

## Richmond Planning Commission Meeting Minutes of March 1, 2023

Members Present:	Virginia Clarke, Alison Anand, , Dan Mullen, Lisa Miller, Mark Fausel
Members Absent:	Chris Granda, Chris Cole, Joy Reap
Others Present:	Erin Wagg (MMCTV), Jordan Weidman, Gary Bressor, Scott LaFountain, Laurie LaFountain, Gathleen Gent

### **1 & 2. Welcome and adjustments to the agenda**

The start of the meeting was delayed by the lack of a quorum until 7:20PM, at which point Anand was able to join the meeting, and Clarke welcomed the guests and commissioners. As several guests were present for the BTV airspace issue, Clarke moved this item to the top of the agenda.

### **3. Public comment non-agenda items**

There was no comment on non-agenda issues.

### **4. Review of minutes of 2/15/23**

There were no comments, additions or corrections to the minutes of the 2/15/23 meeting, so they were accepted as written into the record.

### **5. . BTV airspace issue – possible resolution**

**7:25 pm** – Clarke introduced this issue by explaining that the background is that parts of Richmond, specifically around the area of Christmas Hill and Yantz Hill, lie underneath the approach for runway 33 of the Burlington airport. Some elevations in that area are up to 1100 feet at the highest point. As the planes descend, they go from 2500 ft to 1500 ft, so the airport feels that there is not much clearance there. So BTV would like us to put some language in our zoning ordinance that encourages people in the approach cone, that might potentially intrude into the airspace, to fill out a form for the FAA. Nothing is required.

Clarke continued, saying that BTV originally asked us if we would create an airport overlay district, which actually defined the area in question. This was not popular; people did not want to be put on the map, singled out with some kind of notice about their property, even though it didn't really require them to do anything and didn't penalize them in any way. The PC decided we weren't going to do that. As neighboring Williston shares the Yantz Hill height, it seemed that the simple language in the Williston zoning ordinance might be suitable for us as well.

Jordan Weidman added that he had seen the Williston aspect of Yantz Hill where McMansions are going up on Fiddlehead Lane, which is higher than the adjacent Weidman and Farr properties. Clarke added that there are already trees at the top of the hill which, while they may be 100 ft tall, do not seem as if they would intrude into the airspace.

So Williston has taken the approach that the form should be filled out if someone is going to put up a structure of over 100 ft AND they are in the area where there is the potential for intrusion into the airspace. This assumes that individuals who are going to put up a tall structure, or their contractors, will find out if they are in the approach path and fulfill the FAA instructions.

Weidman added that he and Chuck Farr (the Peggy Farr estate) owned the topmost knob and had talked to AT&T at one time about a cell tower. He felt that BTV wants us to add this language to make sure that this wouldn't be possible. He also expressed frustration with Clarke saying that there would be no actual impact on Richmond residents, as his experience with previous stormwater regulation had been that he was left dealing orphan stormwater runoff permits on his own after being told not to worry about it. He feels that the current issue would just be one more thing he would have to deal with if he ever wanted to build on his property.

Anand sympathized with Weidman when the noise of the F-35's going overhead was mentioned. Miller, who is a pilot herself, offered a further explanation of the issue here saying: what the airspace is, is a safe zone for aircraft to come down to ground level, which is where the airport is. And that's all it is. It's an imaginary cone, basically, that gets skinnier and skinnier as you get to Burlington airport. And there are prescribed altitudes, that is, stages or steps that aircraft go through as they get down lower and lower. There's a minimum altitude and there's lateral boundaries on that. And that's required for aircraft to know. The airspace that they're talking about has been in place for a long time. It's published on an approach plate and the properties in Richmond that would be affected, they're identifiable. And the aircraft going through that space may or may not be loud. She added that she didn't like the F 35's any more than anyone else. Until we get to the money they bring to the state. Everybody likes that. So that's why they're here. So it's a status quo that we're talking about. And I don't see that anything is going to change with this language that Virginia is trying to present to us to consider whether we should include it in Richmond's zoning regulation. As far as far as I know, Virginia, tell me if I'm wrong, but I don't think there will be any burden put on any landowner in Richmond, by including this language in our zoning regulation. If we don't include this or some other language in our zoning regulation, there won't be any effect on individuals either, except that the FAA will continue to pester, I guess, the town for something more than what we've done so far, which is nothing.

Miller added that if someone did build something very large, and it did intrude on the airspace, the FAA would take action, and it would have to be removed. So whatever money was spent on that is out the window. And the federal government does have precedence over our laws and state laws, especially when it's a safety concern. So that's a no win for someone that actually builds. This form is our local residents' opportunity to keep that from happening. They can put up anything they want. And if it doesn't intrude into the airspace, nobody has a problem with it. That's all this does.

Fausel added that BTV would keep coming back to the PC to get some language in the ordinance. He said that he was in favor of the map, and feels that the currently suggested language is benign and frankly has zero effectiveness. He thinks it would be good for folks to know if they are in the flight path as accidents do happen. He felt that the suggested language was the bare minimum and that we should move ahead with this.

Cathleen Gent wanted to make sure that folks understood that we have a 35 ft height restriction for most structures. Clarke stated that this information is also contained in section 4.11 but there are exceptions that would now be covered. Weidman added that he felt that this was a restriction about putting up a cell tower or wind turbine, and he expressed frustration that the PC would act just to keep BTV from continuing to request this of us. He feels that all the East Hill and French Hill residents know well that they are in the flight path. Anand wondered why the FAA would want us to put in this language? Clarke responded that it is just to make sure people in Richmond are aware that there we are in a flight path and that if something very tall is being put up in an elevated area, the FAA form will clarify whether it is or isn't tall enough to enter the airspace. Individuals and construction companies

would be on their own to ascertain whether they were in the approach cone. Miller added that it is being proactive to protect the safety of air traffic. Fausel expressed his frustration that this issue had been taking up so much of the PC's time over the last four or five years. The LaFountains complained about low flying planes over their homes, to which Clarke responded that that was not in our control, and would not be altered by this language.

Fausel made a motion to amend our zoning regulation to add **Section 4.11.7**, which would read:

**Given the elevation of some areas of Richmond that lie within the approach path for Burlington International Airport (BTV) runway 33, the Federal Aviation Administration (FAA) requests that a form 7460-1 be submitted for any construction or alteration that is more than 100 feet above ground level if the proposed site lies within the approach path. The form contains instructions and information to be filled out, including the location of the project, the duration of the construction, the height of the permanent structure, and the tallest of any construction equipment to be used.**

The motion was seconded by Miller. The motion passed on aye votes by Fausel, Miller, Clarke and Mullen. Anand voted nay. Clarke said she would send it to the attorney to review and notify BTV that we were incorporating it into our zoning.

## **6. Review of previous work on village residential neighborhood districts (north and south) from 7/21/21**

**8:00 PM** – Clarke opened the discussion by saying that the task here is to review the north and south village residential neighborhoods. We conducted some outreach work a year and a half ago, prior to the grant-funded housing consultant, Brandy Saxton, completed her work for the Housing Committee. We need to think about this work in conjunction with her report. Our goal for tonight is to think about what further information we want, and if/when we want to talk to these neighbors again. I put in the "meeting materials" the most recent versions of these districts I could find dated 7/21/21. The maps I found do not quite match the text, but give the general idea of the areas we're talking about. Fausel suggested that we go out to the neighbors again for input, and that we had left these districts feeling pretty comfortable with our language. Clarke suggested that we might want to see how the housing consultant report informs these districts.

The north neighborhoods includes Baker st, Tilden Ave, Pleasant St, Church St, Esplanade, Borden St, the interior sections of Burnett and Brown's Court, Lemroy Ct and some portions of W Main St. Clarke pointed out these areas on the map, and mentioned that the Goodwin-Baker Building and Millett St, and the road-facing portions of Jericho Rd are now proposed for the Village R/C district. She said these are currently mostly all part of the HDR district, which is at 3U/A, not a very high density compared to our proposed R/C densities. So one thing we want to do is make sure we want to separate out these village neighborhoods from the rest of the HDR and give them a higher residential density.

The south neighborhoods include Thompson Rd, parts of Cochran Rd and lower Bridge St. The map Clarke showed indicated the Farr Farm incorrectly (it is still A/R) and lower Bridge as a separate "Round Church Neighborhood," an idea which we had previously moved away from. On the map, the Round Church Corners Complex is a commercial district, and we are proposing that the lots across the Huntington Rd be in the R/C district like the Farr Rd lots already are. This area is currently 1U/A, and we proposed going to .5U/A to take a small step towards greater density. In the north neighborhoods we are proposing going from 1/3 U/A to 1/4 U/A.

Anand questioned about the Farr Farm. Clarke reiterated that the Farr Farm is not involved in anything proposed here. Bressor added that the Richmond Terrace lot likely was carved out of the Farr Farm parcel.

Miller questioned the difference between the minimum lot size/density in the south neighborhood versus the north, given that we want to allow infill for more housing. She wondered why we would not want the south to be as dense as the north. Clarke said that the previous discussion about this was that the south lots had bigger setbacks and front yards, and folks here were more used to their 1 U/A size. The north lots were more neighborhood-y, closer to the sidewalk, already more dense starting out from existing 1/3 U/A. Clarke confirmed that both these districts are served by municipal water and sewer, and mentioned that the housing champions would like to see smaller lot size in the south, and that there might be other ways to allow greater density besides reducing the minimum lot size.

Bressor pointed out that the area around the Round Church was really where the village center began. It wasn't until the railroad came through in 1849 that the north village really took off. He commented that since a duplex can be put on ¼ A as proposed for the north neighborhoods, this is really 8 U/A not 4 U/A. This could be a big change. He continued by saying that he had spent his whole life trying to stop change in the village, but has recently changed his mind, partly from the housing consultant study, and mostly because he sees that younger people, who would love to stay in Richmond and would be great assets to the town, can't find housing and so move away.

The other thing that has convinced him is his development of Peaceable Kingdom on the corner of Thompson and Cochran Rds, where the set-up of houses on common land seems to work really well and would be the same as 8 U/A or 4 single-family homes per acre. Bressor said he has talked to people who don't want a large lot with lots of mowing to do, so ¼ A seems like adequate yard space. He finished his comments by saying that perhaps it is selfish to go on wanting to keep this part of town just the way it is currently.

Gent clarified that if you put a duplex on a ½ A lot, that would be 4 U/A. And also that the R/C districts submitted to the SB for approval allowed for two principal residential structures on a lot, which could also allow for 4 U/A if approved. Clarke confirmed this interpretation. Gent continued by saying that there are a number of resource constraints in this district and in other areas of the village, including wetlands, floodplains, steep slopes (not many in the area we're talking about). Also, the roads we have don't even meet the Public Works specs, and we don't have the sidewalk infrastructure that we need if we want it to be a walkable village. We need to look at livability if we add more density.

Clarke responded that it is always important to say that there are many other constraints and ALL the zoning requirements must be met. Just because a maximum density is set, that doesn't mean that density is always achievable. One thing that the PC has considered is creating and adopting an "Official Map" which shows where all the proposed infrastructure, including sidewalks, open space etc will go. This is different from a zoning map. It is a big project, requiring lots of outreach, but once it is in place you do have more of an overall vision what things are going to look like, and it's a useful tool. This is something the PC could consider taking up again.

Fausel pointed out that Bressor might benefit from an increased density allowance as he is building in this area, but he (Fausel) also supports this position, as it one of the last areas where the Water and Sewer District could be expanded, which benefits all and could decrease water/sewer rates and improve our housing availability. Fausel wonders if we should go to ¼ A minimum lot size here in the south

neighborhood, but thinks it is a conversation that should be had with the residents of the neighborhood. He sees advantages for the economy and the town overall by going with a smaller minimum lot size.

Miller agreed with Fausel's comments, and wanted to further promote of the Official Map concept. She felt that this would be good planning and avoid a lot of the disruption caused by growth, even though it would be difficult and may cost money. Having a town planner is likely necessary for this project. Anand also agreed with Fausel's comments.

Anand brought in the perspective of someone living in an older house that was build near the road before cars, and felt that we should reimagine traffic in the modern era of cars. She questioned Gent on her feeling about the Thompson Road traffic. Gent replied that even now it is challenging for the cars, and also for pedestrians, bicyclists, people crossing the road or just out walking, maybe with kids. She said the traffic in her neighborhood is currently being talked about a lot, and all the neighbors are concerned. As land use changes and higher densities have a definite impact on the people who live in the neighborhood, Gent appreciated Anand for bringing this up. She mentioned that previously there was a pretty good consensus among the neighbors about not making it significantly more dense. Clarke thanked Gent for helping to keep the neighbors informed.

Gent also mentioned that the state legislature is considering bills requiring ways to allow more housing, such as allowing greater height to buildings, or density bonuses. She requested that the PC talk to the Fire Department about our 35 ft height restriction, which she understood was due to our lack of a ladder truck. Clarke mentioned that there are mutual aid pacts with towns such as Williston that do have ladder trucks, but agreed that we could look into it. She added that there are quite a few other things in the Bongarz bill that relate to allowing more housing. Many of these, such as automatically allowing 3-4 unit housing, we have already incorporated into our proposed R/C districts based on the housing consultant's work. Some legislators have felt that just persuading towns to allow more housing hasn't worked, which is why they are considering mandates. We'll be watching to see how this turns out.

Clarke asked PC members to get their thoughts together about next steps for the neighborhood districts, and that she would try to arrange for better maps.

## **7. Introduction to short term rental discussion**

**8:45 PM** – Clarke introduced this topic as one new to the PC, which there won't be much time for discussing tonight. Towns throughout Vermont are taking different approaches to this issue, some being more proactive than others. Some of the 14 Vermont towns which have taken action have taken the approach of creating a registry so they can begin to track the issue and see if it is a problem. Burlington has created a framework and an ordinance for short term rentals. There are two sides to the question – the negative is that takes away long-term rental and occupancy of dwellings and worsens the housing crisis. What people like about it is that they can make some extra income.

Clarke continued by saying that some towns are requiring owners to live on the rental property, and some are requiring that they pay for a license. The state does authorize municipalities to make regulations about short term rentals, and does require certain things like the payment of state rooms and meals taxes. Clarke then opened the floor for discussion.

Miller said that she thinks that the root of all the problems that seem to come from short term rentals, whether it's noise, or vacancies or eliminating or competing with affordable housing, all of those can be addressed best by requiring that for any short term rental property the owner must live on the

premises, obviously not in the same unit. But if somebody wants to convert a portion of their home into a short term rental, or rent out their basement, which they're not using anymore, because the kids moved out, fine, if they live there, it's up to them to keep the lid on it. And if there's a complaint, you know, who to talk to. And I think this allows people to use space that they have for income generation, so I'm fine with that. And it also keeps somebody on the premises who owns the results, or the consequences. And it keeps us out of the business of having to manage rentals, and I don't think the town is set up to do a very good job of that. And this gives people maximum freedom, they don't have to register, they just do it. If we want a registry maybe that's not a bad idea either. Since the rental agencies back away from solving any problems, the neighbors are left to clean up.

Miller continued to reinforce the idea that having an owner live-in would prevent investors who live in Colorado buying up one or multiple houses as a commercial enterprise and taking up housing. She also had some thoughts about whether to regulate through zoning or an ordinance, feeling that a stand alone ordinance would be preferable.

Fausel wondered how an ordinance would work. He supported Miller's idea that the owner should live on the property, similar to the ADU language, and feels that this supports the home ownership goal which builds the middle class. Clarke responded that her goal would be for the PC to develop the zoning language OR the ordinance and present it to the Selectboard as the best option.

Bressor asked about the intern that Ravi had that had looked into the number of short term rental units we had in Richmond, and wondered if that data was available and further itemized. He suggested talking to folks with short term rentals to see how much of a problem we actually have with negative effects from this. Clarke said she thought that the intern had just gathered data from advertisements on the short term rental platforms, but that we could try to get that.

Clarke felt that it was worthwhile to be proactive, and not let the problem get bad before addressing it, and thought it was a good idea to use any data we might have, which is what the towns with registries are trying to do. She added that with registering, we have a contact if there is a problem, especially if the owner is not there at the time of the rental. We will also have to define what it means for the owner to "live" there – does it mean be there at the time of the rental? Or just most of the year? Many things will have to be defined.

Fausel added that he thought this was an important topic, and feels that a town planner will be important in moving this conversation. He also expressed that it could continue in parallel with our districts work, to which it is related. Some discussion continued on the status of the planner search, which Clarke felt was moving along.

Clarke requested that commissioners go through the neighborhoods districts carefully and compare them with the new elements that we introduced for the R/C districts, such as development standards, multifamily housing standards, two principal residential structures on a lot etc. so we could go line by line at our next meeting. Then we could reach out to residents for input on these ideas when we have a revised version to present. To compare documents, it is best to look at the meeting materials on the town website for 2/15/23, which the PC approved, keeping in mind that they have not yet been adopted by the SB.

## **8. Other business; correspondence etc.**

9:00 PM – Clarke mentioned briefly that discussions have been happening between the affordable housing community, the Housing Committee, Clarke herself and some SB members, about looking at any possibilities for developing affordable, or supported senior housing in Richmond. She said that Champlain Housing Trust and Cathedral Square are always on the lookout for any chance to create this much-needed housing, so they were willing to be involved when SB members reached out to them. The Housing Committee is working on this, and I will keep you all posted on any progress. The PC should obviously be in the loop on this.

At 9:10 Fausel motioned to adjourn. Anand seconded. Motion carried unanimously. Next meeting will be on the Ides of March (3/15/23).

#### **Related Files**

- [a 03-01-23 Meeting Memo.pdf](#) 128 KB
- [d Planning Links 03-01-23.pdf](#) 89 KB
- [e 03-01-23 Village Residential Neighborhoods North ZD .pdf](#) 167 KB
- [ee 03-1-23 Village Residential Neighborhood South ZD .pdf](#) 167 KB
- [f 03-01-23 Airspace Issue -- Williston zoning bylaw.pdf](#) 88 KB