

Richmond Planning Commission
REGULAR MEETING MINUTES FOR March 16, 2022

Members Present:	Virginia Clarke, Lisa Miller, Dan Mullen, Joy Reap, Chris Granda, Mark Fausel, Alison Anand,
Members Absent:	Chris Cole,
Others Present:	Ravi Venkataraman (Town Planner/Staff), Erin Wagg (MMCTV), Gary Bressor, Jay Furr, Rod West, Bob Reap

1. Welcome and troubleshooting

Virginia Clarke called the meeting to order at 7:01 pm.

2. Review of the agenda and adjustments to the agenda

Clarke reviewed the meeting agenda. No adjustments to the agenda were made or suggested.

3. Public Comment for non-agenda items

None.

4. Approval of Minutes

No comments. The minutes are accepted into the record as written.

5. Nomination of a Zoning Administrator

Ravi Venkataraman overviewed the process of finding a new zoning administrator. Venkataraman reviewed candidate Tyler Machia's understanding of land use in Vermont, and the onboarding process. Clarke asked if Venkataraman will remain the backup zoning administrator when the zoning administrator is unavailable. Venkataraman confirmed. Miller asked for clarification on what the Planning Commission would be voting on. Venkataraman said that there was some confusion when the commission appointed current Interim Zoning Administrator Kayla Vaccaro, but that currently the commission would be considering Machia as the town's permanent zoning administrator for a full three-year term.

Motion by Miller, seconded by Dan Mullen, to nominate Tyler Machia to serve as the Zoning Administrative Officer for a three-year term for the Town of Richmond effective as of April 14, 2022. Voting: unanimous. Motion carried.

6. Vote on proposed zoning amendments to wetlands, vehicle fueling station, and nonconforming structures and uses

Clarke reviewed the changes made to the draft language since the March 2, 2022 meeting. Clarke also noted that Sections 2.4.2, 5.7.7, and 6.8.15 will also need to be amended. Venkataraman clarified that in

all three aforementioned sections, the cross-reference to nonconforming uses and structures will need to be changed.

Granda asked if the setback modification provision is adequately specific in its applicability to buildings built prior to April 1, 1969, and how subsequent modifications are taken into account. Venkataraman said that in his interpretation, the setback modification provision would apply to nonconforming buildings built prior to April 1969 that have been added to or modified since, but would not apply to buildings that have been fully replaced after April 1969. Granda asked if the language is adequate. Venkataraman said that based on the literal read of the text, the language is adequate. Clarke added that during the last meeting, the commission discussed including a sunset clause because the buildings that would be eligible for the setback modification provision are primarily in the village and that the commission are looking to reduce the setback requirements for buildings in the village.

Mark Fausel asked about the applicability of the wetlands regulations, and asked about why the wetlands regulations states that a permit is required for development if the zoning regulations already state that any land development requires a permit. Clarke said that the clause serves as a reminder to the zoning administrator and applicants, and pointed to the changes in Section 6.9.4.

Joy Reap asked if the proposed language goes beyond the State Wetlands Rules. Clarke said that the proposed language does not. Fausel pointed to the proposed language regarding lawns and asked if the state bans the creation of new lawns. Clarke said that to her knowledge the state does not ban the creation of new lawns—which means that the proposed language does go beyond the state rules—that the state allows for some leeway based on the context of the proposed development.

Clarke asked for a vote on the proposed language.

Motion by Granda, seconded by Mullen, to approve the enclosed Municipal Bylaw Amendment Report and forward to the Selectboard proposed amendments to the following sections of the Richmond Zoning Regulations: 3.3.2, 3.4.2, 3.5.2, 3.6.2, 3.7.2, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 5.10, 6.9, 7, Appendix A1, 2.4.2, 5.7.7, and 6.8.15. Voting: 6-0 (Alison Anand abstained). Motion carried.

Clarke asked the commission to forward to the Selectboard the rationale for limiting the vehicle fueling station uses to four pumping islands, along with the bylaw amendment report and the proposed language. The commission agreed. Clarke reviewed the rationale. Venkataraman said that the rationale document is in the meeting materials for the February 2, 2022 meeting.

7. Discussion on the Gateway District

Clarke reviewed the discussions and takeaways from the Gateway outreach sessions during the previous meetings, centering on housing, commercial development opportunities, and the secondary road. Clarke noted the Water and Sewer Commission's current challenges with finding funding for the water/sewer extension project.

Reap asked about how zoning can enable creating a road. Clarke said that this would involve creating an official map, and reserving the land for the right-of-way over time with the redevelopment of parcels. Venkataraman overviewed the official map tool, stating that the town can prevent development within areas allocated for future rights-of-way or public spaces, and that when a property is redeveloped, the

town has the option of purchasing the land for the future right-of-way. Venkataraman said that the town has the option of turning down the land for the right-of-way during the process. Venkataraman said that official map opens up conversations with landowners and developers on developing future public infrastructure. Clarke added that the official map as a zoning tool has been in the books for more than 40 years and that the tool works best when it is created collaboratively. Granda noted that based on how the official map works, it would be a multi-decade process, a lift for the town to build out the roadway, and would require buy-in from the residents.

Miller asked making a site visit to examine the developability of the area, and suggested getting more input from property owners.

Clarke reviewed the to-do list in the meeting materials—clarification on Act 250 requirements, the feasibility of building a road, the likelihood of affordable housing, a site visit. Mullen asked for clarification on affordable housing. Clarke said that affordable housing could apply to income-restricted housing, and housing that middle income households could afford. Venkataraman that affordable housing typically applies to middle-income housing, aimed for the average workforce. Venkataraman added that the term “inclusionary zoning” applies to creating diverse residential unit types within a neighborhood, which in effect creates a mixed-income neighborhood. Clarke said that the commission will need working definitions to understand which types of projects will receive funding. Venkataraman said that funding is available for perpetually affordable housing for the workforce. Granda asked if the conversation is about placing restrictions and income screening for rental housing. Venkataraman said that the restrictions can be applied to both rental and owner-occupied housing, in order to lower the barrier to entry and allow people to generate capital in order to cycle out of the income-restricted housing. Venkataraman said that in his experience affordable rental housing has been given more focus, but that both rental and owner-occupied housing are important so that people can access housing and build wealth over time. Venkataraman said that in addition, one of the state goals is to create residential areas with income-restricted housing that include different types of units so that in the end the neighborhood includes residents of different incomes in different housing types, and that this is one of the goals of the Neighborhood Development Designation program. Clarke noted the difficulty of building out inclusionary affordable housing.

Miller asked how the commission could encourage such buildout in the Gateway area. Granda said that the commission could do so by defining terms and setting regulations.

Rod West said that he hopes the water/sewer extension project would not need an Act 250 permit, that he doesn't think any luxury housing would be built because of its location, and that he hopes the zoning would encourage housing but is mixed residential/commercial to let the market decide.

Gary Bressor suggested that the commission hire graphics assistance to get a better sense of buildout in the Gateway area.

Granda said that the commission should look into when different buildout options take effect, and that the commission should examine the role of affordability in the drafting of the zoning, considering that the market is not providing enough affordable housing.

Clarke suggested further outreach with the property owners, creating multiple options for zoning regulations, hiring graphics assistance, using the Capital Plan to help create more housing, and looking

into ways to help create a pedestrian connection to the Gateway.

Bressor noted possible wetlands issues throughout the Gateway. Clarke suggested hiring a wetlands ecologist to investigate the area.

Clarke asked the commission how they feel about creating two separate districts. Reap asked for clarification on the uses the commission is considering while keeping out strip development. Clarke said that the district the Reaps' properties would be located in could have a wide range of commercial uses and multifamily housing, and that in the other proposed district in the Gateway, commercial uses would be limited, and multifamily dwelling uses would be allowed. Reap said that lots other than her properties in the district are deep and could be able to host commercial uses. Clarke said that more outreach is needed, and that the commission could allow for a mix of uses in general.

Clarke asked West about his preferred options. West said that he would prefer mixed uses. West said that his property has wetlands on the eastern and western sides, and that developing a road would be an expensive undertaking. West noted development challenges on Mumford's property.

Clarke said that more clarification on the presence of wetlands in the Gateway, and the applicability of Act 250 is needed. Miller said that the developable areas need to be identified. Venkataraman clarified that the town engineers, Act 250 and he are in agreement that the town will need to get an Act 250 amendment, but that they are not in agreement how much of a factor criteria 9(L) will be in the review process. Clarke asked if Venkataraman could get a concrete sense of how 9(L) would apply from Act 250 staff.

Anand suggested zoning the Willis Farm area as residential and putting the commercial areas closer to the highway, and that living close to a highway is undesirable.

Clarke asked Venkataraman if drafting zoning for mixed use development that would not promote strip development would be feasible. Venkataraman said that it would be feasible, and that the commission will need to be specific about the site plan review standards to encourage interconnectivity across lots over time. Clarke said that the commission will need to consider how to make the Gateway area walkable.

Jay Furr said that for the ARPA funds the ARPA committee is soliciting requests from all community members, the allocation of ARPA funds is not happening anytime soon. Furr said that the Water and Sewer Commission is still figuring out the sizing of the possible infrastructure and the payback methods, and that getting a better sense of possible buildout would provide guidance. Furr said that the pot of grant money available for the infrastructure extension is not very large, that establishing a growth center designation could help pay for the extension, that he wants the grand list value to expand because that would make the water and sewer extension project more affordable, and that extending both water and sewer lines could be prohibitively expensive. Granda asked Furr for more details about the repayment of the infrastructure. Furr said that the town could create a special assessment district for the repayment of the bond for the water and sewer extension which could be based on current and future grand list values.

Clarke suggested that after the meeting, the commission address the questions regarding the locations of wetlands, the applicability of Act 250 Criteria 9(L), and the feasibility of creating zoning regulations for a mixed use district. Clarke suggested setting up a site visit. Miller suggested putting together visuals and

then asking property owners to comment. Reap said that she is willing to put together renderings and suggests asking Gateway landowners to put together drawings to showcase their ideas.

Clarke asked the commission members' availability for a site visit. Granda said that weekends work better than weekdays. Clarke suggested that Venkataraman could coordinate with West and other Gateway landowners to set up a site visit on a weekend.

8. Other Business, Correspondence, and Adjournment

Venkataraman said that per statute the commission secretary has to receive the Capital Plan in advance of the public hearing, and that the commission has the option of providing recommendations to the Selectboard on the Capital Plan. Clarke asked if the Capital Plan will be set every year. Venkataraman said that the plan is reviewed every year, that the plan is set for a five-year period, and that the plan will be reviewed in the fall to make sure that the spending for the Capital Plan is in line with the budget. Clarke said that the Capital Plan would need to include a specific request. Venkataraman said that any request must include a good ballpark estimate on the costs.

Clarke said that the Housing Committee is waiting on a draft final report on the Zoning for Affordable Housing study, and that it should be ready soon.

Motion by Anand, seconded by Granda, to adjourn the meeting. Voting: unanimous. Motion carried. The meeting adjourned at 9:05 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner