

Town of Richmond
Planning Commission Meeting
AGENDA

Wednesday, June 16th, 2021, 7:00 PM

Due to restrictions in place for COVID-19, and in accordance to Act 92, **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/83503119719>

Meeting ID: 835 0311 9719

Join by phone: (929) 205-6099

1. Welcome, sign in and troubleshooting (7:00 pm)
2. Adjustments to the Agenda
3. Public Comment for non-agenda items
4. Approval of Minutes
 - May 19, 2021
5. Reorganization Meeting - Election of Chair and Vice Chair
6. Introduction to ArcGIS Richmond Setback Analysis tool
7. Discussion on Residential/Commercial District and Village Residential Neighborhoods South District
8. Discussion on State Permits and Nonconforming Lots
9. Discussion on July 7th meeting agenda (8:55 pm, or upon completion of Item 8)
10. Other Business, Correspondence, and Adjournment (9:00 pm, or upon completion of Item 9)

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4. Approval of Minutes

- Page 3: May 19, 2021

6. Introduction to ArcGIS Richmond Setback Analysis tool

- <https://arcg.is/Xb0r5> - CCRPC prepared this mapping tool for your consideration. Feel free to toggle the controls by clicking on the "Content" button and selecting/deselecting datasets based on what you would like to see.

7. Discussion on Residential/Commercial District and Village Residential Neighborhoods South District

- Page 7: Residential/Commercial Zoning District Discussion Document prepared by Virginia Clarke
- Page 10: Village Residential Neighborhoods South Zoning District Discussion Document prepared by Virginia Clarke
- Page 12: Village Residential Neighborhoods North Zoning District Discussion Document prepared by Virginia Clarke
- On standalone documents:
 - Draft Zoning Maps
 - "DraftZoning_North1.pdf"
 - "DraftZoning_North2.pdf"
 - "DraftZoning_North3.pdf"
 - "DraftZoning_South.pdf"
 - Acreages Maps
 - "Acreage_Color_North_1.pdf"
 - "Acreage_Color_North_2.pdf"
 - "Acreage_Color_North_3.pdf"
 - "Acreage_Color_South.pdf"

8. Discussion on State Permits and Nonconforming Lots

- Page 14: Memorandum on proposed zoning amendments
- Page 15: Draft language regarding nonconforming lots
- Page 16: Draft language regarding state permit references

Richmond Planning Commission
REGULAR MEETING MINUTES FOR May 19, 2021

Members Present: Chris Cole, Virginia Clarke, Chris Granda, Caitlin Littlefield, Joy Reap, Jake Kornfeld, Mark Fausel, Alison Anand

Members Absent:

Others Present: Keith Osborne (Zoning Administrator/Staff), Lisa Miller, Trish Healy, David Healy, Allen Knowles, Huseyin Sevincgil, Tom Frawley

1. Welcome and troubleshooting

Chris Cole called the meeting to order at 7:06 pm.

Keith Osborne introduced himself to the Planning Commission.

2. Adjustments to the Agenda

Cole and Chris Granda acknowledged that item 8 is to be removed from the meeting agenda.

3. Public Comment for non-agenda items

None

4. Approval of Minutes

Motion by Granda, seconded by Caitlin Littlefield, to approve the May 5, 2021 Planning Commission meeting minutes. Voting: unanimous. Motion carried.

5. Discussion on Accessory Dwelling Units, State Permits, Nonconforming Lots

Clarke asked the commission about their opinion about Section 5.9(e) and the definition of "habitable floor area". Cole asked about the commission about removing the owner-occupancy requirement and allowing both dwelling units to be rented. Granda said that enforcing owner occupancy of the units is difficult and that he is not aware of issues around large-scale absentee ownership in town. Clarke said that the town does not have a rental policy. David Healy said that he is opposed to removing the owner occupancy requirement, that there are other policies in place that are not enforceable but followed on principle, and that expanding the allowance would lead to absentee ownership. Joy Reap said she was torn on this issue and accepts the need for housing in town. Reap asked how many accessory dwelling units are within Richmond Village. Healy said he was not sure, and noted the differences in impacts of accessory dwelling units in village and non-village settings. Reap asked about converting garages into accessory dwelling units.

Fausel provided background on the previous changes to the accessory dwelling unit allowances and owner occupancy, and the commission's intent at the time to prevent absentee landlords and to promote regular maintenance. Fausel said that the committee acknowledged that accessory dwelling units would aid new homeowners in affording their home, as they would be able to rent a unit. Fausel said that he favored keeping the policy as-is with the owner or family member living in either the single-family dwelling or accessory dwelling unit.

Kornfeld noted that the discussion has been focused on generational wealth and home financing, not

access to housing in itself; that if the commission wants to improve the equitable access to housing, it should expand allowances and allow for more flexibility; and that in this current era, generating capital to purchase a house is difficult, leading to renters renting for longer terms than the commission assumes. Cole recognized that housing costs in Vermont are high, and said that the town had a decent amount of rental housing based on the amount of rental housing in the village. Fausel said that the owner occupancy policy promotes both homeownership and rental housing, as it allows a homeowner to be able to afford the house by renting the accessory dwelling unit. Kornfeld said that renter-occupied single-family dwellings would be ineligible to host an accessory dwelling unit if the town were to require owner occupancy. Cole said he was concerned the loss of home-ownership units, and that he has seen the loss of home-ownership units in South Burlington due to upzoning via accessory dwelling units. Allen Knowles asked for clarification about Cole's comment on housing quality, and said that his projects on East Main Street are evidence that quality does not need to be sacrificed for rental units. Reap asked if adding an accessory dwelling unit on a house in the village would be held to the same standard as duplexes and additions. Clarke said that single-family dwellings are allowed an accessory dwelling unit per statute. Cole made note of Reap's comment at a previous meeting about the difficulty of obtaining financing for an accessory dwelling unit. Clarke found that placing restrictions on who can rent a particular housing type to be discriminatory, considering that no such restrictions on other housing types are in place. Alison Anand said that the intent of the policy was to house family members and to allow joint family structures to live on the same property, and that the actuality changed over time. Anand said she had mixed feelings about this policy proposal, and that the commission may want to leave the policy as-is. Fausel said that the last change was to allow more family members to reside in accessory dwelling units.

Granda asked the commission about enforcing the current regulations. Osborne said that he is unaware of past enforcement actions toward violations of residency requirements. Clarke suggested including language that would allow a tenant to stay in the property for a period of time if the ownership changed. Granda said that he agreed with Healy's prior comment on policies that are not enforceable, and that in this instance, he questions the basis for including the owner occupancy requirement.

Cole asked Clarke about next steps. Clarke suggested tabling this item to another meeting. Cole agreed.

6. Recap on Village Commercial and Residential/Commercial Districts

Clarke overviewed the questions listed in the handout in the packet. Cole suggested reviewing the questions in order, starting with the designation of the Goodwin-Baker Building. Sid Miller accepted that the area surrounding the Goodwin-Baker Building is residential, noted past concerns about the possible inclusion of low-income housing within the building, and said that the office uses work well and that having the allowance for housing could be helpful. Miller asked for clarification about light manufacturing uses. Clarke read the definition of light manufacturing and said that light manufacturing could be a suitable use as a conditional use within the building. Miller said that he is leaning towards designating the building as the Residential/Commercial District and that he could envision a suitable light manufacturing operation within the building. Miller said that he received inquiries about using the building for wholesale distribution, that interest waned because the site is not suitable for the activity, and that the building has the potential to be residential considering the residential nature of the surrounding area.

Cole asked the public and the commission for comment. Anand said that the building should be designated as Residential/Commercial. Trish Healy asked if the commission had to make the decision this evening. Clarke said that additional conversations on this item are required. Healy said that her desire is to have the building remain commercial and not to have it become residential. Fausel asked for specifics about her reasoning. Healy said that she owns rental property on Baker Street. David Healy said that historically the neighborhood was centered around the Goodwin-Baker Building as its

commercial hub, and that he had concerns about the traffic impacts of residential uses. Clarke clarified the differences between Commercial and Residential/Commercial Districts in terms of uses, and that the allowed uses in the Commercial District would have higher traffic impacts compared to residential uses. Granda said that from his experience on the Selectboard and Planning Commission, he noted that the decrease in demand in commercial spaces is real, and that zoning should enable reasonable use of the property based on the current reality. Reap said that residential uses would probably generate less traffic compared to the current usage of the property.

Fausel discussed the density limitations per the current and proposed zoning. David Healy asked if mixed use was an option and said that mixed use was a preferable option. Reap said that the proposed zoning for Residential/Commercial allows for less units than the current zoning. Clarke asked the commission if it wants to allow for additional units through an additional permitting process.

Cole asked for comments about the uplands section of the Farr property. Clarke said that based on prior meetings, the Farris wanted flexibility to use their property. Anand fielded concerns from nearby business owners about housing in the subject area, and that if the commission were to expand its residential area, the subject area would be the logical choice to place housing. Clarke overviewed the current conditions and uses.

Cole asked the commission if it wanted residential uses in the Commercial District and said that based on previous conversations, it was concluded that the Commercial District should not include residential uses. Reap asked if items could be voted upon during the next meeting.

7. Presentation and Discussion on Richmond Mobil Gas Station Redevelopment Plan

Huseyin Sevincgil overviewed the Richmond Mobil Gas Station project, highlighted that they had considerably scaled back the project scope, and asked the commission on how they should proceed. Cole asked if the mound in the northern part of the property would be removed. Sevincgil said it would depend on the potential impacts to the floodplain, and that impacts to the floodplain would necessitate removing the mound to improve flood storage. Tom Frawley said that a wetlands specialist consultant attended the last meeting, and that the project has received a wetlands permit from the Vermont Department of Environmental Conservation for their previous larger proposal. Frawley said that the project has issues with the definition of "Automobile Service Station" as well as the wetlands buffer. Frawley said that conversations with the town to extend the sewer service line are progressing, that considering the benefits of the project, he hopes that the zoning issues can be addressed, and that their proposal would conform to the industry's standards.

Fausel asked about the floodplain on the property. Sevincgil identified the 306-foot contour, said that further analysis for flood storage is needed, and that their intent today is to receive feedback from the commission. Cole asked for clarification on the buffers. Sevincgil identified the wetland buffers, and clarified the 306-foot contour.

Clarke asked about stormwater management and how the proposed use would differ from the existing use. Frawley discussed food service within the proposed use. Sevincgil said that they will need to look into onsite stormwater management further. Littlefield asked if their project will include restoring the wetland and removing invasives. Frawley said that this is on their list to consider and was identified by the Vermont Department of Environmental Conservation. Anand praised the design. Cole said that he did not see much of a change in use with the proposal and that he has to tease out the buffer encroachment issue.

10. Other Business, Correspondence, and Adjournment

Motion by Reap, seconded by Granda to adjourn the meeting. Voting: unanimous. Motion carried. The meeting adjourned at 9:15 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner

Chat Log

00:32:52 Lisa Miller: I have a question - what was the original intent for creating the accessory structure statute in Richmond? Was it to house relatives, was it to increase affordable housing, was it to increase density, etc?

01:05:23 Joy Reap, Planning Commissioner: CAN WE PUT THIS DOC UP ON SCREEN?

01:05:56 Joy Reap, Planning Commissioner: THANKS

01:42:01 Trish: Thank you for listening to our opinions. Trish and David Healy

Residential/Commercial ZD

Name – Residential/Commercial Zoning District

Proposed Area: – (see map)

North of river:

- current (both sides of E. Main St; both sides of Bridge St from Railroad St to Volunteers' Green/river)
- 2 parcels next to Greensea on south side of E Main St
- 6 parcels next to MMCTV on south side of W Main St
- 4 parcels on north side of W Main St Ski Express to Millet St
- 4 parcels on Depot St
- 4 parcels on south side of Railroad St
- west side of Jericho Rd from the ski shop to **School St**
- east side of Jericho Rd from the Harley Brown building to **Burnett Ct**
- Goodwin-Baker building/ Millet St?

South of river:

- O'Brien block ("A" on attached map)
- Farr uplands ("B")

Alternatively, we could omit the Farr uplands for now, until we have studied the possible outcomes in more detail. If this were omitted, we may not need the more extensive list of development standards and other requirements. We could consider alternate strategies to provide the Farris with possible development options if so desired.

Proposed Purpose – The purpose of this district is to allow residential and residential-compatible commercial uses to coexist in a traditional village center, with housing of varied types in moderate density and flexibility of commercial and residential building uses. The district encourages walkability between residents, businesses, and community amenities.

Features:

- residential-compatible commercial uses on the main arterials to promote economic vitality,
- increased and varied housing opportunities, including multi-family structures,
- "mixed use" structures that will allow more flexibility in use of property to meet changing needs in commercial real estate and live/work strategies,
- increased walking, biking and public transit options both within and into the village area to meet climate change and livability goals,
- street trees, landscaping and green space to keep the village attractive for residents and visitors,
- plentiful gathering spaces and recreational opportunities to meet community needs

Permitted Uses:

- accessory dwelling
- accessory structure or use, except outdoor storage

rear = 10'

- setbacks for accessory structures including accessory dwelling unit, (but not including fences)
 - front = no closer to front of lot than 10' behind front of principal structure
 - side – 10'
 - rear -- 10'
- maximum building footprint: 10,000sf

Development standards: (also called “compatibility,” “character of the neighborhood” or “design standards”) These standards are intended to insure compatibility between residential and commercial uses and retain a traditional village appearance.

- Principal structures shall have windows and principal entrance facing the road and shall have windows on all sides facing inhabited properties
- Front façade >50' of new principal structure shall be broken down into a series of smaller facades that incorporate changes in color, texture, materials or structural features
- Sloping roofs shall ensure that falling snow or ice does not endanger pedestrians.
- Front and side setbacks that are not covered with impervious surfaces should be vegetated, and landscaping and/or screening shall be required for outside storage, parking and loading areas, or if needed to protect privacy of residents or neighbors
- new streets serving multiple lots shall be connected in such a way as to have multiple points of ingress and egress
- curb cuts shall be shared when feasible
- sidewalks shall be required for all new streets with the goal of pedestrian connectivity with the center of the village
- bike lanes shall be installed where feasible
- utilities/mechanicals shall be located to the rear of the building
- garage doors shall be located to the rear or side of the building, or set back from the front as for accessory structures (see above)

Other requirements :

- all lots shall be served by village water and sewer
- parking and loading: as in section 6.1
 - *residential parking shall have 1 space per dwelling unit for multifamily dwellings*
 - *on-street or shared parking shall be used when available and feasible*
 - *parking shall be behind or to the side of the principal structure*
 - *parking areas for >2 cars shall be landscaped or screened from view from the road*
 - *EV parking spaces shall be required*
- traffic impact: as current
- signs: as in section 5.7
 - section 5.7.3 will likely need to be rewritten*

Village Residential Neighborhoods South ZD (combined) FOR DISCUSSION ONLY 6.16.21

Area:

This district is comprised of the following areas: Thompson Rd, Bridge St south of the river, portions of Cochran Rd near the intersection with Bridge St (see map);

Alternatively:

- a. this area could be divided into 2 separate ZD's: VRNS (no design standards) and Round Church Viewshed (with design standards); or*
- b. It could be a combined district as shown here, with the Round Church and its 2 green spaces designated as a "local historic landmark" as per 24 VSA 4414*

Purpose:

The purpose of the Village Residential Neighborhood South District is to provide residential neighborhoods of low to moderate density south of the Winooski River that are within walkable proximity to the services and amenities of the center of Richmond village. This neighborhood helps to provide a transition from the Agricultural/Residential district to the village districts, and provides a protective traditional New England neighborhood atmosphere for the iconic Round Church, a local historic landmark.

Features of this district include:

- Residential areas that function as cohesive units where neighbors know each other and often provide mutual support and assistance,
- Traffic is minimal and driving speeds are low,
- Sidewalks and crosswalks provide pedestrian safety and connectivity, and nearby bike lanes allow for safe routes to schools, parks, town services, nearby trails and public transit options,
- Street trees, yards and green spaces to provide natural amenities,
- Housing types may be varied, including single family and two-family dwellings, and accessory dwelling units may provide additional housing.
- The appearance of this neighborhood will be primarily traditional New England residential
- Historic viewshed of Round Church is maintained

Permitted Uses:

- Accessory dwelling
- Accessory structure
- Family childcare home
- Group home
- Home occupation
- Single-family home
- Two-family home (duplex)

Conditional Uses:

- Artist/Craft studio
- Museum
- Park
- Bed and Breakfast
- (adaptive use)
- (residential PUD)

Dimensional requirements:

- Minimum lot size: 1/2A
- Maximum lot coverage: 40%
- Minimum lot frontage: 75'

- Minimum lot shape: must contain a point from which a circle with a radius of 35' can be inscribed within the boundary of the lot

- Building setbacks from lot lines:
Front: principal structure -- minimum should be average of neighboring front setbacks
accessory building or dwelling -- minimum of 10' behind front of principal structure

Rear: any structure
minimum = 10'

Side: any structure
minimum = 10'

Other Requirements:

- one principal structure per lot
- Served by municipal water and sewer
- Sidewalks, pedestrian and bike facilities for connectivity to downtown where feasible
- Design standards with "character of the neighborhood" defined by historic Round Church set within a residential neighborhood
 - a. Primary structure's aspects that are visible from the street should have windows and/or doorway(s)
 - b. Off-street parking should be behind or to the side of the building
 - c. Front and side setback should be primarily grass or other vegetation and should be similar to neighboring setbacks
 - d. Building materials and styles should be similar in appearance to or compatible with the existing
 - e. Roofs primarily pitched
 - f. Accessory dwellings and structures, and garage doors, should be set back from the front of the principal structure
 - g. Outdoor storage should be screened from view
 - h. Street or yard trees should be encouraged and maintained

Village Residential Neighborhoods North ZD #6 6.16.21

Area:

This district is comprised of the following areas: Pleasant St; Baker St and Tilden Ave; Church St; Esplanade; Lemroy Ct; Borden St; Burnett Ct; Brown's Ct; portions of Jericho Rd and W Main St (see map);

Purpose:

The purpose of the Village Residential Neighborhoods District is to provide residential neighborhoods of moderate density within walkable proximity to the services and amenities of the center of Richmond village.

Features of this district include:

- housing clusters that function as cohesive units where neighbors know each other and often provide mutual support and assistance,
- traffic is minimal and driving speeds are low in most neighborhoods,
- sidewalks and crosswalks provide pedestrian safety and connectivity, and nearby bike lanes allow for safe cycling routes to schools, parks, town services, nearby trails and public transit options,
- street trees, backyards and green spaces provide natural amenities,
- housing types may be varied, including single family and duplexes. Accessory dwelling units may provide additional housing.
- the appearance of these neighborhoods will be residential.

Permitted Uses:

- Accessory dwelling
- Accessory structure
- Family childcare home
- Group home
- Home occupation
- Single-family home
- Two-family home (duplex)

Conditional Uses:

- Large home-based childcare facility
- (adaptive use)
- (residential PUD)

Dimensional requirements:

- Minimum lot size: 1/4A
- Maximum lot coverage: 40%
- Minimum lot frontage: 75'
- Minimum lot shape: must contain a point from which a circle with a radius of 35' can be inscribed within the boundary of the lot
- Building setbacks from lot lines:
Front: principal structure

minimum = 10'
maximum = 25'
accessory structure or dwelling
minimum of 10' behind front of principal structure

Rear: any structure
minimum = 10''

Side: any structure
minimum = 10'

Other Requirements:

One principal structure per lot

Served by municipal water and sewer

Parking: as current with the addition of:

One accessible Level 1 EV-ready parking space per principal structure

Signs: as current

Traffic impact: as current

Access: as current

TO: Planning Commission

FROM: Ravi Venkataraman, Town Planner

DATE: June 11, 2021

SUBJECT: Discussion on Zoning Amendments

Items under consideration

For your consideration, I have enclosed:

- Draft language regarding nonconforming lots, as previously discussed, and
- Draft language regarding state permit references, as previously discussed,

Recommendations for Action

If you are satisfied with the enclosed draft language, I recommend that you move to warn a public hearing for July 21, 2021.

To facilitate action, I have prepared the following draft motion:

I, _____, move to warn a public hearing for July 21, 2021 on the amendments to the Richmond Zoning Regulations Sections 3.8.5, 4.6, 5.2.1, 5.6.2, 5.6.3, and 5.8

4.6 Nonconforming Lots

4.6.1 Existing Small Lots - ~~In accordance with the Act [§4412(2)],~~ An existing small lot is any lot that is legally subdivided; is in individual, ~~and~~ separate and non-affiliated ownership from surrounding properties; ~~that is legally~~ in existence on August X, 2021; and does not conform to the minimum lot size requirement of the district the lot is located within. Existing small lots may be developed as follows: ~~on the Effective Date of any Richmond Bylaw may be developed for the purposes permitted in the Zoning District in which the lot is located, even though the lot does not conform to minimum lot area requirements of the Zoning District.~~

4.6.1.1. Existing small lots served by municipal water and sewer may be developed pursuant to the requirements in the respective district the lots are located with exception to the minimum lot size requirement.

4.6.1.1. Existing small lots not served by municipal water and sewer service, and unable to connect to municipal water and sewer service may be developed pursuant to the requirements in the respective district the lots are located with exception to the minimum lot size requirement if said existing small lots have both of the following dimensional requirements:

- a) At least one-eighth (1/8) acre in area; and
- b) A width or depth dimension of at least 40 feet.

~~. Notwithstanding this exception to minimum lot area requirements, no Zoning Permit shall be issued for Land Development on an existing small lot unless such Land Development complies with all other provisions of these Zoning Regulations.~~

State permit references

3.8.5 Other Requirements Applicable to Lots in the MHP District

~~d) State Approval of Mobile Home Parks – No Zoning Permit may be issued for Land Development within a mobile home park unless satisfactory evidence is produced to the DRB that all applicable state laws and regulations relating to Land Development have been met.~~

5.2.1 [Application, Fees, Reimbursement for Technical Review]

~~d) State Permits - All required state permits shall be a part of and made a condition of each local permit. Unless otherwise required, state permits may be obtained after local permits. In no case shall a project or use commence without all necessary state water and wastewater and local permits. Local permits do not absolve the applicant from obtaining applicable state and federal permits, and the applicant is responsible for obtaining relevant state and federal permits. The applicant should contact the regional permit specialist employed by the Agency of Natural Resources for additional information on related state permits.~~

5.6.2 [Conditional Use Review Specific Standards]

~~d) Applicable state permits for water supply and sewage disposal shall have been obtained, and any other applicable state permits, before the use commences.~~

~~e) d) ...~~

~~f) e) ...~~

~~g) f) ...~~

~~h) g) ...~~

~~i) h) ...~~

~~j) i) ...~~

~~k) j) ...~~

5.6.3 Performance Standards

~~h) Industrial wastes shall be so stored and removed from the lot in manners as to not be reasonably objectionable to adjacent lots or create a public nuisance, or pollute the environment. These shall be stored within a structure.~~

~~i) All uses shall comply with all Federal and State laws and regulations for the use, storage, hauling and disposal of hazardous materials and wastes.~~

~~h) No fire, explosive or safety hazard shall be permitted that endangers public health, safety or welfare, public facilities, or neighboring properties; or that results in a significantly increased burden on municipal facilities and services shall be permitted.~~

~~i) No radioactive emission or other hazard that endangers public health, safety or welfare, public facilities, or neighboring properties; or that results in a significantly increased burden on municipal facilities and services shall be permitted.~~

~~j) The storage of any highly flammable liquid in above ground or below ground tanks shall comply with applicable provisions of these regulations and all applicable state and federal regulations. All hazardous materials shall be stored within a structure.~~

~~j) k)...~~

5.8 Boundary Adjustments

~~5.8.4 State Permits – All state permits must be approved prior to submission of application and state permit numbers must be included on the application.~~

~~5.8.5~~ 5.8.4 New Lot Configuration

~~5.8.6~~ 5.8.5 Appeals