

Richmond Planning Commission  
REGULAR MEETING MINUTES FOR March 2, 2022

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

**1. Welcome and troubleshooting**

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

Lisa Miller thanked Gary Bressor for the work he put in into the materials he prepared.

**5. Public Input on the Gateway District**

Clarke reviewed the topic, and the discussions on this topic during the February 16, 2022 meeting. Bressor reviewed the possibility of a parallel road within the Gateway area, as introduced during the previous Planning Commission meeting, and the summary of his proposal for the Gateway District. Jeff Forward thanked Bressor for his proposal and designs, and asked Bressor about the possible conversion of the professional office into residential use in the future. Bressor said that the more housing built in this area would help establish a neighborhood. Forward noted the overall goals within the village to create mixed-use neighborhoods, and asked who would build a secondary road as Bressor has proposed. Bressor said that the neighbors would work together to help create a path for such a road, and then sold the front lots to a developer, who would then build a road, would work best. Bressor suggested Jason Webster could build up such a project.

Clarke said that the commission will need to talk about process—how such a proposal could become a reality over time—and that based on past conversations with residents within the village that there is a deep interest to live in a neighborhood. Clarke overviewed past conversations about establishing a residential neighborhood zoning district for part of the Gateway, and a mixed-use area within the Gateway. Miller said that the property owners and residents would have to buy into this proposal, and

that changes to the subdivision regulations may be needed. Cathleen Gent said that this proposal could be built out through the Planned Unit Development process, and that the Transportation Committee has applied for a grant to study methods to improve pedestrian and bicycle accessibility through the Gateway starting in June if funded. Forward asked about building footprint limitations in the Gateway District, and said that the Willis Farm area is different from the rest of the Gateway District. Clarke reviewed a previously discussed scenario of dividing the current Gateway District into two distinct districts—one emphasizing mixed-use development and one emphasizing residential development.

Clarke asked about the dimensions of the lots on Bressor's drawings. Bressor said that the lots as depicted are drawn at 55 feet by 60 feet, and that the footprint of the houses are 20 feet by 60 feet. Clarke asked about the orientation of the houses. Bressor said that the access to the houses would be from the secondary road, and that the plans show three to four parking spaces per house to account for households with multiple cars and guests. Forward asked about townhouses. Bressor said that he was looking at aligning the style with the village and that consumers prefer single-family houses. Clarke said that zoning could allow for the development of variation.

Mark Fausel expressed concern about the proposal without input from property owners. Clarke said that an extensive discussion overviewing all the pros and cons with the property owners would have to occur before moving forward with proposed zoning.

Lisa Miller said that considering the town's housing needs versus its needs for commercial space that encouraging housing would be promising, and that the commission should get opinions from developers and nearby towns that have enacted similar land use regulations. Dan Mullen noted that the commission is in the early stages of the planning process. Alison Anand noted the lack of walkability to grocery stores from the Gateway area, and said that she shared Fausel's concerns.

Rod West said that he was in favor of single-family homes on small lots compared to condominiumization or group ownership, that he was initially apprehensive about the density numbers the commission proposed until seeing these proposals, and that the commission should incentivize types of development allowing for flexibility rather than prescribe types of development. West noted that businesses need scale, and that the commission should consider allowances for a variety of commercial uses of different scales.

Forward asked about inclusionary zoning and affordable housing. Clarke said that the commission has not come to a conclusion about requiring affordable housing yet, that in past conversations, the issue was that projects were not big enough to include affordable housing, and that results from the ongoing housing study is forthcoming. Forward said that per HUD guidance, all the units in the Creamery development are considered affordable. Joy Reap said that the proposal with the road looks expensive compared to a multifamily building like the Creamery, and that flexibility is needed.

Clarke asked Venkataraman about the process for possible buildout of the proposal. Venkataraman said that there are two ways of building out the proposal: (1) through the PUD process, redeveloping all the parcels together in the immediate future—which is not an option at this moment—and (2) gradual redevelopment by changing the zoning regulations that encourage a particular built environment over time when the property owner decides to do so, which is what the commission is focused on. Venkataraman said that to do so would require establishing an official map for the area to recognize where the town wants future infrastructure, and amending the zoning regulations to encourage particular

types of development. Venkataraman said that the commission and the public would have to decide the regulatory triggers that would require the development of infrastructure. Venkataraman said that statute specifies the negotiation process for developing infrastructure per official maps. Clarke asked how the water and sewer lines would be built per the official map. Venkataraman said that in this context the water and sewer lines would be built out first, and that the water and sewer lines could be built within the proposed right-of-way if the official map goes into effect before any permits for the water and sewer line extension are pulled. Clarke asked how much time developing these policies would take. Venkataraman said that for developing an official map for the Gateway area could be comparatively quicker.

Miller noted the monumental impacts of water and sewer service to properties within the Gateway area. Forward concurred, adding that clarity how much the water and sewer line extension could potentially serve would help the planning process. Clarke said that the commission is working with the Water and Sewer Commission to make the project timelines align in order to make sure the extension project will pass Act 250.

Bressor said that the proposal could be within range of affordability.

Clarke reviewed other options to rezone the Gateway area to meet Act 250. Clarke said that the commission will need to review the proposal and its feasibility before moving forward

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

Bressor voiced concerns about the setback modifications allowance. Venkataraman explained that the goal of zoning is to create conformity, that he recommended removing the setback modification section because it encourages nonconforming buildings to become further nonconforming, and that most of the buildings that could take advantage of this allowance are in the village and the commission is considering reducing setbacks in the village, obviating the need for the allowance. Bressor said that he has used this allowance to redevelop his house that does not meet any of the setbacks. Venkataraman said that the current draft language allows for one-to-one replacements of nonconforming structures, and that allowing nonconforming structures to become more nonconforming is contradictory to the intent of standardization in zoning. Chris Cole asked for clarification if the current zoning regulations allow for nonconforming structures to become more nonconforming. Venkataraman affirmed. Clarke asked Bressor if the DRB had encountered many projects using this allowance. Bressor said that he couldn't say, and that his house is unique that it was not meeting any of the required setbacks. Bressor said that he does not have an issue removing this allowance, but that he is concerned about removing this allowance before the setbacks are changed for the village. Venkataraman reviewed the setbacks for the village districts, adding that this setback reduction allowance wouldn't provide much more than the existing conditions, and that the existing extent of nonconformity would be allowed to be rebuilt.

Anand questioned the authority of the commission to impose such a regulation and proposed allowing this allowance in a particular zoning district. Clarke said that this falls within zoning. Clarke asked if Anand wanted to keep the allowance in the zoning. Anand said that she needed to study it more.

Miller asked about the historical context, and noted the unforeseen issues of zoning at the time of construction of nonconforming structures. Mullen asked about placing a sunset provision so that the setback modification allowance ends after the commission changes the setbacks in the village. Clarke

suggested leaving the language in for now and changing the provision when the setbacks for the village are changed. Cole asked if there have been any issues with application of the zoning regulations, and said that if there have not been any issues, he concurs with Mullen that the issue is the timing of the amendment. Bressor said that he is not aware of any issues. Clarke said that leaving the regulations in may be the easiest path at this moment, and that the commission can remove the provision at a later date. Anand noted that the commission should make sure zoning fits the current reality of the village, and recommended leaving the provision in.

Venkataraman explained that in the proposed language, nonconforming structures can be retained and replaced one-to-one as long as the replacement is no more nonconforming than the original building; that the setback modification allowance is a privilege affecting a few properties with nonconforming structures within the town; and that in principle, the commission shouldn't keep the setback modification provision in zoning since zoning aims to create standardization in the built environment. Bressor said that removing the provision would affect a number of buildings that could use this allowance.

Clarke asked how the commission would like to proceed. Fausel said that he would like to keep the setback modification allowance. Clarke asked the commission members to raise their hands if they would like to keep the setback modification provision. All commission members in attendance raised their respective hands.

Clarke asked for a vote to forward the draft amendments to the Selectboard for its consideration. Cole asked questions about the permitting requirements in the draft wetlands regulations, and the buffers. Venkataraman said that a zoning permit is required for any development within Class 1 and 2 wetlands; that with a zoning permit application, a state wetlands permit must be submitted; and that the buffers are in alignment with the State Wetlands Rules. Cole asked about which wetlands are under jurisdiction. Clarke pointed out the known and suspected wetlands in the advisory layer and the screening tool. Venkataraman said that the regulations apply to Class 1 and 2 wetlands. Cole asked about exemptions from the State Wetland Rules. Venkataraman said that this is in reference to the types of land development that is exempted by the State Wetland Rules from needing a wetlands permit.

Cole asked about how the wetlands regulations are triggered. Venkataraman said that the requirement would most probably emerge during the review process, and that the focus would be on development within or close to wetlands. Clarke pointed out that the wetlands regulations would apply to the entire lot if a lot has a known or suspected wetland. Cole asked about the costs of a wetlands delineation. Venkataraman said that it could cost \$500 to \$2000. Fausel said that that requirement seems excessive and that the focus should be on the area of development, not the entire lot. Cole concurred. Venkataraman said that Fausel and Cole made a good point for the draft regulations applied to larger properties.

Fausel said that he was not keen about the regulations pertaining to lawns. Venkataraman overviewed the allowances within the State Wetlands Rules, and that the intent of the wetlands rules is to not encourage the creation of new laws within wetlands and wetland buffers in order to protect the integrity of the wetlands.

Clarke asked if Venkataraman if he would be able to make a determination if a proposed development were to impact a wetland or wetland buffer. Venkataraman said yes.

Clarke concluded that the commission will vote on the amendments during its next meeting, and that it should review the language in the meantime.

## **7. Other Business, Correspondence, and Adjournment**

Motion by Cole, seconded by Anand to adjourn the meeting. Voting: unanimous. Motion carried. The meeting adjourned at 9:35 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner

### **Chat Log:**

00:23:21 Peggy Zugaro: What is the timeline for this project?  
01:09:50 Joy Reap: Can we please take the presentation down?  
01:28:11 Jeff Forward: Ask CCRPC to do some research.  
01:28:44 Jeff Forward: Maybe ACCD?