

Richmond Planning Commission  
REGULAR MEETING MINUTES FOR December 7, 2022

Members Present:	Virginia Clarke, Lisa Miller, Chris Cole, Chris Granda, Joy Reap, Dan Mullen, Alison Anand,
Members Absent:	Mark Fausel
Others Present:	Ravi Venkataraman (Town Planner/Staff), MMCTV, Jeff Forward, Adam Wood

**1. Welcome and troubleshooting**

Virginia Clarke called the meeting to order at 7:03 pm.

**2. Review of the agenda and adjustments to the agenda**

Clarke reviewed the meeting agenda.

**3. Public Comment for non-agenda items**

None.

**4. Approval of Minutes**

The November 16, 2022 meeting minutes were accepted into the record as written.

**5. Continuation of Public Hearings: Village Residential/Commercial District and Gateway Residential/Commercial District and the tangential elements for both. Discussion among Planning Commission members on previously received comments will be prioritized.**

Clarke reviewed that this item was continued from the November 16, 2022 meeting, and the subtopics for discussion. Clarke raised the question of allowing multiple structures on lots for the Planning Commission to discuss, and reviewed the draft regulations for the commission's consideration. Lisa Miller expressed concerns about possible unintended impacts of the draft regulations. Miller asked about what would occur if one of the principal structures on a lot with multiple principal structures was sold. Clarke said that the draft regulations require applicants to provide for the legal arrangements to prevent undue impacts if the structures are sold independently. Miller asked what could occur if a property owner didn't consider selling a structure when they developed the lot and then sells a structure at a later date. Ravi Venkataraman said that since zoning does not govern forms of ownership, the permitting process can only cover the ownership structure at the time an applicant applies for permits. Chris Granda questioned this particular approach to increasing density compared to other options to increase density. Clarke explained that the commission has proposed other methods, like smaller lot sizes, but even that raises the question of why subdivision is necessary to allow for greater density. Chris Cole asked for clarification on the differences between the proposed options for regulations, and the allowances for commercial uses. Venkataraman said that within single-family dwelling uses, one could have home occupations. Venkataraman added that if the commission chooses to allow for commercial uses within principal structures, one could establish a single-

family dwelling as the second principal structure on a lot and then rezone the building for a commercial use if they follow all the zoning and permit requirements. Cole said that he would be in favor of allowing only residential uses for multiple principal structures. Adam Wood expressed support for allowing multiple principal structures within lots. Alison Anand expressed concerns about traffic impacts based on the responses from community members. Cole said that compared to other parts of the country, Vermont does not have a traffic issue. Cole said that the state highway has the capacity to accommodate traffic, and that the traffic issue is a perceived traffic issue relative to the Vermont context and the time of day. Joy Reap asked if the density allowance would change with the change in the allowance for multiple principal structures on a lot. Clarke said that the density allowance would not change. Reap voiced support in allowing multiple principal structures because the density allowance and the dimensional requirements would not change while allowing property owners more flexibility.

Clarke reviewed the questions regarding powered vehicle and machinery service uses, and asked the commission if it wants to remove the powered vehicle and machinery service use allowance from the Village Residential/Commercial District draft regulations as well as the remove the proposed use standards. Cole said he would be in favor of removing the allowance from the proposed Village Residential/Commercial District. Granda asked if the removal of the use would create nonconformities. Clarke said that it would not, but that it could impact the auto repair use on the north side of Huntington Road which is currently a home occupation. Granda said he would be in favor of removing the use from the proposed Village Residential/Commercial District and the proposed use standards. Reap said that initially Rod West requested the use in the Gateway District. Clarke said that West's operation is a cottage industry. Venkataraman clarified that home occupation and cottage industry allowances run with the land, and are not specific to the user. Reap suggested talking to West about this use.

Clarke reviewed the questions regarding the zoning of Jericho Road. Cole asked for a map. Clarke presented a map and reviewed locations. Jeff Forward said that most of the uses proposed in the Village Residential/Commercial District wouldn't be viable along Jericho Road. Wood wrote in the chat that the lots on Jericho Road would be able to host additional units. Clarke concluded that based on the discussion, the commission will continue with what is currently proposed.

Clarke asked the commission if members had any questions about the town attorney's comments. Dan Mullen asked for clarification on the term "residential-appearing". Clarke said that the zoning regulations do not have a definition for "residential-appearing", that the term describes what inns look like. Mullen suggested removing the term because of a lack of general understanding of the term.

## **6. Discussion on additional retail uses, formula businesses, and pharmacy uses.**

Clarke reviewed the provisions the commission is proposing on restricting retail uses, potential use classifications for pharmacy uses, and the town attorney's recommendations for use restrictions. Forward introduced the Wilmington zoning ordinance for discussion. Granda expressed concerns about particular businesses establishing in the town and negatively affecting existing grocery stores. Granda suggested following up on the town attorney's suggestion of establishing a use category that has all the undesirable elements, and restricting that use in particular. Clarke said that the proposed retail uses definitions could be modified further. Venkataraman asked Granda about locally owned establishments that may fall under the use category that has all the undesirable elements. Granda said he was not sure. Granda asked about enforcement procedures. Venkataraman said that uses not in compliance because owners aren't selling the proper wares would be investigated and undergo procedures for zoning violations.

Mullen questioned the validity of the case law the town attorney referred to, and said that the commission may be able to do more to prevent undue impacts on the local economy. Venkataraman asked Mullen if at the point the Town Attorney made about restricting uses based on the owner is not allowed. Mullen said that that point is in question based on the statutory changes that have been made since the referenced case occurred. Clarke asked the commission if it wanted to review the allowances of uses on a district-by-district basis instead of on a town-wide basis.

Cole asked why the proposed regulations for the Gateway District includes village-scale grocery stores, recommended applying the recommendations the Town attorney provided, and suggested dispersal restrictions for particular retail uses.

Erin Wagg asked about including a uniqueness variable to prevent multiple similar establishments. Mullen suggested regulations specific to the use and the effects of the use, and does not recommend broad restrictions on uses in districts because that could prevent the local businesses from establishing. Venkataraman reviewed the statutory allowances under §4414, specifically conditional use review standards that allow DRBs to consider similar establishments in the vicinity of the proposed land development. Venkataraman said that in past experiences, he has required economic impact analyses for proposed developments.

Clarke said that the Selectboard would like the Planning Commission to consider retail cannabis use standards, and that retail cannabis will be on the ballot for town meeting day. Forward added that the Selectboard has added the ballot provision, that cannabis retail uses could be established anywhere in town if the town chooses to opt in, that the town can establish a local cannabis control board, and that the cannabis control board could deny licenses if it does not like the business. Venkataraman said that the local cannabis control board could deny licenses only if the establishment is not in compliance with the zoning regulations, such as signage, and performance standards. Venkataraman said that the state cannabis control board has provided guidance to municipalities, and those guidance documents are linked in the meeting materials. Clarke added that retail cannabis uses are only allowed where retail uses are allowed in the town. Venkataraman said that based on the current regulations, retail cannabis uses could be allowed in most of town if the use is in compliance with standards for retail business, retail sales, pharmacy, adaptive uses, or cottage industry.

Motion by Cole, seconded by Mullen, to close the public hearings pertaining to the proposed regulations for the Village Residential/Commercial District and Gateway Residential/Commercial District. Voting: unanimous. Motion carried.

Clarke said that the commission will continue discussions during upcoming meetings on what was discussed during the public hearings.

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

Clarke asked the commission if it would like to meet on December 21<sup>st</sup>. The commission said that it wouldn't like to meet. Clarke said that the next meeting will be on January 3<sup>rd</sup>.

Motion by Granda, seconded by Cole, to adjourn the meeting. Voting: unanimous. Motion carried. The meeting adjourned at 9:11 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner

### **Chat Log:**

00:19:17 Jeff Forward: I would point we that the last time we “tinkered” with zoning was quite some time ago. For better or worse it seems like Richmond’s zoning changes stay in place for quite a long time.

00:54:55 Jeff Forward: There is a difference between the Gateway and the Village/Commercial district for the engine repair uses. The village is a much denser residential area.

00:55:41 Christopher Cole: Agree.

01:00:33 Jeff Forward: Have him type it in the chat and read it

01:03:19 Jeff Forward: A lot of these uses are pretty hard to imagine being successful on the Jericho Rd, i.e. funeral home? Fitness Center? Just because it is a conditional use doesn’t mean it will happen.

01:04:33 Adam Wood: Sorry for the mic issues. As an owner of property on Jericho road near browns court I think this area has a lot of potential for contributing residential density to the down town area. This would double the potential housing capacity of the lot. If we are striving to increase density it seems counterproductive to limit the developability.

01:55:21 Jeff Forward: I believe the Richmond Market is an IGA which is indeed a Co-op.

01:59:09 Jeff Forward: Or just not allow retail or groceries permitted or conditional uses in the Gateway.

01:59:39 Christopher Cole: I believe a Co-op needs to have members to make it a co-op. IGA means its an Independent Grocery Store.

02:01:05 MMCTV Erin: Both Cumberland farms and Mobile sell “groceries”

02:06:22 Christopher Cole: They are defined elsewhere in the regulations.

02:12:23 Jeff Forward: As I understand it, there are different types of Co-ops and both True Value and IGA are structured as buyer co-ops as opposed to consumer co-ops and I think you are right they are different.

02:13:37 Jeff Forward: Thank you all for your time and your thoughtful consideration of difficult issues.