

Richmond Planning Commission
REGULAR MEETING MINUTES FOR October 20th, 2021

Members Present:	Virginia Clarke, Lisa Miller, Dan Mullen, Mark Fausel, Jake Kornfeld, Alison Anand,
Members Absent:	Chris Cole, Chris Granda, Joy Reap,
Others Present:	Ravi Venkataraman (Town Planner/Staff), MMCTV, Brandy Saxton, Morgan Wolaver, Melissa Wolaver, Rose Feenan, Cathleen Gent, Trish Healy, Connie Van Eeghen, Mark Hall, Ann Naumann, Gary Bressor

1. Welcome and troubleshooting

Virginia Clarke called the meeting to order at 7:04 pm.

2. Public Comment for non-agenda items

None.

3. Adjustments to the Agenda

None

4. Approval of Minutes

Clarke identified a couple typos for correction.

5. Discussion on Coordinating Working Group

Clarke overviewed the commission's role in coordinating other town boards and committees, and monitoring their progress on Town Plan goals. Clarke said that four commission members have volunteered to work on the coordinating working group, and that others may provide input through Ravi Venkataraman. Clarke said that the first task of the coordinating working group is to review the reports the town boards/committees submitted. Clarke said that after the working group reviews the reports and determines how to address concerns town boards/committees may have, the working group may organize meetings with other town boards/committees to monitor and evaluate progress, and to organize work towards town-wide goals. Clarke said that this working group will meet as needed.

6. Presentation and Discussion on Zoning For Affordable Housing project

Clarke introduced Brandy Saxton of PlaceSense and the Zoning for Affordable Housing project. Clarke said that the scope of the project is the village, and acknowledged that the commission will need to take areas outside of the village and its rural character into consideration.

Saxton overviewed the scope of the project Saxton said that the goal was to finish the project in January

2022, that the project is on track to finish in January/February 2022, and that certain tasks were rearranged to meet the timeframe. Saxton reviewed the two surveys that were distributed in the summer—one for residents and one for non-residents. Saxton said that she is in the process of scheduling interviews and focus groups, and that she is looking for participants for the three focus groups—younger residents, residents 65 and older, and employers in town. Saxton said that after the interviews and focus groups, a draft report will be provided to the Housing Committee for review, and refined reports and recommendations will be given to the Planning Commission for its consideration.

Saxton overviewed the technical memo and its purpose. Saxton said she also looked at the Neighborhood Designation of the DHCD designation programs and how the proposed zoning aligns with the Neighborhood designation eligibility criteria, as it is a model for what the state wants to encourage in downtowns. Saxton noted that within Richmond Village, growth would occur with infill projects, and that the lack of provision for three- and four-unit dwellings within the water/sewer service area is a red flag. Saxton cited the passage of Act 179—that the character of the neighborhood cannot be used to deny three- or four-unit dwellings—and that this act indicates that the state does not see three- and four-unit dwellings to have greater impacts on existing neighborhoods with one- and two-unit dwellings. Saxton said that she foresees that if towns do not review their zoning to take the statewide housing issue seriously, there may be mandates to require certain regulations that would increase access to housing. Saxton also noted the role of market forces and that zoning may not drive the market. Saxton said that site plan review processes can be involved for three- and four-unit dwellings to curb impacts. Saxton said that lot coverage impacts developability, compared to lot size and lot coverage, and that lot coverage is a key element in defining the character of the neighborhood.

Saxton said that the Neighborhood Development Area (NDA) does not fit Richmond well because the Village Center in Richmond is small. Saxton presented a map of the possible extent of the NDA. Saxton advised that the commission consider the NDA for its affordable housing benefits, tax credits, and Vermont Housing and Conservation Board funding pool. Saxton said that with the Village Center as a limiting factor, even if the town were to extend a sewer line through the Gateway, affordable housing development in the Gateway is not likely because of the lack of benefits via the NDA and the inability of the town to obtain a NDA.

Saxton said the commission should reconsider required dimensional requirements based on the existing conditions. Saxton noted that within Richmond Village, higher density would most likely only be feasible through tear-down and replacement—which could run counter to the historic character of Richmond and the commission will need to take that into consideration.

Saxton said that in the updated report, the possible sewer expansion into the Gateway will be taken into consideration. Saxton said that since the lots between Route 2 and I-89 are constrained, some housing could be developed but not to the extent of having income-restricted affordable housing developments. Saxton said that the mobile home park can be further developed, and that it currently has 1.4 dwelling units per acre—which is typical of mobile home parks in Vermont.

Miller asked Saxton for an index in her report to improve its accessibility. Saxton said that the final report will have a table of contents. Miller cited affordability as the primary concern of survey respondents, and asked about the validity of this conclusion. Saxton said that the survey results indicate concerns for the affordability of ownership housing, that state-wide a housing issue exists, but that the nature of the housing issue per locale varies, which is captured in the respondents' reply to the question

about defining affordable housing. Dan Mullen asked if adding additional units and ADUs to existing parcels, compared to subdivisions, would solely add to rental housing. Saxton clarified that the addition of units to existing properties would add ownership and rental units, and said that within the village, the opportunities to subdivide are limited, especially due to lot configuration. Mullen asked for clarification on why the NDA could not be extended south of the Winooski River. Saxton explained that the NDA program does not allow the inclusion of the floodplain and river corridor, that the distance between the southern boundary of the Village Center designation and the extent of the floodplain south of the Winooski River is a quarter mile, and that the boundary cannot exclude the floodplain area to calculate distance from the Village Center designation boundary. Saxton said that the town could theoretically extend the Village Center designation to areas south of the river to extend the potential boundary of the NDA, or create a second Village Center designation south of the Winooski River. Venkataraman added that ACCD is disinclined to include noncommercial properties in Village Center designations, and that creating a non-contiguous Village Center designation that only includes commercial properties is not possible. Clarke asked for clarification on increasing density through adding additional units on existing parcels. Saxton explained that adding units on properties does not necessarily mean adding additional rental units, and referred to multifamily dwellings that are condominium ownership units in Montpelier. Mark Fausel asked how towns could promote condominium ownership units over rental units. Saxton said that zoning cannot regulate whether the unit is owner- or renter-occupied, that she is unsure about why the multifamily dwelling units in Montpelier are owner-occupied, and that the regulation of amenities could be a factor in whether the units are owner-occupied or not. Fausel asked for clarification on the definition of multifamily housing. Saxton said multifamily housing is three or more dwelling units, and that creating three divisions--(1) one- and two-unit dwellings, (2) three- and four-unit dwellings, and (3) more than five units—is a good strategy, as five or more units in a building is treated as a commercial property for banking purposes compared to buildings with less than five units. Saxton also noted code requirement differences between three- and four-unit dwellings and buildings with more than five units. Miller asked if a cluster of residential buildings would be considered a commercial enterprise. Saxton said she was unsure in regards to taxes, but that it would depend on the ownership of the buildings.

Clarke asked Saxton about the proposed alternatives. Saxton presented the map in the technical review memo. Saxton said that her proposed zoning map is based on street layout, and that her proposed density allowances is based on the state programs. Clarke asked for clarification on density allowances with respect to duplexes. Saxton explained that the density allowances is with respect to single-family dwellings but that regardless two units would be allowed per lot due to ADU and duplex allowances. Clarke asked if the text should be modified to state the density allowances as double what the number listed in the district is. Saxton said that density allowances could vary based on lot size.

Kornfeld asked if multifamily dwellings could be included in Village Center designations if they are considered commercial. Saxton said it depends on how the town negotiates with DHCD the inclusion of properties. Clarke asked about growth area designations. Saxton said that not many growth area designations exist and establishing one would take a lot of effort.

Cathleen Gent said that per statute the town is not required to allow three- and four-unit multifamily dwellings as a permitted use, but that the character of the area cannot be taken into consideration in the review process. Saxton clarified that the statute says that multiunit dwellings with three and four units cannot be denied on the basis of the character of the area, and that with this language, using Conditional Use Review for multiunit dwellings becomes moot because the purpose of using Conditional Use Review for multiunit dwellings was to check compatibility with the character of the area. Saxton added

that emerging case law and fair housing law support arguments against municipalities restricting allowances for three- and four-unit multifamily dwellings, especially in areas with water and sewer. Venkataraman added that the town will also need to check for compliance for the equal treatment of housing per the Town Plan in regards to regulating multifamily dwellings. Saxton added that if the town is putting in place restrictions on multiunit housing, it has to be well justified. Gary Bressor praised Saxton's work; and said that the information regarding the location of structures near the Round Church may need to be revised, that the conversion of single-family dwellings to multifamily dwellings may lead neighbors to leave the area due to increased impacts, and that the cost of conversion may not be significant as evidenced in the proliferation of multifamily dwellings in Burlington. Bressor asked for clarification about the density numbers. Saxton said that the square footage numbers are a conversion of the acreage numbers. Bressor asked about the legislation's effects on covenants and homeowners associations. Saxton said that the town does not have a role in enforcing covenants and homeowners associations. Bressor asked about ADUs. Saxton said that currently accessory dwellings are only allowed for single-family dwellings on owner-occupied properties, but is subject to change based on recent case law.

Melissa Wolaver asked about parking requirements. Saxton reviewed typical residential parking requirements, and said that the state is looking into reducing parking requirements but that the town needs to be aware of where the cars need to be parked because of the need for cars in Vermont. Wolaver said she is concerned about increased density because of the impact of more dogs in the neighborhood.

7. Discussion on Wetlands

Clarke reviewed the changes from the previous iteration. Clarke asked Fausel for comments about the reference to "public paths". Fausel said that the reference to "public" in this iteration is still unclear, and suggested including the term "constructed" to indicate that permitting is required for improved paths. Clarke said she liked the idea of "constructed".

Anand asked if the proposed regulations are in compliance with state regulations. Venkataraman said that he is sure that the proposed regulation is in alignment with the State Wetland Rules.

Kornfeld asked for clarification about the "relocation of a nonconforming structure". Clarke said that this would allow for the relocation of a nonconforming structure within a setback or buffer in a new location within the setback or buffer. Kornfeld said that he does not see the benefit of this allowance to the town. Clarke said that this allowance would enable the redevelopment of the Mobil station. Clarke asked if Kornfeld if he would be in favor of removing the word "relocation". Kornfeld concurred. Venkataraman clarified the terms "reconstruction", "replacement", and "relocation", and that the Mobil project would involve both replacement, relocation, and expansion. Anand asked Kornfeld if he found that the commission is willing to bend the rules too far in favor of this project. Kornfeld said yes, adding that he does not see the project providing a benefit to the town as a whole.

Miller asked if the DRB could have a role in holistically reviewing applications and determining the extent of development. Clarke said that municipalities vary in review processes and that the DRB would not want to make such determinations. Clarke explained that with the review criteria as written, applicants would have to clear a high bar to show compliance. Venkataraman added that with the way

the regulation is written, the Zoning Administrator and the DRB could ask the Conservation Commission for guidance on reviewing the criteria and proving compliance. Fausel said that having the Conservation Commission review the application would add credibility and asked if the requirement to have a review letter from the Conservation Commission be added to Section 4.7.8.

Bressor said that by specifying permitting processes for constructed paths, there is a logical gap in regards to unconstructed paths; and that he is unsure about regulating wetlands because the state is the expert on regulating wetlands, not the Conservation Commission, and the town has a litany of required permits already. Fausel said that the state is a separate entity from the town, that the state's approach may not be best for the town, and that allowing the town the opportunity to review would prioritize the town's interests.

Clarke said that the commission will need to discuss this item along with Vehicle Fueling Stations and Nonconforming Uses and Structures together during the next meeting.

8. Discussion on November 3rd Meeting Agenda

Clarke said that the commission will need to discuss the Gateway District soon, since the Water/Sewer Commission has voted to hold a vote of water/sewer customers on expanding the service area. Clarke said that the commission will need to discuss its stance on expanding the water/sewer service area, and how it wants to approach planning and zoning for the Gateway District.

Clarke said that CCRPC wants to talk to the commission about the Comprehensive Economic Development Strategy (CEDS), and to ask the commission about forthcoming economic opportunities with town.

Clarke said that she had received a survey to fill about town-wide usage of cannabis and opiates, that she was unsure about the data, and that she would like a commission member who knows about this data to fill out the survey.

Venkataraman said that the commission should talk about the FY23 Unified Planning Work Program (UPWP) at a later date if the commission would like to spend funds to properly plan for the Gateway District. Venkataraman added that the commission should discuss FY23 UPWP transportation projects that pertain to the commission, such as the development of an official map and the revision of the impact fee ordinance.

9. Other Business, Correspondence, and Adjournment

Motion by Kornfeld, seconded by Anand to adjourn the meeting.

Voting: unanimous. Motion carried. The meeting adjourned at 9:43 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner