen: What is the residential density definition?

Jess: This is a change to traditional rounding of numbers and applies to all Richmond zoning across the board.

Bill Escholtz: Asked for definition of ground level to be read again.

Jess read it again.

Bill: Only the lower of the two would be ground level.

Roger: You could pick.

Bill: If they go bare minimum on commercial, what is the ratio?

Jess: It depends on how many floors they choose to build.

Bill: We were talking 50/50. And now we are at 25/75 commercial/residential

Josi: That is inaccurate. The 60/40 came with a grant requiring 40% residential. The current plan will get us to 50/50.

Bill: But if we go with ground floor only, what could it come out to be?

Bard: The ratio of 60/40 was due to input from residents on what was tolerable to go to from 100% commercial and to allow some residential.

Virginia: The Planning Commission saw the interim zoning language as problematic because it covered the whole project and could end up being more residential if less buildings are constructed.

Brendan: Finding commercial tenants is very difficult. Residential units would be maxed out after building 2.

Bard: There are two problems. One is for the developer. One is for the Town and its plan. I am looking to the next 50-100 years. Very little of the town is zoned as commercial, if we fill commercial zones with residential then we lose our commercial space.

Brendan: I'm open to both. Commercial tenants are way easier. The question is what will help economics or Richmond, what will bring more water users? I don't see how commercial is a savior.

Bard: I am not looking for a town savior. I am aware of rate issues with water. I don't think we'll magically get a large commercial tenant. But, what do we anticipate for this district? It was initially 100% commercial. This was a large town discussion to get to 60/40. I saw the Creamery sit vacant for 17 years and the SB was on the verge of using legal pressure to get the owner at the time to clean it up. I know there is demand for residential housing. I am wrestling with the question of this year, next year, 10-20 years from now and what will be viable then.

Brendan: We will max out residential with building 2 so if the commercial tenants show up then building 3 houses them.

Roger: My concern that there will not be a building 3. Your motivation to build building 3 goes down after building 2 is built. You said in a meeting that you would wait years before constructing building 3.

Josi: The moratorium idea was hatched with the Planning Commission. It is an unfair statement to say it was our idea. It was the Planning Commission's idea to slow down development. We are committed to building all four buildings. We are showing the site to people now for building 3. We do have a tenant interested in building 3, the other two buildings do not work for them. But, this is a long process and we

have done it with many other potential commercial tenants for several years. The idea that we are not sealing the deal when it comes to commercial is false.

Brendan: I love commercial buildings.

Roger: Then why is the only commercial in the basement in building 1?

Josi: We have interest.

Gabe Firman: The carrot is residential and there is a need to provide alternate housing other than single family housing. The Town needs more residential.

Cathleen: If we change the commercial percentage it will limit the potential for commercial in the village. There have been discussions about using the Town Center parking area as an egress for this project and I have concerns about that. We'll also have additional vehicles on Bridge St. and we could make traffic problems more significant.

Bard: What is the status of the road that exits from the back of the Town Center lot?

Jess: It is an agricultural right of way.

Bard: Road access would have to be dealt with as a new road because it is not currently a road.

David: There is nothing establishing this as a road currently between the Town Center parking lot and Jolina Ct.

Gary Bressor: I'm still confused about street level commercial. If you are going to reduce the commercial that is required then you should keep the main floor as commercial. I'm concerned that there will be commercial out back of building 2 not in the front. It feels like the commercial residential mix should be met in each building. I do support the mixed use and it is basically a good project. I do think the thru traffic issue is a big issue and the Selectboard should have an understanding of where this will go. I have four residential units and would say all the development in other towns is having an impact here, there are thousands of units going in in the surrounding towns. When I first started demand was very high for residential. Now I have lowered the price because it takes a few months to fill it. I think the residential market has softened in the past three or four years.

Unidentified: If they can't get commercial in building 2 then how will they get it in building 3 and what is the incentive for building 3?

Susan Whitman: I am one of the tenants in Blue Seal Feeds building. It is a challenge to find commercial tenants. But I hear Bard's concern about what will it be like in the future. I would not have been able to get my business idea passed if it were not for interim zoning. At some point we need to move forward.

Brendan: How many square feet are we allowed to develop at the Creamery parcel?

Roger: Building 1 is built at more square feet than it is permitted for. You permitted it for 3610 square feet and build it at 4590 square feet.

Brendan: I want to know how many square feet is the Creamery parcel allowed to build?

Roger: I can't tell you how many square feet.

Brendan: I'm tired of arguing about ratios. The metrics are the driver.

Roger: Building 1 is 4590 square feet. Building 2 is 8000 square feet.

Jess: There is not a regulation about maximum square footage of residential or commercial in the zoning. There is nothing limiting square footage specifically. But parking would limit it.

Brendan: We had building 2 permitted and ready for a tenant. The bank would not finance it because there was no lease for the second floor of building 2. They would do building 2 if it was first floor commercial and there was all residential in upper floors. We have huge demand for residential. We are looking at 10% of 70,000 sq ft. It is about what will keep things moving to maintain the viability of the site. Make building 2 ground floor and then look at buildings 3 and 4 as all commercial. I do not want to bring in a bad commercial tenant.

Bard: I don't readily find the 50/50 in the document

Jess: There is no ratio in the zoning

Bard: Would you be comfortable with 50/50 being in the document?

Brendan: I'd need to go through the metrics again and would want this to be for the entire parcel. The more buildings I put on the infrastructure the less it costs per square foot for the additional buildings. The real money is in the last few buildings. I don't want to be pitted a residential lover, but it is there now and we can get them. Nothing on the building footprint has changed.

Bard: Will you be comfortable with the requirement that it is ground floor commercial and the project as a whole has to be 60/40?

Roger: But there is still no requirement to build buildings 3 and 4.

Brendan: Why wouldn't we build them?

Roger: Because you have constantly had an excuse to not build commercial. You have claimed you can't get financing for commercial.

Brendan: If a tenant shows up why wouldn't we want to do it? The finance issue was due to only having one commercial tenant signed and the other space on spec for commercial. If we had a tenant in hand we would get the financing and we would build.

Josi: We dropped the rent for a potential commercial tenant and they walked away. Residential is needed in the county, commercial space is in too much supply. The bank will not finance commercial on spec. We wanted a 9000 square foot building because we had a tenant ready to go. It took 4 months and the bank said no because you have 6000 square feet of the 14,000 square feet of commercial space unrented. I have huge interest for residential, there are 68 people who are interested in residential.

Bard: Interest in residential does not change the dynamics of what we need to do as a town.

Gabe: There is a demand to live in Richmond. Banks are not financing commercial. Having more people in town will be good. The market is not demanding commercial right now. We have not addressed housing. Very little has changed in zoning in the last 30 years. The end goal is vibrancy of the project and

the village. Creating opportunity for something to grow into that space is needed. The plan addresses this to allow for future commercial.

Unidentified: I feel people of Richmond don't care if project does not go forward until commercial is ready.

Gabe: There are commercial spaces for rent all over Richmond right now.

Jess: It may make sense to go through the agenda list.

Chris Granda: It has been a good discussion. Having participated in interim zoning, there is nothing sacred in interim zoning, but a lot went into it and it should be looked at seriously. It reflected how people felt about the mix of uses in Jolina Ct. Keep in mind the Town is not in the real estate business, and should not be driven by the current market. We are not going to solve the housing crisis for the county, we should take that into account but we can't solve it. The question is how important is it to build out the Creamery parcel and how quickly? I feel there is a benefit to higher density, but I don't know if that is the will of the Town. There has not been a traffic study to look at what higher density does for traffic.

Jess on agenda items:

- We have talked about the 15 units per acre, based on 3 acres. It sounds like for the most part this is okay.
- Density bonuses have been proposed. It is clear we are not ready to take on density bonuses currently. But the line remains in the document so that this parcel would be eligible for density bonuses and we would have to go through another zoning procedure to actually put in density bonuses.
- The commercial to residential ratio has moved from 50/50 to 60/40 to 25/75 (which is only per building in the form of street level commercial.).

Bard: I like the street level commercial, but I'm questioning if we want to insert a ratio as we did in interim zoning.

Roger: What is the mechanism to get the full project to 60/40?

Jess: If you want a guarantee, you have to do a ratio per building. There is no way to require that they build a certain number of buildings.

Bard: You could say there is a ratio for the development which then ties them into a certain amount of commercial for the rest of the buildings.

Jess: Yes, if they build all four buildings then it will hit the ratio, but there is no way to force them to build buildings 3 and 4.

Katie: If the parcel gets subdivided what happens to the ratio?

Jess: The new parcel would be included in the zoning district. But, they would not be able to subdivide any land that they are using toward their residential density.

Jess continues on agenda items:

- Commercial uses as allowed versus conditional was mostly mirrored on the village district. But interim zoning was mostly conditional uses. Having less conditional uses makes it easier to go after commercial.
- Building height and fire protections. Interim zoning said one building may be 38 ft. other buildings may not exceed 35 feet. Any deviation requires the developer to pay for fire equipment. The issue is they will not get a CO if the building is too tall, so fire equipment is a moot point. Kept this in the new zoning.

Roger: What is the ground?

Jess: it is vague

Jess continues on agenda items:

- Building detail. There is not a guideline on the square footage of a building or the look of the building.
- Traffic is not considered a burden. Unless it gets to 60 – 70 units it has no major effect due to existing traffic issues, per a traffic engineer.
- Tax stabilization. Selectboard would be willing to entertain this if the savings is passed on to attract a commercial tenant.

Bard: Didn't we take an approach to rely on Williston for fire protection.

Braedon Yeates: Williston is understaffed, so we would be relying on an understaffed, busy department to come to our town. There is a chance they may not send a truck at all. Richmond response time is very quick.

Denis Gile: There are times they do not have the staff to drive the ladder truck.

Bard: Bottom line is we should not rely on neighboring towns for ladder trucks.

Braedon: At a 35' building height we can only reach the windows. Cannot get on the roof.

Gary: I would like the definition of pre-construction grade, but that is irrelevant because we want to know how far the ladder will reach post construction.

Jess: The pre-construction requirement probably came from concerns on views and to prevent artificially mounding near the building.

Bard: There are two issues, the aesthetic and the fire issue. We could add a sentence about window sills on top floor needing to be a certain height.

Virginia: We can address both pre and post construction with language in the document.

Jess: Read the definition about average height.

Christy: Average gets tricky.

Bard: I would like a sentence about window sills being no more than 32 feet above ground.

David: Let's move on to density.

Virginia: I would like to suggest that the density paragraph be re-written. I think we really want to be more clear that it is 15 units per acre. Take out the unnecessary verbiage. Add in "developable land"

David: Are we good with density bonuses?

Bard: Do we want to change anything here?

Jess: It would be an entire new process if there were to be a density bonus added.

Virginia: Add in "only if density bonus overlay district is created."

Brendan: Please go over window height again.

Jess: Window sills cannot be more than 32 feet high.

Brendan: Clarify that it must be at least one spot where a window is no more than 32 feet high.

Jess: The concern is there must be a 32 feet window per unit.

Braeden: If there is only one window at 32 feet we will have to go in that window to get people out.

Jerry: What if we had fire escapes for the four story side of a building?

Josi: We can look at that.

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

Christy: I'm concerned that commercial will be just the back walk out level in building 2.

Jess: We would have to re-define what street level is.

Roger: I spoke to Matt, the Williston planner. Some new buildings are convertible space.

Brendan: We already do this so the space is flexible.

Virginia: We could define street level as Bridge St. level.

Jess: I was thinking could also say "walkout basements are not street level". We may not want to play the game of what is the level of Bridge St. since the road is not level.

There was discussion on the square footage of the DRB approval for building 2.

Jess: The final decision of the DRB does say it is an 8000 square foot footprint, with 16,000 square feet of space to be commercial.

Brendan: I'm trying proceed in building 2, and I consider the lower floor to be street level for commercial. We have this building designed and would like to keep the entrance floor residential and next buildings would be all commercial.

Bard: I would like to see ground floor commercial and project ratio of 50/50.

Roger: The ratio really only applies to building 4 to finalize the ratio on the property.

Gary: That would lose the look of the downtown. We'll walk in and see residential with commercial around back. I do not think that saying "we'll fix it down the road" will solve it because it will never happen.

Roger: Where is the closest four floor, 31 unit apartment building to Richmond? It would be the biggest building than what we have in Richmond.

Josi: We are considering going back to 6000 sq ft, from the 8,000 sq ft.

Roger: There is a mechanism where the Town can have a purchase option if there is not development in a certain number of years.

Jess: It is not possible in zoning but there are probably legal ways to do it.

David: There are things in deeds where towns can have a right of first refusal if certain criteria are not met.

Bard: We have said it is a floor in each building. I am looking to marry that concept with the overall 50/50 ratio.

Virginia: How would that actually work out? If Building 2 had 31 residential units to max out residential on the property. Then if there was no more development, what does this leave us with?

Bard: Empty space that can only be use for commercial on that property. This does not make them build anything but there can be no more residential.

Virginia: Do we even need a ratio because they will max out with residential?

Chris: It would not be possible to subdivide if all residential is built in the first two buildings due to land needs for residential.

Jess: You cannot subdivide off land you used for residential density. Any ratio is based on a parcel. The parcel would have to be sold as a whole or turned into a condominium development for future buildings and keep the land for the residential density.

Katie: If we take away the 50/50 we could have a giant building with 31 apartments and then we get other smaller buildings. If we don't have 50/50 square footage across the project then the other buildings could be smaller commercial spaces allowing for more percentage to be residential.

Gabe: What is the push to do all remaining residential in building 2?

Josi: It is due to current market demand and the bank saying we need signed tenant agreements to finance commercial. This encourages building 2 to be built and then we can build building 3 and 4 with tenants signed.

David: Do we consider continuing hearing to August 19?

Bard: I would like to see tweaks from tonight.

Virginia: We need to talk about uses.

David: Yes and all other items on the agenda.

Bill: I'm concerned about look of the building.

Katie: Is there a limit to the size of building 2?

Jess: The DRB approval is for 8000 square feet but they could ask for a larger building. We do not currently have a limit on the size other than parking and lot coverage.

Katie: we may want to talk about writing in a limit into the zoning on square footage.

David: Vote to continue the hearing to 7:15 on August 19. Katie and Roger 5-0.

Katie moved to continue the hearing to 7:15pm on August 19. Seconded by Roger. All were in favor.

Christy moved to approve the minutes of July 15. Seconded by Rodger. All were in favor

Roger moved to approve PO#3828 for \$13,931.36 on the cruiser lease. Seconded by Bard. All were in favor.

Roger moved to approve PO #3826 for \$74,984 for Richmond Rescue. Seconded by Bard. All were in favor.

Bard moved to approve PO #3739 for \$15,000 for calcium chloride. Seconded by Kristy. All were in favor.

Roger moved to find that premature public knowledge regarding a legal matter would clearly place the municipality at a disadvantage. Seconded by Bard. All were in favor

Roger moved to enter into executive session to discuss a legal matter under the provisions of 1 VSA 313(a)(1) of the Vermont State Statutes and to invite the Town Manager, Josh Arneson, Town Zoning Administrative Officer, Suzanne Mantegna and Town Planner Jessica Draper into the executive session. Seconded by bard. All were in favor.

Executive session started at 9:58pm.

Bard moved to exit executive session. Seconded by Roger. All we in favor. Executive session ended at 10:33pm.

Roget moved to adjourn. Seconded by Christy. All were in favor. The meeting adjourned at 10:34pm.