

Richmond Planning Commission
REGULAR MEETING MINUTES FOR April 21, 2021

Members Present: Virginia Clarke, Chris Granda, Alison Anand, Caitlin Littlefield, Brian Tellstone, Joy Reap,
Members Absent: Chris Cole, Mark Fausel, Jake Kornfeld
Others Present: Ravi Venkataraman (Town Planner/Staff), Jeff Forward, Eveline Killian, MMCTV, John Linn, Judy Bush, Steve Bower, Allen Knowles, Francine Pomerantz

1. Welcome and troubleshooting

Virginia Clarke called the meeting to order at 7:07 pm.

Clarke asked Venkataraman about managing questions in the chat function. Venkataraman reviewed methods to manage questions in the chat, and said that she could manage the questions in the chat based on her preferences. Clarke asked Venkataraman to forward questions to the Planning Commission at the end of each agenda item. Venkataraman agreed.

2. Adjustments to the Agenda

None

3. Public Comment for non-agenda items

None

4. Approval of Minutes

Clarke identified a subject-verb agreement error in the minutes. Joy Reap asked about John Rankin's question about whether the ongoing energy standards discussions would affect additions and renovations. Chris Granda clarified that the proposal would not change how energy codes would apply to additions and renovations.

Motion by Granda, seconded by Caitlin Littlefield, to approve the April 7, 2021 Planning Commission meeting minutes. Voting: 4-0 (Reap abstained). Motion failed. Clarke decided to postpone this item.

5. Discussion on Building Energy Standards

Clarke prefaced the item by referring to the April 7th Planning Commission meeting and the Town Plan. Clarke said that the commission will not vote on the item and that today's discussion will help orient future discussions on this item. Granda asked if Clarke wanted Chris Cole to be present before taking a vote. Clarke said that currently only five members are in attendance and that she wants to make sure the vote is representative of the commission. Tellstone asked for clarification on voting. Clarke said that the vote would be a vote to hold a public hearing on proposed zoning regulations.

Jeff Forward presented on incorporating the Residential Building Energy Standards (RBES) into the zoning regulations. Forward referred to the authority code officials have per the RBES. Forward spoke of his personal experience working with the Public Service Department to enable the first RBES code. Forward put forth that the "authority granting jurisdiction" in the RBES is the town. Forward reviewed

self-certification and the legal actions homeowners may have under 30 V.S.A. §51. Forward said that the intent of the law was for educating builders on building up to the energy standards, that many builders do build per the energy standards, but most do not. Forward reviewed requirements currently in place for builders per statute. Forward overviewed his proposal to require all builders to show compliance via the Home Energy Rating System (HERS), all new and substantially renovated houses to be solar ready, and all new houses to be electric vehicle charging ready. Forward reviewed the HERS rating, and the rating process by a third-party rater. Forward said that in his experience helping homeowners and municipalities, he has found that buildings do not have enough structural support to handle solar panels on roofs, and that his proposal would allow buildings to be able to accommodate rooftop solar. Forward said that making houses EV ready during construction would help save costs in the long run. Forward said that this proposal would not add to the workload of the Zoning Administrator. Forward said attention to this issue is direly needed, that towns cannot do much to assist with this issue, and that this proposal could help. Forward said that he has heard of other proposals, such as requiring a HERS report and certification of solar- and EV-readiness, and that he thinks its administratively burdensome. Forward said that he does not recommend adopting the stretch code at the moment. Forward reviewed his proposal via the RBES certificate. Forward said that he spoke to the Public Service Department that the Public Service Department can put in place standards that are above the base code requirements. Forward said that these requirements could be burdensome for mobile home units. Granda said he had discussed with Hinesburg and South Burlington their implementation of energy standards zoning requirements, and that there are no legal concerns.

Reap asked about how this proposal would work in practice. Forward said that the proposal would only affect new construction. Reap suggested that the proposal needs to clarify the role of the Zoning Administrator, said that educating builders about the process with Efficiency Vermont is necessary, and asked about what applicants would do if the Efficiency Vermont program changes. Forward said that a HERS review costs \$1,000 to \$1,500, that Efficiency Vermont will cover the costs and provide additional incentives based on the HERS rating, and that the added cost at construction saves homeowners energy costs in the long run. Reap said that this proposal may mislead applicants to think that getting into compliance is free, that she has had difficulties working with Efficiency Vermont in the past, and that she is open to being a pilot project to this process to report back to the commission on the process. Forward reiterated that he is not proposing stretch code at this point, and that he is proposing regulations that could be easily implemented while raising the standard. Reap said that she found the solar-ready aspects confusing, and that Forward should contact Jason Webster about manufactured homes. John Linn said that the process to engage with Efficiency Vermont was tough in the beginning, that Efficiency Vermont is the only organization providing HERS ratings, that the requirements for solar readiness are above standard requirements for zoning permits. Granda asked about meeting code requirements for snow loads. Linn said that single-family dwellings are not subject to the building code in Vermont, and that currently to involve a structural engineer to build single-family dwellings would add costs to an already high cost to build housing. Reap said that one could build a house with the help of a lumber yard engineer and not many houses are built involving structural engineers. Forward said that involving a structural engineer would save costs in the long term. Littlefield concurred. Forward overviewed the Owner/Builder Disclosure Form.

Clarke asked how the commission would like to proceed. Granda recommended having this item as a standing item at upcoming meetings until the commission is ready to vote, and said that the proposal has no major issues that need to be further investigated. Venkataraman said that he has been doing research on this subject matter, that what Forward recommends for solar-ready and EV-ready buildings typically falls under the purview of building codes and not zoning, and that with RBES, per statute, towns can only ask for the RBES certificate to be completed, not a specific way for the RBES certificate to be completed. Venkataraman said that the adoption of stretch code into zoning changes the standards of review, but it does not give towns any more authority to enforce the energy standards than it already can. Granda said that the proposal does not contain anything more than what is already included in the RBES. Venkataraman said that the proposal includes requirements above the base

energy code, that towns cannot adopt stretch code on a standard-by-standard basis per statute, and that if the town were to adopt above-code requirements, it could do so in one of two ways: (1) adopt stretch code in full; or (2) adopt a building code to give authority to the town to regulate buildings under 24 V.S.A. Chapter 83. Venkataraman said that the town could require a HERS report independent from the RBES certificate with a Certificate of Occupancy application. Forward concluded that his proposal is a compromise between stretch code and putting in place ways to meet energy goals.

6. Discussion on Zoning for Affordable Housing project

Clarke overviewed the schedule and the current tasks the housing consultant is undertaking. Anand asked about the budget. Venkataraman said that the town was given a \$20,000 grant from Vermont Agency of Commerce and Community Development to undertake the work.

7. Discussion on Nonconforming Lots, State Permit References, and Accessory Dwelling Units

Venkataraman explained that the amendments to the nonconforming lots section is to align the language with statute and that such nonconforming lots are few and far between due to past efforts by the state to clear up lot lines and consolidate properties. Granda asked if there are any such lots in town. Venkataraman said that he suspects there aren't any in town and that he has only encountered this section of zoning in contested situations. Anand asked about water/wastewater services to nonconforming lots. Venkataraman said that the landowner would have to get a state water/wastewater development to develop the land, and that depending on the situation, a viable use may be possible by connecting to a water and wastewater system on a neighboring lot. Clarke clarified that state statute has no minimum lot size on small lots within the water/sewer district.

Venkataraman reviewed the edits to the performance standards section for the state permit references amendments. Clarke suggested adding that local permits does not relieve the applicant from obtaining applicable state and federal permits, and obtaining all applicable federal and state permits are the applicant's responsibility. Reap asked about project review sheets. Venkataraman said that the state project review sheet is a list the Agency of Natural Resources provides to applicants of all applicable state permits for specific projects, that project review sheets are typical for larger projects, and that he would like to incorporate the requirement for project review sheets in DRB applications. Granda said that incorporating Clarke's suggestion would be a good reminder for applicants. Venkataraman said that adding Clarke's suggestion would be a simple fix.

Venkataraman reviewed the changes to the Accessory Dwelling Unit allowances. Clarke suggested clarifying requirements for single-family dwellings within the flood hazard overlay district. Anand concurred. Clarke opened for discussion the removal of the owner occupancy requirement. Granda asked about the benefit of removing the owner occupancy requirement. Venkataraman said that removing the requirement opens up the housing market to more renters. Clarke said that it removes the administrative burden of enforcing owner occupancy requirement. Littlefield asked about allowing accessory dwellings for duplexes. Venkataraman said that by definition an accessory dwelling unit is associated with a single-family dwelling. Clarke said that this could be subject to change based on the work of the housing consultant. Clarke recommended removing the reference to residential uses in the definition for habitable floor area, and limiting habitable floor area to the sum of the finished floor area. Venkataraman said that he will be double-checking the legality of removing the owner occupancy requirement before the next meeting.

8. Other Business, Correspondence, and Adjournment

Motion by Granda, seconded by Tellstone to adjourn the meeting. Voting: unanimous. Motion carried. The meeting adjourned at 9:16 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner

Chat Log

19:08:13 From eveline killian to Everyone : eveline killian

19:08:15 From John Linn, AIA to Everyone : John Linn

19:08:29 From Jeff Forward to Everyone : Jeff Forward, Richmond Town Energy Coordinator

19:08:53 From Judy Bush to Everyone : Judy Bush

19:10:58 From Ravi Venkataraman, Town Planner to Everyone : Just in case, if you do have any questions that are not addressed during the meeting, feel free to email me afterwards at rvenkataraman@richmondvt.gov

19:56:02 From John Linn, AIA to Everyone : Is there anyone in Vermont other than VEIC members that are qualified to do a HERS rating?

19:56:41 From John Linn, AIA to Everyone : Sorry VEIC employees/not members

19:59:39 From eveline killian to Everyone : Regarding renovation compliance requirements: The code only requires a renovation to upgrade to the code standard if the entire 'system' is being replaced. If the entire roof is being replaced, then it would need to comply to the new codes. If there is only a portion being renovated, it does not need to comply. If you're only replacing a few windows, you don't need to comply, but if you're replacing all of the windows, then you do.

20:20:53 From John Linn, AIA to Everyone : I'll shut up now :) I just want to have folks understand that if these rules are followed that it will continue to add to the expense of new homes