

Richmond Planning Commission
REGULAR MEETING MINUTES FOR April 7, 2021

Members Present: Virginia Clarke, Chris Granda, Alison Anand, Mark Fausel, Caitlin Littlefield, Jake Kornfeld, Brian Tellstone
Members Absent: Chris Cole, Joy Reap
Others Present: Ravi Venkataraman (Town Planner/Staff), John Rankin, Jeff Forward, Lisa Miller, Allen Knowles, Eveline Killian, Laura Moltz, Lisa Kory, John Linn, Jay Moltz, Karl Goethe, Betsy Hardy, Steve Bower, Lisa Miller, Heidi Bormann, Francine Pomerantz, Steve Spatz, Sarah Volinsky, Ben Bush, Gary Bressor, Cathleen Gent, Patti Rossi, Nick Neverisky

1. Welcome and troubleshooting

Virginia Clarke called the meeting to order at 7:02 pm.

2. Adjustments to the Agenda

Ravi Venkataraman announced that the public meeting for the Bridge Street Complete Streets Corridor Study is scheduled for Thursday, April 8th at 7 pm.

3. Public Comment for non-agenda items

None

4. Approval of Minutes

Motion by Jake Kornfeld, seconded by Brian Tellstone, to approve the March 17, 2021 Planning Commission meeting minutes. Voting: Unanimous. Motion carried.

5. Proposed zoning amendments for Nonconforming Lots and State Permit References

Clarke said that Venkataraman is bringing forward proposed amendments to remove antiquated elements from the zoning regulations and move the regulations into compliance with state statute. Clarke asked Venkataraman about process. Venkataraman said that he intends to bring two to three proposed amendments at a time to the Planning Commission and Selectboard, and that the process can be adjusted based on the Planning Commission's desires. Clarke asked about how the Selectboard would like to receive the amendments. Venkataraman said that these two amendments would be straightforward as it would bring the zoning regulations into compliance with state statute, but cannot say for future amendments.

Venkataraman overviewed the proposal to amend state permit references, stating that the town cannot require state permits in order to issue zoning permits, and that the easiest fix to the zoning permits is to remove the references to state permits altogether. Mark Fausel asked how the town would know if an applicant received a state permit. Venkataraman said that he can check through the state permit search tool or by calling Agency of Natural Resources, but that it isn't his responsibility to check if an applicant has state permits. Clarke said that based on the proposed language, the town would have to check that the applicant has a state water/wastewater permit prior to construction. Venkataraman said yes but that it is expected that applicants obtain all necessary state permits prior to construction, and only under odd circumstances has that language needed to be enforced. Alison Anand asked why the town wouldn't want state permits to be given to the town. Venkataraman said that he cannot request or enforce the

provision of state permits to the town. Clarke asked about permitting pathways for local water/wastewater permits. Venkataraman said currently there is no permitting pathway for local water/wastewater permits but this is currently under consideration by the state legislature. Anand asked about the advantages of this amendment proposal. Venkataraman said the proposal is to circumvent any possible litigation by removing zoning regulations that are illegal. Chris Granda asked if the town has faced legal action for enforcing the current zoning regulations. Venkataraman said he was not aware of any legal action regarding these particular zoning regulations, and keeping the regulations as-is isn't fair to applicants nor prudent for the town. Kornfeld said that based on the information presented and the ongoing discussions, he has no objection to the recommended changes.

Clarke asked about the modifications to the language regarding hazardous waste. Venkataraman said that for that language in particular, it should be more explicit about "hazardous waste" and its storage, and such changes should happen when the commission reviews the performance standards in full. Clarke said she was hesitant to remove the language until there is replacement language regarding the storage of hazardous waste. Venkataraman said that the replacement language for now could be softer until explicit standards are made. Clarke recommended presenting replacement language at the next Planning Commission meeting. Anand asked about including a disclosure statement about federal and state permits. Venkataraman said that that disclosure statement is in the zoning permit applications. Granda asked to table this item to the next meeting. Clarke agreed.

6. Discussion on Building Energy Standards

Clarke introduced the topic and its connection to the Town Plan. Granda said that today's item was focused on the presentation and that questions will be fielded during the next Planning Commission meeting. Granda discussed the ongoing, tangible impacts of climate change, methods to reduce greenhouse gas emissions from new buildings, and the benefits of electrification. Granda reviewed the Vermont residential building energy codes, recent updates to the energy codes, and gaps in the current energy codes, including self-certification requirements to show compliance. Granda proposed zoning amendments to require builders to show compliance via the Home Energy Rating Method (HERS), to install EV wiring for all residential construction, and to install wiring for solar. Granda said that he is not recommending the adoption of the stretch code, the installation of solar on new residential construction, any bans to natural gas heating systems, or the requirement of net-zero homes. Jeff Forward added that the HERS method would bring more new construction into compliance with the energy codes.

John Rankin asked if the zoning proposals would impact additions and renovations and said that if additions and renovations were to be left out, it would more likely be adopted. Granda said that the proposal would not change the requirements of the standards already in the energy code. Eveline Killian said that the zoning proposal makes sense from an economic standpoint and is not outrageous for builders.

Steve Spatz introduced himself as a program manager for Efficiency Vermont; and reviewed the applicability of the residential energy code, the rigor of the HERS method, and the legality of limiting the compliance pathway to the HERS method. Clarke asked about authorization in statute to allow towns to restrict compliance via the HERS rating system. Spatz said that the code allows for flexibility to allow a local code official or local authority to put forth local requirements. Spatz added that any enforcement and oversight of the energy code occurs at the local level, and the energy code allows municipalities to put in place more stringent standards. Granda said that one town required new construction participate in the Efficiency Vermont program. Spatz said that he has been communicating with Geoff Martin at Two Rivers-Ottawaquechee Planning Commission regarding the legalities of the proposed zoning language. Fausel asked about the costs of third-party certification. Spatz said that hiring a rater would be \$1,500 to \$2,500, and stated that a third-party review is necessary because of a general lack of compliance with the energy code and a lack of expertise within most municipalities to review energy

standards certificates. Fausel asked if the state is interested in requiring third-party verification of certificates. Spatz said that the state is not interested in requiring third-party certification. Fausel asked Venkataraman about energy standards certificates requirements. Venkataraman reviewed the energy standards certificates requirements for Certificates of Occupancy, adding that typically commercial construction Certificates of Occupancy applications come with a rigorous COMCheck form and that that type of rigor is rare to see for residential construction. Spatz said that most states have adopted the HERS method to check for compliance because it is based on an international standard. Fausel asked if there are any other towns requiring third-party HERS certification. Spatz said that these proposed zoning regulations are based on conversations he had with Martin and towns within the Two Rivers-Ottawaquechee Planning Commission's purview, that the Town of Woodstock and other towns in this area plan to adopt similar zoning regulations. Kornfeld asked about the up-front costs to the home buyer of these requirements to new construction. Forward overviewed the economic analysis statement, said that he viewed the proposed zoning regulations as a consumer protection, and that the monthly cost of the requirements to a 30-year mortgage are negligible. Spatz added that the more houses that are built to these standards would help appraisers gauge the market better and stabilize the prices, since currently not enough houses with these standards are in existence and therefore a basis has not been clearly established yet.

7. Debrief on Village Residential Neighborhoods south of the Winooski River and Round Church Corners

Clarke overviewed the goals of the discussion item, the Municipal Planning Grant project, and the intent of overlapping the work of the Planning Commission with the Municipal Planning Grant project. Fausel asked if the hired consultant, PlaceSense, had worked in Richmond before. Venkataraman said that she worked on Richmond's land development regulations in 2011 and 2012.

Clarke reviewed findings from the March 17th Planning Commission meeting, and the proposed zoning map. Kornfeld noted that participants in past conversations called for a more streamlined zoning map, and that the presented proposed zoning map is the cleanest iteration of draft zoning maps. Laura Moltz asked about the proposal for half-acre lot sizes. Clarke said that the area under review is a transitional area between the rural areas of town and the high-density village, and that the goal is to increase the density in areas that can be served by municipal water and sewer to address the county-wide housing issues.

Clarke reviewed the discussion document in the meeting materials. Venkataraman clarified rules regarding agriculture, adding that regulating farm animals below the threshold prescribed by the state for agricultural practices is a conversation outside the scope of this discussion. Tellstone said he was not in favor of requiring off-street parking to be behind buildings. Anand asked for more clarification about the removal of the Round Church viewshed. Clarke said that residents in the draft viewshed district requested to be in the Village Residential Neighborhoods district and instead, maybe have design standards that would be applicable to their lots. Gary Bressor said that the residents opted to be in the proposed Village Residential Neighborhoods district to keep the area residential, and that the draft Round Church viewshed district allowed for more commercial uses than the proposed Village Residential Neighborhoods district which therefore does not protect the existing residential character. Bressor said he liked the language about the average of the neighboring setbacks and asked how this would be administered. Clarke said that a range for the front-yard setback could be in place. Venkataraman said that typically this type of regulation is set up so that the average is taken of the front-yard setbacks of the two properties adjoining a property on its side-yard lines, and that there are multiple variations to this requirement. Bressor said he liked that idea. Kornfeld said that this requirement seems overly prescriptive. Clarke said that this requirement isn't a maximum setback and that further discussions on maximum setbacks are needed. Nick Neverisky said that as a resident within

the scope area, he is in favor of increasing density in the village to circumvent natural resource impacts outside of the village and sprawl, and that he would welcome more dense development closer to where he currently lives. Heidi Bormann asked about the viewshed area of the Round Church. Clarke identified the area encompassing the viewshed area of the Round Church on the draft zoning map. Fausel said that he would be in favor of including design aspects, but that he has reservations about placing burdensome standards. Cathleen Gent said that design standards aren't necessary for Thompson Road but may be needed in the area around the Round Church. Clarke suggested creating two districts--one with design review requirements, one without design review requirements and keeping the rest of the requirements constant. Gent suggested establishing an overlay district to place design standards in a particular part of the district. Lisa Kory said that the design standards should not apply to areas outside the Round Church area, and that she agreed with Neverisky to increase density in the village to protect the forests in town and to reduce greenhouse gas emissions. Caitlin Littlefield agreed with Kory's comments. Sarah Volinsky asked for clarification about recreational facilities, and said she was concerned about the costs involved with imposing design standards and was not in favor of parking location standards. Gent asked for a map showing natural resource constraints to show actual developability of the area. Bormann said that Clare Rock had prepared a map showing natural resource constraints. Tellstone said that density is inevitably going to be increased eventually over time through accessory dwellings. Patti Rossi asked if schematics and visuals for buildout will be presented with the housing study. Venkataraman said that conducting a buildout study in Richmond is difficult, and that sample drawings of configurations and designs similar to what is included in "Zoning for Great Neighborhoods" may be provided.

8. Other Business, Correspondence, and Adjournment

Clarke said that the focus of the May meetings will be on the Gateway district, and that the next meeting will include a continuation of the energy code discussion and more information on the housing consultant's work. Bressor asked about the process of forwarding proposed zoning to the Selectboard. Clarke said that at this point, she is unsure and that she expects the proposed zoning for the entire village to be presented to the Selectboard.

Motion by Tellstone, seconded by Granda to adjourn the meeting. Voting: unanimous. Motion carried. The meeting adjourned at 9:29 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner

Chat Log

00:02:16 John Rankin: John Rankin
00:03:15 Jeff Forward: Jeff Forward
00:03:22 Laura: Laura Moltz
00:30:53 Lisa Kory: Lisa Kory
00:30:58 eveline killian: Eveline Killian
00:30:58 francinespomerantz: Francine Pomerantz
00:31:06 John Linn, AIA: John Linn
00:31:09 Jay Moltz: Jay Moltz
00:31:27 Karl Goetze: Karl Goetze
00:31:33 Betsy: Betsy Hardy
00:31:46 stevebower: Steve Bower, signing in
00:31:48 Lisa Miller: Lisa Miller
00:32:03 Heidi L Bormann: Heidi L Bormann

01:01:26 Karl Goetze: I need to hop off, but want to express support for the proposal. Blower door tests have been used for new construction programs in VT for over 20 years, so most experienced builders have experience with blower door tests. Many builders take pride in having the blower door test show their skill as builders in building an efficient home. Thanks, Karl Goetze

01:21:14 Jeff Forward: Thank you for addressing this issue. We look forward to continuing the conversation.

01:21:21 John Linn, AIA: A question/point for future discussion. With the solar ready zone requirement it appears that the homeowner/builder would be required to show structural design live/dead loads in the construction documents. Will these loads be required to be approved by a licensed engineer or is someone at the town level is taking the responsibility for confirming that those loads are adequate?

01:22:18 Jeff Forward: I am available for questions at forward@gmavt.net and 802-735-3026

01:23:25 stevebower: I also support the proposal for meeting RBES standards. The economic analysis demonstrates that this is in the long-term best interests of homeowners economically, as well as reducing their and the Town's climate impact. These measures would pay for themselves within about a decade, providing benefits for many subsequent decades for typical homes. This is good policy. Thanks for an excellent presentation.

01:30:39 Jake Kornfeld, Planning Commission: Thanks for including acreage on this Ravi, very helpful.

02:24:55 Caitlin Littlefield, Planning Commission: Guidance Ravi is referencing:
<https://accd.vermont.gov/content/zoning-for-great-neighborhoods>