

**Town of Richmond**  
**Planning Commission Meeting**  
**AGENDA**

Wednesday May 6<sup>th</sup>, 2020, 7:00 PM

Due to restrictions in place for COVID-19, and in accordance Bill H.681 **this meeting will be held by login online and conference call only**. You do not need a computer to attend this meeting. You may use the "Join By Phone" number to call from a cell phone or landline. When prompted, enter the meeting ID provided below to join by phone. For additional information and accommodations to improve the accessibility of this meeting, please contact Ravi Venkataraman at 802-434-2430 or at rvenkataraman@richmondvt.gov

Join Zoom Meeting: <https://us02web.zoom.us/j/81378632870>

Join by phone: (929) 205-6099 (please note that this would be a long-distance call on a landline)

Meeting ID: 813 7863 2870

1. Welcome and troubleshooting
2. Adjustments to the Agenda
3. Approval of Minutes
  - September 12, 2019
  - October 16, 2019
  - October 30, 2019
  - March 4, 2020
4. Public comment for non-agenda items
5. Reappointment of Suzanne Mantegna as Zoning Administrator
6. Review Planning Commission candidates
7. Review Selectboard Public Hearing on Jolina Court Zoning District regulations and Affordable Housing draft regulations
8. Discussion of Village Downtown Zoning District draft regulations
9. Discussion of draft language for “Veterinary Clinics”
10. Discuss Survey and Public Outreach
11. Discuss prioritization strategy for revising the Town zoning regulations
12. Other Business, Correspondence, and Adjournment

## Table of Contents

### 3. Minutes

- Page 3: March 4, 2020
- Page 9: October 16, 2019
- Page 11: October 30, 2019
- Page 15: September 12, 2019

### 5. Reappointment of Suzanne Mantegna as Zoning Administrator

- Page 16: Memorandum on the reappointment of Suzanne Mantegna as Zoning Administrator

### 6. Review Planning Commission candidates

- Page 17: Letter of Interest from Jake Kornfeld
- Page 18: Letter of Interest from Joy Reap
- Page 19: Letter of Interest from Mark Fausel
- Page 20: Letter of Recommendation prepared by Virginia Clarke

### 7. Review Selectboard Public Hearing on Jolina Court Zoning District regulations and Affordable Housing draft regulations

- Page 21: Memorandum on Jolina Court Zoning District regulations and Affordable Housing Density Bonus Regulations
- Page 23: Affordable Housing Density Bonus Draft Regulations

### 8. Discussion of Village Downtown Zoning District draft regulations

- Page 30: Memorandum on Rewarning the Public Hearing for the Village Downtown Zoning District draft regulations
- Page 31: Finalized Village Downtown Zoning District draft regulations for the April 1, 2020 Planning Commission Meeting
- Page 36: Zoning Bylaw Amendment Report for Changes to the Village Downtown Zoning District regulations

### 9. Discussion of draft language for “Veterinary Clinics”

- Page 38: Draft language for Veterinary Clinics

### 10. Discuss Survey and Public Outreach

- Page 39: Draft Survey on Zoning/Planning Commission Work prepared by Virginia Clarke

## Planning Commission Meeting Minutes 3/4/2020

Called to order: 7:06 pm

Members present: Mark Fausel, Brian Tellstone, Scott Nickerson, Virginia Clarke, Alison Anand, Lauck Parke (Chris Cole, Joy Reap, and Chris Granda were absent)

Staff present: Ravi Venkataraman, Town Planner

Others present: Benjamin Bush, Nicole Dehne, David Sunshine

### 1. Adjustments to the Agenda

Virginia Clarke recommended adjusting the agenda move up Item #10a to under Item #4.

### 2. Approval of the minutes

Alison Anand said she would like page 2 of the February 19, 2020 meeting minutes to be corrected to reflect the Selectboard's concerns about the incremental increases to the building footprint allowance in the Jolina Court District draft regulations.

Motion by Brian Tellstone, second by Scott Nickerson to approve the minutes of the July 3, 2019, July 17, 2019, August 7, 2019, and February 19, 2020 Planning Commission Meetings as amended. Voting: unanimous. Motion carried.

### 3. Public comment for non-agenda items

### 4. Review meeting of Planning Commission and Selectboard members regarding the Jolina Court Zoning District draft regulations

Ravi Venkataraman overviewed the memorandum enclosed in the packet summarizing the meeting. Venkataraman also outlined the proposed changes to the building height regulations, which would require all applicants seeking to file a Conditional Use or Site Plan Review application to consult the fire department prior to filing the application.

Clarke asked why the regulations for building height were changed. Venkataraman said the changes were brought upon in order to give the fire department more say in the review and approval of major developments. Venkataraman said the changes would also streamline the review process for planning and zoning staff and the applicants.

Lauck Parke said that the state would have requirements, such as sprinkler requirements, to promote fire safety, and, therefore, having the fire department review projects would be irrelevant. Parke said the bylaws would be giving power to the fire department. Venkataraman affirmed. Venkataraman said that nearby municipalities require fire department review letters for

large developments with an application, and that large commercial projects are under the jurisdiction of the Division of Fire Safety. Venkataraman said that the fire department made known that at times the Division of Fire Safety has superseded the fire department if a building can be sprinkled. Venkataraman said that the draft regulations facilitates communication between the fire department and the developer—especially in cases when the Division of Fire Safety supersedes the fire department.

Anand asked how many people in the fire department are paid employees and how many are volunteers. Venkataraman said volunteers staff the the entire fire department and are paid for their time working. Anand said that the commission should be aware of how much work the draft regulation would add to the fire department. Venkataraman affirmed. Venkataraman asked the fire department if they can take on the amount of work and the fire department said yes if the work needed to be done, and they said the review of major developments needs to be done.

David Sunshine said that the DRB often requests review letters from the fire department. Sunshine said that the DRB receives those letters in a timely manner. Clarke asked if the draft regulation would not add any new processes to the DRB, but that it formalizes an existing practice. Venkataraman said that the draft regulation would probably expedite the review process for the DRB, as it would receive all relevant materials at once instead of piecemeal.

Venkataraman said that the public hearing will focus on building footprints and traffic impacts. Venkataraman encouraged the Planning Commission to attend the Selectboard meeting. Clarke asked about the regulations for building footprint and how it aligns with the developer's intent. Venkataraman said he could not say for sure, because he does not know the developer's intentions.

Clarke asked about the traffic impact regulations. Venkataraman said the discussion was about whether to cap the amount of vehicle trip ends. Venkataraman explained the table enclosed in the packet. He said that the table identifies the number of vehicle trip ends a use generates per unit, and that it is based on a national average for a use, compiled by the Institute of Transportation Engineers. Scott Nickerson asked if the Jolina Court development would generate less than 70 vehicle trip ends. Venkataraman said according to the traffic study, the consulting engineers concluded that the development would generate 53 to 57 vehicle trip ends. Clarke said she is unsure what the Planning Commission can provide to the Selectboard as rationale regarding traffic impacts. Venkataraman said Richmond is unique to have a cap on vehicle trip ends and that no other municipality he is aware of has a cap on vehicle trip ends.

Clarke asked if David Sunshine from the public had any comments. Sunshine said he was concerned about how traffic studies take into considerations land developments currently ongoing.

4a. Approval of amended report for the Jolina Court Zoning District per 24 V.S.A. §4442

Venkataraman said that any and all changes made to draft regulations after a public hearing has been opened requires a change to the municipal bylaw amendment report per statute.

Motion by Brian Tellstone, second by Alison Anand, to approve the amended report and forward said report to the Selectboard. Voting: unanimous. Motion carried.

5. Corrections and modifications to the Village Downtown Zoning District and other pertinent zoning regulations

Clarke explained that the changes to the Village Downtown Zoning District regulations are to align it with the Jolina Court Zoning District draft regulations.

David Sunshine raised a question about the removal of business office uses. Venkataraman said he would look into it further. Clarke said the Planning Commission chose to consolidate business office and professional office uses in its creation of the Jolina Court Zoning District.

Lauck Parke said that pharmacy appeared twice on the uses list. Venkataraman acknowledged this typo.

Sunshine said that he is interested in discussing the “area” section. Sunshine said he is representing Northeast Organic Farming (NOFA). Venkataraman distributes a map of the Village Downtown Zoning District, and explains how to interpret the map. Sunshine said that the NOFA parcel should be integrated into the Village Downtown Zoning District, as it fits in terms of use and location.

Benjamin Bush, representing NOFA on behalf of Hillview Design, said that the NOFA parcel borders three commercial lots. Bush said that by being a part of the Village Downtown District, the NOFA parcel would have more developability, and therefore could accommodate all the parking needed to satisfy the zoning requirements for the use on said parcel. Nicole Dehne said that the inclusion of the NOFA parcel into the Village Downtown District would give NOFA more options as NOFA looks to possibly expand in the near future.

Clarke asked if the building on the parcel had an apartment. Dehne said that the entire building is office space for NOFA. Clarke asked what the current restrictions are for the NOFA parcel. Sunshine said 50 percent lot coverage. Sunshine said in the Village Downtown District, the limit is 80 percent lot coverage, plus more relaxed setback requirements compared to the Village Commercial District.

Clarke asked if a sidewalk could be installed. Bush said it could be on the Pleasant Street side, and further studies would be needed on the Bridge Street side. Clarke said she would like to preserve the aesthetic of the Pleasant Street neighborhood. Bush said there is a buffer between the NOFA building and the adjacent residential parcel.

Clarke said with this reevaluation of the Village Downtown District, the dentist's parcel across the street from the NOFA parcel could be added. Venkataraman said he provided the map to the commission to facilitate discussion on reevaluating the borders of the district.

Anand asked if NOFA created additional parking spaces, would NOFA use all the parking spaces and would patrons of nearby businesses be allowed to use the parking lot.

Clark said she was concerned about future pedestrian traffic from the Jolina Court development and the lack of a sidewalk on the eastern side of Bridge Street.

Parke said he was in favor including the NOFA parcel in the Village Downtown District. He said the Village Downtown District should be expanded to include parcels along Depot Street. Anand agrees with Parke on the inclusion of the NOFA parcel and the Dentist's parcel, and the reconsideration of other parcels. Anand said she was concerned about the feelings of the owner of adjoining residential parcel with the rezoning. Sunshine said this rezoning proposal would not change the usage or intensity of use on the parcel currently.

Parke asked staff if the commission could finish reviewing the Village Downtown District regulations with the inclusion of the NOFA and Dentist's parcels today, and review other parcels at a later date. Clarke said the commission should have a justification for the changes. Parke said the commission could justify the changes as corrections, of which additional parcels should have been added originally and were mistakenly not added at the time.

Sunshine, Bush, and Dehne depart.

Clarke said the draft includes the rounding rule and the traffic study language which were included in the Jolina Court District regulations.

Venkataraman explained the procedure for adopting the regulations. Anand said by holding the public hearing, people would be able voice input and concerns with the changes and addition of parcels into the Village Downtown District.

Nickerson asked about the process of adding additional parcels into the Village Downtown District at a later date. Venkataraman said the process would be the same as outlined.

Parke said that the addition of the Dentist's parcel into the Village Downtown District expands the property rights of the landowner, which does not raise any concerns for him. He said he would have concerns if the commission were adding a parcel that added restrictions to the parcel.

Motion by Lauck Parke, second by Scott Nickerson, to finalize the changes to the Town Zoning Regulations Section 3.10 with the amendment to add parcels PS0014 and the Dentist's Parcel (TBD), announce a public hearing on April 1, 2020 on said changes, and defer to staff to

produce and distribute copies of the Bylaw Change Report as mandated by statute. Voting: unanimous. Motion carried.

6. Regulatory language regarding “Veterinary Clinic” uses (7:40 PM to 7:45 PM)

Clarke provided an overview of the draft proposal for veterinary clinics, adding that a new classification was proposed since it had impacts different from a professional office use.

Clarke asked about process. Venkataraman said the process would be the same as stated, but with veterinary clinics treated as a standalone issue, with its own report and hearing.

Clarke asked about the 2500-square-foot limit for the use. Venkataraman said that limit was adapted from the limits for professional office uses in those respective districts. Parke said he could not imagine a 2500 square-foot veterinary clinic. Clarke said her veterinary office is 2500 square feet.

Clarke said the item should be tabled so that the commission can continue talking about the 2500 square foot limit.

7. Strategy for Public Outreach (7:45 PM to 8:15 PM)

a. Discussion of survey and Town Meeting Day briefing

Venkataraman said the commission should talk about the survey. Venkataraman sent a link to the survey to the commission.

Clarke said she had told the public during Town Meeting Day that the commission is preparing a survey.

Venkataraman said the maps in the survey are a work in progress. Nickerson said the divisions could be modified to reach better functional ends. Tellstone was confused about the map. Clarke suggested using a zoning map instead of an aerial map. Venkataraman said the main goal was to orient the public. Tellstone said a map with elements of what was produced for the survey and the zoning map is needed.

Tellstone said the survey is very similar to the survey conducted for the Town Plan. Clarke said an additional category of “depending on the location” is needed for the question on the last page.

Nickerson said that many of the items in the question on page 7 depends on context. Clarke said question 7 should be revised so that respondents could identify where they would like to see particular features instead of their sentiments on features.

8. Other Business, Correspondence, and Adjournment

Clarke said that for next meeting, the commission should focus on revisions to the survey, and the mapping exercise to identify where the commission would like to see particular features.

Clarke said that she had received an email from Town Manager Josh Arneson about the Selectboard's request for the commission to review signage requirements for commercial uses. Clarke said this item will be included in the next meeting's agenda.

Motion by Tellstone, second by Alison Anand, to adjourn. Voting: unanimous. Motion carried.

The meeting adjourned at 9:04 pm.

## Planning Commission Minutes 10-16-19

Called to Order: 7:10pm

Present: Virginia Clarke, Lauck Parke, Scott Nickerson, Jessica Draper, Josh Arneson, Alison Anand, Brian Tellstone

Public Comment: NA

Minutes: Brian moved to approve 5 sets of minutes (3/6/19, 3/20/19, 4/3/19, 4/17/19, 9/26/19). Seconded by Scott. All were in favor, so moved.

Transportation Committee: Virginia explained that the new transportation committee has been formed. She read from the selectboard minutes about the membership, currently Chris Cole, Cathleen Gent, Jon Kart, Erik Filkorn, and space for 3 other members.

Meeting with the DRB: Jess explained that the DRB would like to meet with the PC, Jessica suggested 10/30. Jess will follow up.

Transition: Virginia explained that Jessica is leaving to take a position with the Town of Plattsburgh, and the planning commission thanked her for time here. Virginia projected 6-8 weeks before a new hire is made. She explained that there will be some needs during that time, such as taking minutes, representation on regional committees, etc. Jess said she would forward the planning commission related tasks so that they can reference it for meetings. Jessica said the other item was to discuss what work should be included in the part time contract. Virginia said she would like Jess to review the RZR and two new districts for compatibility and holes. Virginia presented a draft letter regarding the planning commission's stance on hiring. The commission agreed to submit the letter as drafted. Discussion ensued about impending deadlines. Lauck requested that Jessica provide a history of the Buttermilk project including any pending issues.

Update Regarding Jolina Court Zoning: Virginia explained that at the last selectboard meeting the selectboard agreed to keep the lot coverage regulation to be for the full parcel acreage. Jessica explained the ecological concerns in the lower floodplain portion of the lot. Virginia explained that the commercial to residential ratio was also settled to be the same as what the planning commission had originally proposed. Virginia said that other than small compatibility issues, the uses are still needing to be reviewed. She reviewed what was discussed at the previous meeting, including sorting uses, striking uses, and amending the language about site plan approval. Jessica listed the uses she thought could be done through administrative approval alone. She also explained that Buttermilk has requested short term rental as a use for their district. Discussion ensued about the merits and issues with short term rentals.

Definitions: Jess explained the changes to the street-level floor definition. Virginia asked to add “or the street level” to the end of the definition. Virginia reviewed her list of definitions updated from the previous meeting. Jessica explained the issue with the timing of the adoption of the two districts and short term rental use.

Compatibility: It was discussed that we have to ensure that new districts are formally removed from their previous districts throughout the zoning ordinance.

Planning Ahead: Virginia discussed the potential plan to work outward from the districts that have been addressed. Jessica explained her zoning review flow chart.

Brian moved to adjourn, seconded by Scott. All were in favor, adjourned 8:51pm.



48 Planning Commission or Selectboard remained silent, or overlooked relevant issues in  
49 the specific wording of the ordinances. Specifically, he noted that in the case of the  
50 interim zoning for Jolina Court the DRB felt it had to make judgmental decisions that  
51 they were not entirely comfortable making, especially as the developer was actively  
52 building as the decisions were being made in the review process. Both Anand and Cole  
53 indicated that all of us have been uncomfortable with the unusual nature of this special  
54 interim zoning situation. Sunshine expressed his appreciation that our efforts to deliver  
55 a clearly written zoning ordinance for Jolina Court would go a very long way in assisting  
56 the DRB in discharging its responsibilities.

57  
58 Cole: clearly in the future the Planning Commission would like to get our proposed  
59 revisions to the DRB well before we entered the formal adoption phase so that the  
60 Selectboard would have a clear understanding as to the preferred desires of both the  
61 PC and the DRB.

62  
63 Cole requested whether or not members of the DRB had any other specific examples of  
64 where the PC could improve things for the DRB? Sunshine's immediate response was  
65 to indicate that the DRB would like to streamline the approval hearing process in the  
66 sub division regulations, moving from three hearings to two. Thus he envisions the  
67 process as demanding the petitioner to participate in a "preliminary hearing" and then a  
68 "final hearing." Not only would this simplify the process for petitioners, it would also  
69 serve to put the applicants on notice that they MUST follow standard procedures. In  
70 addition, it would serve to save the applicant time, fees, and frustration—and this is  
71 currently a major source of frustration and complains from petitioners. Cole inquired if it  
72 was section 5.4 of the current subdivision regulations that Sunshine was noting?  
73 Sunshine: "yes."

74  
75 In reference to this, Mantegna stated that Hinesburg currently has three meetings in its  
76 zoning regulations: (1) Sketch; (2) Preliminary; and (3) Final. Petersen interjected that  
77 the key is to have clarity in the regulations as to what the DRB requires in an application  
78 so that petitioners know exactly what is required of them at the very start of the process.  
79 Cole said that we clearly should examine and compare Hinesburg's regulations as we  
80 seek to update ours. Clarke noted that section 5.4 needs to be refined and updated as  
81 one of our first steps after Jolina Court draft is finished.

82  
83 Sunshine then indicated that sooner than later a number of problematic issues and  
84 areas need to be addressed, and that perhaps we could schedule another joint session  
85 so we can think about and discuss the most pressing problem areas in the current  
86 regulations. He also noted that most of the DRB problems arise in the most densely  
87 populated areas of the town.

88  
89 Cole, Clarke, and Petersen, all stated that definitions are very often one of the most  
90 problematic aspects of the regulations. Fausel noted that we should turn more  
91 frequently to the "Red Book" in order to streamline and standardize the definitions we  
92 include in our revised regulations. As an examples Sunshine raised the definition of  
93 "professional offices," asking if this is meant to mean only offices staffed by those  
94 professional with official certification, or does it simply mean "all" offices? As another

95 definitional example, Moules raised the question of PUDs as another example in section  
96 5.12 where applicants have flexibility, yet in section 5.2.12 there arises a confusing  
97 conflict.

98

99 At this point, Parke suggested that the formation of a joint subcommittee might be very  
100 useful in identifying and screening the most important and pressing topics or issues.  
101 Cole immediately initiated such a subcommittee, with Parke, Fausel, and Anand  
102 volunteering from the Planning Commission, member(s) from the DRB to be determined  
103 at a later date.

104

105 Cole asked if there were any additional problematic areas:

106

107 -Moules: tall structures in section 6.0.6, What is the definition of “steeply pitched  
108 roof?”

109 -Dyer: accessory dwellings in section 5.9.1d, there is much confusion in what the  
110 regulations actually say and how we should interpret this section, i.e. for  
111 example what should be the maximum percentage in relation to the state  
112 regulations on this matter?

113 -Petersen and Dyer: Air b-n-b is also an issue (Cole noted that the PC plans to  
114 engage the broader community in a discussion of this issue in the near  
115 future).

116

117 Cole closed out the joint session by indicating that a detailed review of the current Jolina  
118 Court draft and the compilation of a “red-hot” list of the DRB’s most pressing issues and  
119 concerns would be a great place for the newly formed joint subcommittee to start its  
120 efforts. Sunshine thanked the Planning Commission for organizing this session and  
121 noted that Mantegna would distribute the most current draft of the Jolina Court proposal  
122 to the DRB members

123

### 124 **3. Administrative Items:**

125

126 Cole asked for motions to approve the minutes from 5/1/19; 5/9/19; 5/15/19; 5/22/19;  
127 6/5/19; and 10/16/19. Clarke suggested that we approve all in one motion, so moved,  
128 Parke seconded, unanimous approval.

129

130 Cole indicated that he and town manager Josh Aronson were in the process of  
131 negotiating a contract with Jessica Draper for part time support of the Planning  
132 Commission until her replacement was hired. Interviews of candidates for the position  
133 should begin shortly, Cole stated he would keep us updated as the process progressed.

134

135 Fausel encouraged members to re-read the 2012 proposed zoning changes as there  
136 were many sound suggestion in that document that might be included in our current  
137 efforts.

138

139 Parke raised the issue of our need to simultaneously engage in discussions about some  
140 long-range planning issues such as future traffic flows and possible congestion from the  
141 Jolina Court development necessitating a second exit from the site; the possibility of

142 creating a transportation hub at the town center complex with additional parking on  
143 Jolina property; the possibility of securing purchase options on property abutting the  
144 town center; and a review of new town plan in order to establish priorities for our  
145 planning efforts.

146  
147 Cole meetings of the newly formed transportation committee are open to the public-he  
148 encouraged interested members to attend.

149  
150 Cole—issues for the remaining 15 minutes?

151  
152 **4. Jolina Court Zoning Amendment Update from Selectboard**

153  
154 Clarke, we need to get this section done! Following is what the Selectboard seems  
155 ready to adopt:

156  
157 -Uses: three categories—allowable; allowable with site plan; conditional use  
158 the selectboard seems ready to accept the revisions we recently made in each  
159 of these categories.

160  
161 -Residential density: 15 units/acre, above OR below the main floor (i.e. can be in  
162 the basement provided relevant fire codes are met). Main floor reserved for  
163 commercial use (i.e. NO residential dwellings).

164  
165 -Lot coverage: maximum 80% of the entire 6 acre parcel.

166  
167 -Building height: maximum 35 feet; 32 feet to window sill for fire code.

168  
169 -Compatibility of all buildings on the site: (Cole noted we should highlight this to  
170 the DRB).

171  
172 -New definitions: main floor; residential use+ dwelling units and residential  
173 services.

174  
175 Cole-members should read the Seleccboard’s most recent draft of the Jolina Court  
176 Zoning Regulations before our next meeting. In addition, hopefully we will fill the  
177 planner position with a full time candidate soon.

178  
179 Cole call for a motion to adjourn? Tellestone, so moved, Granda, second, unanimously  
180 approved at 9:08 pm.

181  
182 Respectfully submitted: Parke

183  
184  
185

## Planning Commission Minutes 9-12-19

Present: Brian Tellstone, Scott Nickerson, Virginia Clarke, Lauck Parke, Chris Cole, Jessica Draper, Mark Fausel

Called to Order: 7:08pm

Public Comment: NA

Chairman Election: Tabled until 9/26 due to low attendance

Minutes: Jess will have the commission approve old minutes in batches

Municipal Planning Grant: Jessica explained the options for the MPG funds. Chris Cole gave an update about the new ad-hoc committee for Transportation. Jessica explained how the MPG can be used in conjunction with UPWP funds and that the commission needs to sign off on this particular application. It was decided to review the full application at the next meeting.

Conservation Planning: The commissioners expressed support for the proposed workshops from the state, and Jessica said she would coordinate the workshops.

DRB/ZA regulation Review: Jessica and Virginia discussed the benefits of having the DRB and ZA review the regulations prior to adoption.

Village Downtown District: Jessica explained that the Village Downtown District was adopted at the last selectboard meeting. Virginia explained what was changed to the document and other changes she would like to see made with the next round of adopting regulations. Virginia also discussed what concerns and questions were posed at the last selectboard meeting. Jessica discussed the question about having to go to the DRB repeatedly for differing commercial tenants. The commission reviewed conditional and allowed uses for both Village Downtown and Jolina Court zoning districts. Discussion ensued about definitions for the Jolina Court District. The commission then discussed the facets of the arguments surrounding the residential to commercial ratio for Jolina Court.

Scott moved to adjourn 9:09pm. Seconded by Chris. All were in favor, so moved.

TO: Richmond Planning Commission

FROM: Ravi Venkataraman, Town Planner

DATE: April 30, 2020

SUBJECT: Reappointment of Suzanne Mantegna as Zoning Administrator

Recently, it has come to my attention that Suzanne Mantegna's term as Zoning Administrator will end on June 1, 2020. Per 24 V.S.A. 4448, a zoning administrator's term is three years. According to both statute and the Richmond Zoning Regulations Section 8.1, Suzanne will need to be nominated by the Planning Commission and appointed by the Selectboard prior to June 1, 2020 in order for her to continue as the town's Zoning Administrator.

To assist the Planning Commission in its actions, I have prepared the following draft motion below:

*I, \_\_\_\_\_, move to nominate Suzanne Mantegna to serve as the Town's Zoning Administrator.*



Josh Arneson <jarneson@richmondvt.gov>

---

## Letter of Interest - Planning Commission

---

**Jake Kornfeld** <jake.kornfeld@gmail.com>  
To: jarneson@richmondvt.gov

Mon, Apr 13, 2020 at 9:06 PM

Hello Josh,

My name is Jake Kornfeld, I am a Richmond resident interested in serving on the town planning commission. I first moved to Richmond in 2016 and have been active in the community through my work as the farm manager at the Vermont Youth Conservation Corps and as a member and director of Richmond Rescue. I care quite a lot for this town and love living here. I have read much of the town plan and think we are headed in a great direction. It is compelling to wade in deeper and help see through some of ideas put forth in the town plan. Meeting people from all walks of life in the community has shown me that we have a lot going for us, but also have more than a little room for improvement. It is of particular interest to me to see that we move forward in addressing issues of equity within the town.

I do not have direct experience with town planning, but my undergraduate degree was in public policy and I enjoy learning about the rules we create and how they can be applied. I am a dedicated person by nature and do not take on new commitments lightly. I am confident I can be a consistent, present, prepared, and thoughtful member of the planning commission.

Please let me know if you need more information from me, I have not written a letter of interest for a position of this sort before and am not sure what the expectations are.

Thank you for your time and for your service to our town,

Jake Kornfeld

802-291-1098



Josh Arneson &lt;jarneson@richmondvt.gov&gt;

---

**Letter of Interest -Planning Commission**

1 message

---

**Joy Reap** <Joyreap@vermontcontractor.com>  
To: Josh Arneson <jarneson@richmondvt.gov>

Tue, Apr 14, 2020 at 5:51 PM

Hi Josh –

I am interested in continuing my work on the Planning Commission. I have participated in the Town Plans Steering Committee and was involved in the writing of the Town Plan and enjoyed that work. I would like to continue on to see those visions and goals realized in the Town Zoning Regulations.

Thank you,

Joy Reap

Joy Reap

Reap Construction, Ltd.

PO Box 442, Richmond, VT 05477

O) 802.434.4993

C) 802.324.1681

F) 802.434.4992

Visit us on the web at [vermontcontractor.com](http://vermontcontractor.com)

Dear Selectboard,

This letter is to notify you of my interest in continuing my service on the Planning Commission.

Thank you,

Mark Fausel

Draft Letter of recommendation for PC appointments 4.27.20

5/6/20

To the SB:

The Planning Commission unanimously recommends re-appointing Mark Fausel and Joy Reap to the seats on the Planning Commission that they currently occupy. Both of these candidates have been active members of the Planning Commission over the course of their terms and bring unique perspectives to the planning process.

In addition, we would like to recommend Jake Kornfield for appointment to the seat currently held by Lauck Parke, who is retiring after 8 years on the commission. We would like to thank Lauck for his service and valuable insights. The new candidate, Jake, shows significant enthusiasm and interest for the position, and appears to be a thoughtful and dedicated resident who will bring his skills and experiences to the table to enhance the planning process.

We look forward to these three appointments, and would like to report that the 9-member board is functioning well, albeit struggling with the restrictions placed on us by the COVID-19 pandemic.

Thank you.

Virginia Clarke , Planning Commission Vice-Chair

TO: Richmond Planning Commission

FROM: Ravi Venkataraman, Town Planner

DATE: April 30, 2020

SUBJECT: Jolina Court Zoning District regulations and Affordable Housing Density Bonus Regulations

Since the Planning Commission's last meeting on March 4, 2020, the Selectboard:

- Approved the Jolina Court Zoning District regulations on April 20, 2020, with minor adjustments to Planning Commission's draft; and
- Requested the establishment of an incentive program to develop affordable housing units in Town.

Throughout April 2020, the Selectboard reviewed a couple iterations of draft regulations for an Affordable Housing Density Bonus program. I have looked into a range of affordable housing programs (which is an opt-in program) and inclusionary zoning programs (which is a mandatory program). To gain a better sense of affordable housing programs, I have talked to staff at Chittenden County Regional Planning Commission (CCRPC); Michael Monte, Chief Operating and Financial Officer of Champlain Housing Trust (CHT); Alex Weinhagen, Director of Planning and Zoning of Town of Hinesburg; Dalila Hall, Zoning Administrative Officer of City of South Burlington; and Paul Conner, Director of Planning and Zoning of City of South Burlington.

An iteration of Affordable Housing Density Bonuses draft regulations is enclosed for your consideration.

To give a clearer sense of how the draft regulations would work, provided is a hypothetical:

*A four-person household earns \$45,000 in 2019. According to data published by the Vermont Housing Finance Agency, 80 percent of the AMI for the Burlington-South Burlington MSA is \$63,750 in 2018. Therefore, the household is eligible to rent or own an Affordable Housing Dwelling Unit. The maximum amount this household could spend on rent and utilities is \$1,593.75 (equal to one-twelfth of 30 percent of 80 percent of the AMI for the Burlington-South Burlington MSA)—which is greater than 30 percent of this household's monthly income. This household could rent a three-bedroom apartment or a two-bedroom Affordable Housing apartment, depending on the household's needs and means. The household could also own a three-bedroom Affordable Housing house, depending on the household's needs and means.*

*Let's say this household decides to own a three-bedroom house. And two years after the household bought the house, the household earns \$90,000 (assumed greater*

*than the 80 percent AMI threshold aforementioned). According to the draft regulations enclosed, the household would still be in compliance, because it was eligible when it purchased the house.*

*Conversely, let's say this household decides to lease a three-bedroom house instead of owning a house. A year after the household initially leased the house, the household earns \$90,000 (assumed greater than the 80 percent AMI threshold aforementioned) and this household would like to renew their lease. Unfortunately, they would not be deemed eligible for the unit and they would be cycled out once the lease term ends.*

Based on discussions at the Selectboard meetings, provided are a list of possible discussion points:

- Administration – Concerns were raised about who would be administering this Affordable Housing Density Bonus system. The idea of having a third-party nonprofit, such as CHT, to completely administer the system was brought up. To clarify certain facts:
  - Planning and Zoning will have to take on administrative responsibilities to operate this system.
  - Even if a third party were to maintain the respective dwelling units, if the Town wants to incentivize the development of affordable housing, Planning and Zoning will have to conduct development review and maintain standards for what the Town wants to incentivize.
  - No town in Vermont has an executed agreement with a third party to maintain such a system.
  - The Housing Advisory Committee does not exist but is referred to in the draft regulations. The purposes of such a Housing Advisory Committee is to advise Planning and Zoning on administering the system, and the Planning Commission and Selectboard on Town-wide housing-related issues. I recommend that the Housing Advisory Committee is established before these draft regulations are enacted.
  - In these draft regulations, the Development Review Board, the Housing Advisory Committee, and the Town Attorney would assist in the review of developments with affordable housing dwelling units.
- The Incentive – In earlier iterations of the draft regulations, all the units gained in the density bonus would be allocated as affordable housing units. Although this sounds nice in principle, I have found that this is not an economic incentive. CCRPC suggested that half of the units gained in the density bonus should be allocated as affordable housing units; the draft regulations enclosed reflect this suggestion.

I look forward to hearing your thoughts and comments on the draft regulations during the meeting. Feel free to let me know if you have any questions.

### 6.13 Affordable Housing Density Bonus

6.13.1 Purpose – Pursuant to one of the Town Plan goals, the objective of this section is to increase the supply of affordable housing in the Town, and housing opportunities for a variety of income groups. The following provisions are to ensure a supply of standard housing available at below-market rate purchase prices or rents by providing an incentive bonus to applicants who choose to provide affordable housing dwelling units in their respective development.

6.13.2 Applicability – Affordable Housing Density Bonuses shall only be granted to mixed-rate housing development uses

6.13.3 Definitions - In addition to the definitions in Section 7, the following definitions apply only to Section 6.13 and supersede Section 7 definitions if presented in both sections.

**Below market rate households** - Households whose aggregate income does not exceed eighty percent (80%) of the county median income, as defined by the United States Department of Housing and Urban Development in the case of for-purchase housing, or does not exceed sixty-five percent (65%) of the county median income, as defined by the United States Department of Housing and Urban Development in the case of rental housing.

**Household** –A group of between one (1) and four (4) unrelated individuals, or one (1) or more individuals related by blood, marriage, adoption and/or fosterage, occupying a dwelling unit and living as a single housekeeping unit.

**Household Size** - the total number of individuals (adults and children) in the household that will occupy an Affordable Housing Dwelling Unit, regardless of each individual household member's relationship, if any, to other members of the household.

**Household Income** - The household income for an applicant seeking to rent or purchase an Affordable Housing Dwelling Unit is the total combined annual cash income, whether earned (for example, salary, wages, tips, or commissions) or unearned (for example, benefits, unemployment compensation, interest, dividends) of each household member.

### 6.13.4 Administration and Compliance

a) Application Requirements. In addition to other applicable submission requirements to proposed projects as specified within the Richmond Zoning Regulations, applications under Section 6.13 shall include the following:

- 1) An Affordable Housing Density Bonus application;
- 2) A site plan which identifies the number, locations, types, and sizes of affordable housing dwelling units in relation to market-rate dwelling units;
- 3) Documentation supporting the allocation of affordable and market-rate units, including affordable housing dwelling unit allocation calculations;
- 4) Descriptions of each unit's type, floor area, number of bedrooms, estimated housing costs, and other data necessary to determine unit affordability;
- 5) Floor plans of all the housing units (both affordable housing and market-rate dwelling units) in the development;

- 6) Information regarding the long-term management of affordable housing dwelling units, including the responsible party or parties, as required to ensure continued affordability;
- 7) Draft legal documents required under this section to ensure continued affordability;
- 8) Construction timeline for the entire development, and/or phasing plan;
- 9) A comment letter from the Housing Advisory Committee;
- 10) Other information as requested by the Zoning Administrator to determine project compliance with Section 6.13

b) **Affordability Requirements.** The basis for determining maximum rental and purchase prices for Affordable Housing Dwelling Units under this section are described below. The data used to determine the incomes, rents and purchase prices is updated annually by U.S. Department of Housing and Urban Development (HUD). The Vermont specific data is updated annually on the Vermont Housing Data website, managed by the Vermont Housing Finance Agency, in a table titled “Maximum rent and purchase price affordability thresholds by income and household size”.

1) For Affordable Housing Dwelling Rental Units, the maximum monthly rent that may be charged is one-twelfth of 30% of the targeted Area Median Income (80%) corresponding to the size of the specific unit (measured in number of bedrooms). When any component of the rental housing costs is excluded, the maximum rent that may be charged is reduced accordingly.

2) For Affordable Housing Dwelling Ownership Units, the maximum monthly housing cost that the owner(s) may be required to pay is one-twelfth of 30% of the targeted Area Median Income (80%) corresponding to the size of the specific unit (measured in number of bedrooms).

3) **Maximum rent and purchase price calculation.** Maximum Rents and Purchase Prices for Affordable Housing Dwelling Units are calculated based on three components: housing costs, area median income targets, and the number of bedrooms in the respective unit.

a) Housing costs shall include:

i) For Affordable Housing Dwelling Rental Units – rent and utilities

ii) For Affordable Housing Dwelling Ownership Units – Mortgage (principal and interest), annual property taxes, average annual homeowner’s insurance premiums, and average annual mortgage insurance premiums, and 50 percent of annual condominium or homeowners’ association fees.

b) **Area Median Incomes (AMI) Targets.** HUD estimates the Area Median Income for households residing in the Burlington-South Burlington Metropolitan Statistical Area (MSA) and, in addition, for households of varying sizes residing in the MSA. HUD also calculates AMI ratios, including 80 percent AMI, for households of varying sizes in the MSA. HUD publishes this AMI-based annual household income information annually. Maximum rents and sales prices shall be determined using the most recent HUD-published income guidelines available at the time the unit is available for occupancy.

c) **Number of bedrooms.** The number of bedrooms shall be used to define a household size linked to the specific unit. The use of “number of bedrooms” for this purpose is explained under the Vermont Housing Data website’s annual maximum rent and purchase price tables entitled “Maximum rent and purchase price affordability thresholds by income and household size”.

c) Renter and Home-buyer Income Eligibility.

1) For households seeking to rent Affordable Housing Dwelling Rental Units, households, regardless of household size, are eligible to rent Affordable Housing Dwelling Rental Units so long as their combined household income does not exceed 80% AMI. Households need only to be eligible when a lease agreement for an Affordable Housing Dwelling Rental Unit is executed.

2) For households seeking to buy Affordable Housing Dwelling Ownership Units, households, regardless of household size, are eligible to purchase Affordable Housing Dwelling Ownership Units so long as their combined household income does not exceed 100% AMI. Households need only to be eligible when a purchase and sale agreement for an Affordable Housing Dwelling Ownership Unit is executed.

d) Flexibility between maximum rent and purchase prices and eligible renter or purchaser households.

1) Eligible renter or purchaser households may rent or purchase an Affordable Housing Dwelling Unit with a rent or purchase price linked to a household size (derived from number of bedrooms) that is not the same as the eligible household's size.

For example:

- a two-person household may purchase a three-bedroom house or condominium.
- a three-person household may rent a one-bedroom apartment.

2) Eligible renter or purchaser households may rent or purchase an Affordable Housing Dwelling Unit with an AMI target that is higher than the eligible Household's AMI percentage.

For example:

- a three-person household whose income is 70% of AMI (for its household size) may rent an apartment for which the rent is targeted to 80% of AMI.
- a two-person household whose income is 90% of AMI (for its household size) may purchase a condominium or house for which the purchase price is targeted to 80% of AMI.

e) Alternative Eligibility Criteria. When an affordable housing organization is a partner in the development of a mixed-rate housing development use, eligibility may be determined in accordance with program-based eligibility requirements established by the partner housing organization.

f) Continued Affordability. An Affordable Housing Dwelling Unit shall remain affordable in perpetuity commencing from the date of initial occupancy, through a deed restriction, restrictive covenant, or through purchase by or a contractual agreement with a local, state or federal housing authority or nonprofit housing agency, to be reviewed by the Town Attorney and approved by the Zoning Administrator with the assistance of the Housing Advisory Committee prior to recording in the Town of Richmond Land Records. Any deed restriction, covenant or other instrument or agreement ensuring the continued affordability of affordable housing dwelling units shall include:

1) Resale Restrictions. Provisions to ensure the affordability of units offered for sale shall include a formula for limiting the resale price to whatever is the higher of the purchase price the seller paid plus 2% for each year of ownership (non-compounding), or what is affordable to a household at 80% AMI at the time of resale. Eligible households are those having incomes no greater than 100% AMI at the time of purchase. In addition, any covenant shall have language to

ensure the continuing affordability of Affordable Housing Dwelling Rental Units if the unit or property offered for sale instead of as a rental.

2) The seller or his/her representative shall notify the Zoning Administrator and the Housing Advisory Committee of the prospective sale of an Affordable Housing Dwelling Ownership Unit;

g) Rent Changes. Provisions to ensure the affordability of Affordable Housing Dwelling Rental Units shall require that annual rent changes not exceed the percentage change in the median household income within the Burlington-South Burlington MSA, when the change is an increase; and that annual rent changes match the percentage change in the median household income within the Burlington-South Burlington MSA, when the change is a decrease. An exception to the limit on increases or required decreases is permitted to the extent that further increases or delayed decreases are made necessary by documented hardship or other unusual conditions. Such exceptions may not take effect until approved in writing by the Zoning Administrator with the recommendation from the Housing Advisory Committee;

1) Sublet Restrictions. Provisions for Affordable Housing Dwelling Units shall prohibit the subletting of units at rental rates and/or to households that exceed affordability limits established pursuant to this section.

h) Reporting Requirements. Annually, the owner of a mixed-rate housing development that includes Affordable Housing Dwelling Rental Units shall prepare and submit a report to the Zoning Administrator and the Housing Advisory Committee that lists the gross rents charged for Affordable Housing Dwelling Rental Units and household incomes at move-in, based on documentation provided by tenant for owner's completion of form provided by the Town, to certify that Affordable Housing Dwelling Rental Unit rent maximums and household income maximums have been maintained as required.

i) Administration. The Zoning Administrator with the assistance of the Housing Advisory Committee, or a bona fide qualified non-profit organization as determined by the Town of Richmond Selectboard, shall be responsible for the on-going administration of the affordable housing units as well as for the promulgation of such rules and regulations as may be necessary to implement this program. The Zoning Administrator with the assistance of the Housing Advisory Committee, or non-profit organization will determine and implement eligibility priorities, continuing eligibility standards and enforcement, and rental and sales procedures.

6.13.5. Density Increase. The Development Review Board may grant a density increase of no more than 20 percent of the total number of dwelling units allowed under the base zoning density. Half of the units gained as a result of a density increase shall be affordable housing dwelling units. Refer to Figure 6.13-2 for additional information.

Figure 6.13-2. Example calculation of affordable housing dwelling units

	PUDs with both market rate and affordable housing dwelling units
Acreage	3
Base Density	15 units per acre
Base Units	45 units
Bonus Units	9 units
Total Units	54 units
Net Density	18 units per acre
Affordable Units	5 units
Market Rate Units	49 units

a) The density increases shall be approved on the following criteria and standards:

1) The density upon which a bonus may be based shall be the total acreage of the property in question multiplied by the maximum residential density per acre for the applicable zoning district or districts.

2) Development Standards

i) Distribution. The affordable housing dwelling units shall be physically integrated into the design of the development, and shall be distributed among the housing types in the proposed housing development in the same proportion as all other units in the development, unless a different proportion is approved by the Development Review Board as being better related to the current or projected housing needs of the Town.

ii) Minimum Floor Area. The minimum gross floor area per affordable dwelling unit shall not be less than comparable market-rate units in the mixed-rate housing development.

iii) The dwelling units may at the discretion of the Development Review Board be of varied types including in the form of single-family, two-family, or multi-family dwelling uses, and, within multi-family dwelling uses, in the form of efficiencies, one-bedroom, two-bedroom, three-bedroom, and four-bedroom dwelling units as well as any dwelling units with more than four bedrooms.

iv) The Development Review Board shall review and approve the documents the applicant has provided to ensure the continued affordability of the affordable housing dwelling units, as specified under Section 6.13.3(f).

4) Housing Types. At the discretion of the Development Review Board, the dwelling units may be of varied types including one-family, two-family, or multi-family dwelling uses, as well as efficiency, one-bedroom, two-bedroom, three-bedroom, and four-bedroom dwelling units within multi-family dwelling uses.

#### 6.13.6. Housing Replacement Requirement.

a) If at any point in time an affordable housing dwelling unit is to be removed, demolished, or converted into a different use—including market-rate residential uses—or nonuse (e.g. a vacant lot), the parties responsible for changing the status of the affordable housing dwelling unit must establish a replacement affordable housing dwelling unit within the Town of Richmond.

b) Requirements for Replacement Affordable Housing. All replacement affordable housing dwelling units must meet the following requirements:

1) Each replacement affordable housing dwelling unit shall have at least the same number of bedrooms as the dwelling unit being replaced;

2) Each replacement affordable housing dwelling unit must be located within the Town of Richmond;

3) Each affordable housing dwelling unit replacement must be established pursuant to Section 6.13.3 and all the standards for Affordable Housing Dwelling Units under Section 6.13.3 apply to all replacement Affordable Housing Dwelling Units

4) For replacement Affordable Housing Dwelling Ownership Units, the respective replacement Affordable Housing Dwelling Ownership Unit must be offered for sale at or below the fair market value of the dwelling unit that was removed, demolished, or converted to nonresidential use or nonuse, as determined either by an appraisal provided by the applicant, or by the City's latest assessed value of the premises including the dwelling unit that was removed, demolished, or converted to nonresidential use or to nonuse

c) Exemptions. This section shall not be applicable to:

- 1) Any dwelling unit ordered demolished or declared unfit for habitation because of damage caused by natural disaster, fire, flood, or other causes beyond the owner's control;
- 2) The removal of accessory dwelling units.

## Section 7 – Definitions

**Affordable Housing Dwelling Unit** *[add]* – A dwelling unit that is perpetually affordable for below market-rate households, and exists in the form of either affordable housing dwelling ownership units or affordable housing dwelling rental units.

**Affordable Housing Dwelling Ownership Unit** *[add]* – A dwelling unit that is owned and occupied by its inhabitants in which:

- The sales price does not exceed the maximum price for a household with a gross annual income that does not exceed 80 percent of the median income for the Burlington-South Burlington Metropolitan Statistical Area (MSA), as defined by the United States Department of Housing and Urban Development; and
- The gross annual household income of the inhabitants at the time of purchase does not exceed 100 percent of the median income for the Burlington-South Burlington MSA; and
- The sales price never exceeds 80 percent of the median income for the Burlington-South Burlington MSA, in order for the unit to remain perpetually affordable

**Affordable Housing Dwelling Rental Unit** *[add]* – A dwelling unit that is rented by its inhabitants in which

- The rent does not exceed the maximum price calculated for a household with a gross annual income with 80 percent of the median income for the Burlington-South Burlington MSA; and
- The gross annual household income of the inhabitants does not exceed 80 percent of the median income for the Burlington-South Burlington MSA at the time of initial occupancy; and,
- The unit shall remain perpetually affordable to households with a gross annual household income that does not exceed 80 percent of the median income for the Burlington-South Burlington MSA.

**Habitable area** *[add]* - The finished areas or spaces of a dwelling unit that are heated (and, where air conditioning is available, cooled) with the rest of the dwelling unit.

Mixed-rate housing development *[add]* – A housing development that has both market-rate and affordable housing dwelling units. All mixed-rate housing developments shall be considered Planned Unit Developments, and subject to regulations under Sections 5.12 and 6.13

**Revisions for Section 5.12.2:**

f) With the exception of mixed-rate housing developments, the total number of allowable dwelling units in the PUD or the Residential PUD shall not exceed the number that would be permitted if the land were subdivided into lots in conformance with these Zoning Regulations for the Zoning District in which such land is located, and in accordance with Section 2.5 of these Zoning Regulations.

g) The DRB may authorize multiple uses within PUDs in the JC, VD, V/C and R/C Districts. Multiple uses may be allowed on all lots within PUDs in these districts (including pre-existing, nonconforming lots) provided that adding multiple uses shall comply with the PUD standards and other specific criteria of these Zoning Regulations and state law. In any PUD in the R/C District, at least 50% of the gross floor area shall be in residential use. In the V/C District, at least 50% of the gross floor area must be in commercial use. In the JC and VD Districts, any or all floors may be in commercial use. However, in the VD District, residential uses shall be restricted to the second floor and above; and in the JC District, residential uses shall be restricted to the second floor and above and to the walk-out basement floor as long as all applicable Vermont Fire and Building Safety Codes are met.

h) For mixed-rate housing developments, the total number of allowable dwelling units in the PUD or Residential PUD may exceed the number that would be permitted if the land were subdivided into lots in conformance with these Zoning Regulations for the Zoning District in which it is located, as long as the mixed-rate housing development is in conformance with Section 2.5 as well as the Affordable Housing Density Bonuses regulations under Section 6.13.

*INSERT “Mixed-rate housing development” uses in district-by-district regulations accordingly*

TO: Richmond Planning Commission

FROM: Ravi Venkataraman, Town Planner

DATE: April 30, 2020

SUBJECT: Rewarn Public Hearing for Village Downtown Zoning District

Due to the current Coronavirus crisis, the public hearing for the amendments to the Village Downtown Zoning District slated for April 1, 2020 did not occur. A new public hearing will need to be warned for the amendments.

Enclosed for your consideration are:

- The finalized version of the Village Downtown Zoning District regulations for the slated public hearing
- A draft Zoning Bylaw Amendment Report pursuant to 24 V.S.A. 4441.

To assist the Planning Commission in its actions, I have prepared the following draft motion:

*I, \_\_\_\_\_, move to warn a public hearing for June 3, 2020 on the amendments to Richmond Zoning Regulations Section 3.18.*

### 3.10 Village Downtown District (VD)

**Area:** the following parcels are included in this district: PS0023, BR0052, BR0048, BR0039, BR0038, BR0030, BR0027, BR0026, WM0013, EM0010, EM0013, WM0004, WM0035, DS0022, PS0014, BR0072

**Purpose:** The purpose of the Village Downtown Mixed-Use District is to provide a district that encompasses the existing village core area and supports employment, light industry, commercial enterprises, community gathering spaces, dense and affordable housing, and other compatible uses that bring value to the community and maintain Richmond's unique sense of place. It will also support the traditional village mixed use patterns with street/ground level commercial uses and upper floor residential uses. There are 3 primary goals for this district:

1. Help improve the economic vitality of Richmond by attracting desirable new businesses to the site, creating jobs, and increasing municipal water and wastewater utility use.
2. Attract residents and visitors to our village center for community and commercial activities.
3. Increase the housing density, affordability, and diversity in order to support a vibrant and diverse population of Richmond residents.

Any development in this district shall enhance the overall village area and shall be compatible with the surrounding mix of residential, non-residential, and municipal uses. Any development proposal shall fit into the vision for Richmond as described in the Richmond Town Plan.

**3.10.1 Allowable Uses Upon Issuance of Zoning Permit and Site Plan Approval-** The following uses shall be allowed uses in the Village Downtown District upon issuance of a Zoning Permit by the Administrative Officer. Site Plan Review by the DRB shall also be required. More than one principal use per lot is allowed in this district.

- a) Artists/Crafts studio
- b) Bank
- c) Bed and Breakfast
- d) Hotel
- e) Inn or guest house
- f) Laundromat
- g) Office, Medical
- h) Office, Professional
- i) Personal Services
- j) Retail business

**3.10.2 Allowable Uses Upon Issuance of Conditional Use Approval-**The following uses may be allowed in the Village Downtown District after issuance of conditional use approval by the DRB. More than one principal use per lot is allowed in this district.

- a) Brewery
- b) Catering Service
- c) Center-based Child Care Facility
- d) Commercial Multi-Use Building
- e) Educational Facility as provided in Section 5.10.4
- f) Equipment Rental or Supply
- g) Food Processing Establishment
- h) Funeral Parlor

- i) Group Home
- j) Health Care Services
- k) Hospital
- l) Research Laboratory
- m) Light Manufacturing
- n) Museum
- o) Planned Unit Development
  - as provided in Section 5.12, if no subdivision of land is proposed (see Section 5.12.1).
  - Residential Dwelling Units as part of a Mixed Use Planned Unit Development
  - No residential-only Planned Unit Development
- p) Pharmacy
- q) Private Club
- r) Recreational facility
- s) Religious use as provided in Section 5.10.4
- t) Restaurant
- u) Retirement Community
- v) State- or community-owned and operated institutions and facilities as provided in Section 5.10.4
- w) Tavern
- x) Theater
- y) Wholesale trade
- z) Veterinary Clinics

### 3.10.3 Residential Density and Requirements

**a)** Each residential dwelling unit shall require 1/24 acre of developable land located on the same lot as the unit. This equals a residential density of 24 units per acre. Developable land excludes those lands that are outlined in section 2.5.2. The maximum number of units that may be permitted shall be calculated by multiplying the residential density by the total developable acreage of the lot. When this calculation results in a number of units with a fractional component, the fraction will be rounded according to conventional rounding rules as follows, where X is a whole number:

X.0 – X.49 units shall be rounded DOWN to X units.

X.50 – X.99 units shall be rounded UP to X+1 units.

Examples: 24 units/acre x 0.22 developable acres = 5.28 units rounds DOWN to 5 units.

24 units/acre x 0.16 developable acres = 3.84 units rounds UP to 4 units.

If the number of permissible units is less than one (1) it shall be rounded UP to 1 unit.

Example: 24 units/acre x 0.02 developable acres = 0.48 units rounds UP to 1 unit.

**b)** Residential dwelling units shall be restricted to the second story/floor and above of any building and shall not be allowed on the street/ground level. These units may be approved as part of a mixed-use Planned Unit Development.

**3.10.4 Dimensional Requirement for Lots in the VD District**-No Zoning Permit may can be issued for Land Development in the VD District unless the lot proposed for such Land Development meets the following dimensional requirements:

**a) Lot Area-** No lot shall be less than one-eighth (1/8) or 0.125 acre The purchase of additional land by the owner of a lot from an adjacent lot owner will be permitted, provided such purchase does not create a lot of less than the minimum area required in the Zoning District on the part of the seller.

**b) Lot Dimensions-**Each lot must contain a point from which a circle with a radius of twenty-five (25) feet can be inscribed within the boundary of the lot.

**d) Lot Frontage-**No lot having frontage on a public or private road shall have less than seventy-five (75) feet of continuous uninterrupted length of said frontage, or the lot must have access to a public or private road with approval by the DRB pursuant to Sections 4.2 and 4.3.

**e) Lot Coverage-** The total ground area covered by all structures, parking areas, walkways, driveways and areas covered by impervious materials shall not exceed eighty percent (80%) of the total ground area of the lot.

**3.10.5 Dimensional Limitations for Structures on Lots in the VD District**

**a) Height-**The height of any structure shall not exceed thirty-five(35) feet. Refer to Section 4.12 for additional regulations, exemptions, and restrictions regarding building height.

**b) Setback-** All structures shall have zero (0) feet setbacks, except for a five (5) feet setback for all structures from district boundaries. All development is required to install and maintain a sidewalk to the public works standards on any and all public road frontage. Placement of the sidewalk and curb cuts or accesses to the property are subject to approval of the Highway Foreman.

**3.10.6 Other Requirements Applicable to Lots in the VD District-** No Zoning Permit may be issued for Land Development in the VD District unless the Land Development meets the following requirements:

**a) Water Resources-**all lots in this district shall be served by the Richmond municipal water and sewer system.

**b) Parking**

i) Residential

In this district, the residential parking requirement shall be based on the number of bedrooms per dwelling unit. The spaces required shall only serve to calculate overall supply and shall not be assigned to specific dwellings.

Bedrooms	Efficiency (0)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Spaces Required	1	1.5	2	2.5	3

Spaces shall increase by 0.5 spaces per additional bedroom.

Bicycle parking racks shall be required within the parking areas, and lots shall be required to provide safe and convenient bicycle access as per section 6.1.6

ii) Non-residential parking supply requirements shall follow the requirements as set forth in section 6.1.

iii) Exempted Lots

BR0052, BR0048, BR0038, BR0030, BR0026, BR0039, EM0010 are exempt from standard parking requirements. However, they are required to provide a descriptive plan for where they intend to have tenants and patrons park, whether that be providing a copy of a private parking agreement between landowners or use of public parking. Use of public parking requires approval from the Selectboard and the road foreman in the form of a public parking permit.

**b) Loading** - Off-Road or Highway loading requirements shall be regulated as provided in Section 6.1.

**c) Signs** - Signs shall be regulated as provided in Section 5.7.

**d) Traffic Impacts** - The purpose of this requirement is to foster the general welfare of the public through the minimization of traffic congestion, air pollution, and the risk of motor vehicle and pedestrian accidents.

- a) A transportation impact study shall be required for uses which generate more than 70 vehicle trip ends on adjacent roads during the P.M. peak hour for the first 40,000 square feet of land development area or fraction thereof, plus 1 vehicle trip end for each additional 1,000 square feet of land development area. In making the determination of traffic impact, the Administrative Officer or DRB shall utilize “Trip generation – Tenth Edition”, Institute of Traffic Engineers (ITE), or its equivalent, or any subsequent and most recent publication thereof, and may use estimates from other sources, including local traffic counts, if the above publication does not contain data for a specific use or if a use contains unique characteristics that cause it to differ from national traffic estimates.
- b) For establishments that generate more than 70 vehicle trip ends during the P.M. peak hour, the Development Review Board shall review the level of service of adjacent roads. Based on its review as well as consultation with the Road Foreman, the DRB may put forth permit conditions to mitigate adverse traffic impacts. Permit conditions may include:
  - a. Site improvements to improve access management, such as the creation of secondary access points, the reduction of the width of curb cuts, or the like;
  - b. Improvements to internal circulation, including the creation of narrower roadway widths, pedestrian pathways, and the like;
  - c. Improvements with connections with adjacent properties, such as, but not limited to, the creation of additional vehicle or pedestrian access points, the installation of signage and traffic lights, and adjustments to intersections to reduce pedestrian crossing distances and to slow traffic.

**e) Access** - Access shall be regulated as provided in Sections 4.1 through 4.4.

**f) Compatibility-** The purpose of this requirement is to allow the Development Review Board to review and approve the visual aspects of new construction or new or remodeled exteriors. The goal of this requirement is to ensure public ability to review the visual rendering, and the opportunity to provide input. A visual rendering of any new construction or remodeled exterior shall be required as part of a site plan and/or conditional use application. Any changes to the facade, size, or scale of new construction or a remodeled exterior shall require a

new visual rendering that portrays the proposed changes and shall require an amendment to the Development Review Board’s original site plan and/or conditional use approval which contains the most recent iteration of the visual rendering. The following shall be considered when reviewing the application:

- Compatibility of size, scale, color, materials, and character of the district, and construction utilizing materials similar or the same to the existing buildings of the district, is required for all new construction and all new or remodeled exterior facades.
- Applicants shall be required to demonstrate compatibility through examples, research, architectural consultation, or other means.
- This compatibility requirement shall not prohibit artistic expression, ability to landscape, commercial viability, creativity, or individuality.

**g) Residential Use** - Residential dwelling units shall be restricted to the second story/floor or higher of any building and shall only be approved and permitted via Planned Unit Development.

**h) Additional Possible Conditions** - The following site standards also may be required as a condition of Development Review Board approval

- Greater setback or screening requirements along the perimeter of the property
- Adequate pedestrian circulation
- Landscaping
- Demonstration of the ability to properly develop, operate, and maintain development roads, utilities, driveways, parking, sidewalks, landscaping, and other conditions or standards imposed

---

Insert reference to “VDZD” to Sections 4.11.3c, 5.7.4, and 5.12.2

**Town of Richmond**  
**Zoning Bylaw Amendment Report**  
**For**

**Changes to the Village Downtown Zoning District**

This report is in accordance with 24 V.S.A. §4441 (c) which states:

*When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384 (c) of this title concerning plan amendments...The report shall provide:*

*(A) Brief explanation of the proposed amendment and...include a statement of purpose as required for notice under §4444 of this title:*

This Planning Commission proposal would modify the regulations for the Village Downtown Zoning District, including the properties comprising the zoning district, the list of allowable uses within the zoning district, dimensional limitations for structures on lots in the district, parking requirements, traffic impacts, security and parking area lighting standards, signage requirements, and Planned Unit Development allowances.

The overall purpose of these zoning amendments is to correct the regulations for the Village Downtown Zoning District, originally established in September 2019, in order to improve the compatibility of the zoning district with the adjacent zoning districts. The Village Downtown Zoning District and its respective adjacent zoning districts are all located within the Richmond Village Future Land Use Area according to the Town Plan.

Additional corrections were suggested to edit typographical errors, clarify references to improve the legibility of the regulations, and add substance that was originally slated to be included but mistakenly omitted in the finalized regulations.

*And shall include findings regarding how the proposal:*

*1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*

The Planning Commission concluded that the proposal conforms to and advances the goals of the municipal plan by promoting Smart Growth principles, affordable housing, mixed-use development. The Planning Commission's conclusion is based on the following identified goals and actions from the Town Plan:

- When updating zoning regulations, explore ways to allow for non-traditional housing types, ways to encourage the creation of new business enterprises;
- Promote economic opportunities on town media platforms, and create economic development incentives for development that meets “smart growth” standards and preserves Richmond’s history and character;
- Create clear guidelines and information resources for permit applicants, clarifying requirements and steps for permitting and approval.

- Adjust land use regulations to allow for and encourage new industrial/commercial and mixed use development, and explore the creation of zones or districts to attract and support businesses in specific sectors such as a cultural district or green development zone;
- Maintain and upgrade zoning regulations and development review policies to ensure that concentrated growth occurs in designated growth centers, thus bringing residents and businesses in close proximity;
- Adopt and maintain a zoning ordinance based on “smart growth” principles, with most development concentrated in the village, neighborhoods, downtown, gateway mixed use areas to reduce vehicle miles travelled from housing to shopping and to public transit options;
- Create policies that encourage affordable housing development;
- Explore density-based zoning when updating the land use regulations
- Encourage development that protects natural resources and preserves scenic and/or historic character of Richmond;
- When updating zoning regulations, identify opportunities for development of a variety of housing types, for example allowing mixed residential and commercial use, higher unit density, or unique accessory housing in certain areas that will be identified during said update;
- Encourage concentrated residential development in areas identified for growth;
- Adopt zoning regulations that include Vermont’s Smart Growth principles such as concentrated downtown development in order to maintain Richmond’s historic settlement pattern and village character;
- Encourage “smart growth” development in the village center or downtown, or near transit options, to reduce car travel distances;

*2. Is compatible with proposed future land uses and densities of the municipal plan:*

The Planning commission concluded that the current amendment proposal would be compatible with the proposed future land uses and densities detailed in the municipal plan. The 2018 Richmond Town Plan anticipates the “broader application of mixed uses and multiple-story buildings, “multi-family homes”, and “Complete Streets improvements” in the Richmond Village area—where the new Jolina Court Zoning District will be located.

*3. Carries out, as applicable, any specific proposals for any planned community facilities:*

The proposed amendments does not carry out any specific proposals for any planned community facilities. In addition, the proposed amendment does not conflict with any proposals for planned community facilities.

Veterinary Clinics *[add]* - An establishment intended primarily for the medical and surgical treatment of domestic animals including the short-term boarding of animals while receiving treatment. Allowable accessory uses include pet grooming and the retail sale of pet supplies.

***Add “Veterinary Clinics” uses to the following sections***

- Section 3.1.2 (Allowable Uses Upon Issuance of Conditional Use Approval in the A/R District)
- Section 3.2.2 (Allowable Uses Upon Issuance of Conditional Use Approval in the HDR District)
- Section 3.3.2 (Allowable Uses Upon Issuance of Conditional Use Approval in the R/C District)
- Section 3.4.2 (Allowable Uses Upon Issuance of Conditional Use Approval in the Gateway District)
- Section 3.5.2 (Allowable Uses Upon Issuance of Conditional Use Approval in the V/C District)
- Section 3.6.2 (Allowable Uses Upon Issuance of Conditional Use Approval in the Commercial District)
- Section 3.7.2 (Allowable Uses Upon Issuance of Conditional Use Approval in the I/C District)
- Section 3.9.2 (Allowable Uses Upon Issuance of Conditional Use Approval in the JC District)
- Section 3.10.2 (Allowable Uses Upon Issuance of Conditional Use Approval in the VD District)

## PC Survey on Zoning / Planning Commission Work 4.27.20

The Planning Commission is responsible for the Town Plan, the Richmond Zoning Regulations and other long-term land use planning documents. Now that we have an updated Town Plan (approved 2018) we need to update our Zoning Regulations and policies to be compatible with the plan. This is what we are currently engaged in, and we'd like to know if Richmond residents have any thoughts about what our priorities should be. Please answer any questions that interest you.

1. Have you had occasion to read through or use some part of the Richmond Zoning Regulations in the last few years?
2. Are there any zoning issues that you feel should be addressed right away?
3. Are there any zoning districts that you feel should be altered in some way (boundaries, uses, regulations, other)?  
A map of the current districts and a copy of the Richmond Zoning Regulations may be obtained at the Town website or from the Town Planner's office.
4. Based upon the new Town Plan, the following issues are on our radar to develop regulations or policies of some kind in regard to (in no particular order):
  - Siting and management of trails
  - short term rentals (like AirB&B),
  - forest block protection,
  - siting and mitigating of renewable energy facilities including EV charging stations
  - weatherization and stretch code,
  - affordable housing,
  - scenic viewshed assessment,
  - improving farm and forest-based commercial opportunities,
  - supporting new or unique business opportunities, and altering permitting proceduresAre there any of these issues that you feel strongly about, one way or the other?

5. The Planning Commission has recently formed a Transportation Committee to look at current traffic and parking issues as well as future needs for increased bicycle and pedestrian infrastructure and public transportation. Do you have any thoughts for this committee?
6. Are there any other issues that you think the Planning Commission should be working on?

Thank you for your input!