

5.17.23 meeting minutes

Richmond Planning Commission Meeting of May 17, 2023

(fully remote)

Members present: Lisa Miller, Chris Granda, Mark Fausel, Joy Reap, Alison Anand, Adam Wood, Virginia Clarke

Members absent: Dan Mullen, (one vacancy)

Others present: Keith Osborne (Director of Planning and Zoning), Gary Bressor, Cathleen Gent, Michelle and Zachary Beal, Linda Donovan, Erin Wagg (MMCTV)

1. Welcome

Clarke welcomed new member Adam Wood, who introduced himself briefly. The other members of the Planning Commission (PC) then introduced themselves, giving a brief note about where they live and what else they do besides this.

2 and 3. Review and adjustments to the agenda; public comment

Keith mentioned that the minutes to be reviewed are actually those of the PC's 4/19/23 meeting. There were no minutes from 5/3/23 as there was no meeting due to a lack of quorum. Clarke added an item **4b**, annual election of PC officers, to the agenda. There were no public comments on items not on the agenda.

4. Minutes of 4/19/23

As there were no corrections or additions, the minutes were accepted into the record as written.

4b. Clarke opened the floor for nominations for Chair and Vice Chair. Clarke was nominated by Miller, seconded by Fausel and elected as Chair, as there were no other nominations. Fausel nominated Wood for Vice Chair, seconded by Miller. Reap nominated Miller, seconded by Wood. After a brief discussion, an affirmative vote installed both Miller and Wood as co-vice chairs, with tasks to be divided up as needed.

5. Discussion of Beal request regarding land in I/C District

Clarke opened the discussion by viewing the current zoning map that Osborne screen-shared, pointing out the Industrial/Commercial (I/C) areas to the north and south of the Mobile Home Park (MHP) District, as well as the Commercial (C) District on Rt 117 and Rt 2 north of Exit 11. She mentioned that the difference in uses between these two districts is fairly small, and that there are numerous residences in both districts, especially the I/C, even though there are no dwelling uses allowed in either district under the current zoning regulations (RZR).

The Beals would like to use a portion of the Donovan's property in the I/C district to place a residence, which is not currently allowed. Clarke made the points that 1) this request ties in with the PC's goal of removing barriers to housing, and 2) thinking about this gives us the perfect opportunity to clear up some discrepancies in the zoning in this whole C and I/C area. Clarke proposed that we consider combining these two districts into one and allowing for dwelling uses in the combined district.

Reap suggested that we view the area with the Google Earth map to better understand the details, and suggested that creating a satellite-based comprehensive map would be a good next step. Miller pointed

out that industrial and residential uses may be incompatible, and suggested that strict standards for commercial operations might be needed if dwellings were allowed. Clarke pointed out that the large neighborhood of the MHP is right next door to commercial operations currently, with minimal standards. Clarke asked the PC if they wanted to go ahead with investigating this possibility, and then asked Michelle Beal to talk about their request to the PC to allow housing.

Beal then introduced herself and husband Zach, and related their difficulty in finding housing. She noted that the letter she had submitted to the PC more comprehensively explained their request to build housing on the parcel that her parents, Linda and William Donovan, own in the I/C district, which Osborne pointed out on the map. Linda Donovan then commented that her neighbors on Rogers Lane are all dwellings except for the commercial operation, Landshapes, which she finds to be an excellent neighbor and who could even build the necessary road off Rogers Lane for a new dwelling. She stated she had no issues with having a commercial neighbor.

Osborne followed up on the concept of developing a residence under the Planned Unit Development section of the RZR, which is allowed in this district, even though, confusingly, dwellings are not listed as an allowed use. He suggested that the simplest fix for the Beals would be for the PC to just add residential uses to the uses allowed in the I/C district, but acknowledged that this would not clear up the question as to whether two separate districts were really necessary. Clarke asked the Commission if they would like to further investigate and move forward with this issue.

Miller felt it was an interesting opportunity, given that there is already residential development in the I/C, and that there is limited scope for residential development in Richmond due to various constraints. She favors going ahead. Granda also expressed interest in continuing to study this, keeping in mind that there could be conflict between industry and housing in the future, even though there hasn't been a problem in this area so far under the current zoning.

Fausel expressed the thought that this area was originally zoned I/C to keep commercial traffic travelling from I-89 away from residential streets. He mentioned that historically the town has been protective of maintaining commercial space to provide a commercial tax base, and that this area is convenient for commercial uses. He acknowledged that industrial/commercial development hadn't really happened much so far. He advocated for a process of communication with town residents to see how they feel about allowing housing in the Exit 11 area, as well as on the Kenyon Rd I/C piece, before making any major changes. Clarke agreed that in many of our discussions there is a tension between preserving commercial spaces for the future and meeting current housing needs.

Miller added that the PUD process seemed like overkill in terms of time and expense for putting in a couple of houses, and not what the process was designed for. She also suggested that commercial development that made large and extensive changes to the land (such as large-scale grading) might not be favored by existing residents. Clarke added that making residences go through the PUD process doesn't seem like "cutting regulatory barriers to housing." She added that Milton Cat, which was mentioned, is not in the I/C but rather the C district, and that we have no definition of "industrial" or "commercial," so it's hard to know which one Milton Cat is. There was discussion between Osborne and Clarke about whether a residential PUD actually is or isn't allowed in the I/C, given that residential uses are not listed in the use tables. It was agreed that the RZR is ambiguous on this point.

Clarke wrapped up the discussion by saying that a visit to the area would be in order, with perhaps the Beals or Donovans as tour guides. We could determine if there are any uses that would actually be

considered "industrial" there currently. She said that she and Osborne would work out a strategy for going forward with this, to be discussed at our next meeting on 6/7/23. She thanked the Beals and Linda Donovan for coming to the current meeting.

6. Discussion of S. 100 and its potential effects on the Village Neighborhoods districts

Clarke introduced this item by saying that the big housing bill, S. 100, had been approved by both the House and the Senate, and that the Governor was expected to sign it, and that a consideration of this potential new legislation had delayed our work on the Village Neighborhoods. She said there are requirements in the bill for municipal planning commissions to make certain changes to zoning to promote more housing development. To illustrate the changes, Osborne screen-shared draft #10 of the Village Residential Neighborhoods North (VRNN), focusing on the proposed list of permitted uses.

Clarke continued: S. 100 will mandate that multifamily (also called multiunit) buildings with 3-4 dwelling units **must be permitted** in any district served by municipal water and sewer that allows residential development, so Clarke suggested that adding it to the list will be necessary if S.100 becomes law. This would also be true for the Village Residential Neighborhoods South (VRNS). The second mandate involves the **density** of the district. The density number for VRNN had been proposed at 5,000sf per unit (approximately 8 U/A). Tilden/Baker resident Christy Witters then had suggested, by written comment, that 10,000sf per unit would be preferred by the neighbors. S. 100 will mandate "5 U/A" if approved, which approximates to 8,712sf per unit. If we continue with our strategy of using round numbers for ease of administration, this would be 8,500sf per unit. Osborne stated that technical difficulties had prevented him from showing the most recent documents, so that was why the projected documents didn't always show the numbers involved. This same density will be required for the VRNS, which we had kept at 10,000sf per unit (approximately 4 U/A), but if S. 100 is approved, that density will also need to be 8,712sf per unit (or 8,500).

Clarke continued: another thing added in this draft to these two districts' uses is the "two principal residential structures per lot" that we had developed for the R/C districts. This is not mandated by S. 100, and we should consider whether we want it in these two districts or not. In the R/C districts, this has been proposed as a permitted use, but here we could make it a conditional use if we wanted more oversight and DRB review. This draft also has required frontage of 60' rather than 75' as the lots may be smaller. We also need to talk about development standards: do we want any for these residential neighborhoods? If so, what? We should decide what information we need to help us make these decisions.

Wood wondered if it would make more sense to reconcile the minimum lot size with the amount of land required for a single dwelling unit. He suggested that if the density was going to be set at approximately 1/5 A (5 U/A), then perhaps it made sense to set the minimum lot size at 1/5 A or some multiple thereof. Clarke acknowledged that this was an interesting point and should be considered.

Then Clarke reviewed some proposed changes to VRNS draft #10 that, as with the VRNN, have been added for discussion purposes: confirming that the Round Church could continue with weddings, concerts, etc, which also seems to be covered by a Town ordinance; adding large family childcare facility and supported housing facility to conditional uses; adding two principal residential structures on a lot as a conditional use; increasing the lot coverage from 40% to 50%; adding multifamily 3-4 unit buildings as a permitted use and adding a minimum density of 5 U/A (both of these if S. 100 is enacted). She reiterated that we have not talked about development standards yet for this district, as with the VRNN; and that a line needed to be added into the "multiple residential structures on a lot" section if we are

going to list “two principal residential structures” as a use. Under “traffic impact,” Clarke suggested that, per Chris Cole, this section be removed as the listed uses wouldn’t be likely to generate enough traffic to be concerned about.

Miller wondered about the height of the Round Church, which Gary Bressor said was 60’. Clarke asked Bressor and Cathleen Gent if they would like to talk about these changes to the VRNS as they are both residents of that area. Gent felt it was very important to engage the neighbors living in these areas at this point, as some significant changes are being considered from the last time their input was sought. She felt that people would really benefit from understanding the S. 100 law, and seeing where there might be flexibility when considering changes that might not be in keeping with the neighborhoods as they experienced them. She stressed the importance of doing this outreach work before going any further with document drafting, as people are not aware of all of this right now.

Gent also questioned the concept of “two principal residential structures on a lot,” for both the VRN districts. She felt it might make sense for the R/C districts, but not necessarily for the VRN’s. Gent felt that educational work about S. 100 could be done in conjunction with talking about the specifics of the VRN districts. Clarke agreed that this strategy of outreach would be a good one.

Anand expressed astonishment that the mandates of S. 100 would even have been considered. Clarke confirmed that the Governor had not signed it as yet, and that the language of the bill **required** these changes, rather than just **allowing** them. Clarke quoted from the changes to 24 VSA 4412 which outlines what towns are allowed to do with their zoning: “In any district served by municipal water and sewer infrastructure that allows residential development, multiunit dwellings with four or fewer units shall be a permitted use,” and “...shall establish lot and building dimensional standards that allow for five or more dwelling units per acre for each allowed residential use.” Anand repeated that she had trouble believing that this would be approved. She questioned whether there might not be other factors that might prevent this density, and Osborne confirmed that this would just be the baseline, and that other limiting factors would still apply. He also said that he would work on the education piece for our next meeting, so we can all understand at least the salient points of what is being said here. Clarke mentioned that this was the legislators way of trying to make some headway with the severe housing crisis we are currently experiencing.

Bressor expressed agreement with Wood’s earlier comment, saying that it didn’t seem unreasonable to him to have a lot size of 8,500sf for one dwelling unit in the village with municipal water and sewer, and that if you then had a 1 A lot you could get the 5 U/A density in a variety of housing combinations: a quadplex and a single-family; two duplexes and a single-family; a 3-unit and a duplex etc. He felt that we should not rule out any of these combinations. He also suggested that our original proposal of 10,000sf per unit, which would be a 100’ X 100’ square lot is not that far off from the 8,500sf which is a 92’ X 92’ square lot.

Fausel asked how long towns had to comply with these mandates. Clarke replied that she hadn’t found that information in the bill, and that that would be a question we should ask our rep Jana Brown, who has agreed to come and talk to the PC about this bill after the Governor has ruled on it. Osborne said these might be considered “technical fixes” and that he hoped that there would be more guidance provided at some point. Clarke said it would be helpful to have questions prepared for Representative Brown to use her time efficiently.

Clarke stated that there were some features of S. 10 that did have dates attached, such as a committee to be formed to deliver a report by the end of 2023 on how to make the building energy standards system (RBES and CBES) work better and increase compliance. The committee would be formed by the legislature and have a number of specified seats. Osborne clarified that these acronyms referenced “Residential Building Energy Standards” and “Commercial Building Energy Standards.” Granda added that the Inflation Reduction Act’s incentives for decarbonization would also be coming out within this time frame.

Fausel pointed out that there would still be multiple parameters, such as lot size, within our control even with the S. 100 mandates, and he urged the PC to get clear and confirmed answers on what we are being required to do before we go out to the neighbors. Osborne agreed that we would be seeking more information, and trying to compile it in a comprehensible format. Anand wondered how much of the impetus for increased density in areas where there is water and sewer infrastructure comes from a push to preserve open space. Clarke said she felt that climate change and preservation of undeveloped land was likely on legislators minds, so, yes, this might be a factor as they try to balance the housing and climate crises.

Bressor expressed that he thought Fausel might be trying to game the system by trying to counter the new mandates by manipulating other factors besides density, and that he thought that we should be trying to live up to spirit of the law. Miller pointed out that there will other constraints, such as natural resource constraints, that may prevent the 5 U/A density from being achieved. She suggested that perhaps the pumping of additional sewage across the river might be cost-prohibitive. Clarke pointed out that there was a whole section in S. 100 concerning the definition of “served by municipal water and sewer,” and that the bill allows for situations in which the area looks like it is served by this infrastructure, but it just can’t be done. Fausel added that we have a huge capacity in our sewage plant, so we should be able to accommodate additional customers.

Fausel then skipped to **9. Other business** by asking what changes the Selectboard (SB) had made to our R/C documents that we had submitted to them. Clarke replied that the only change the SB had ended up making was removing the proposed Jericho Rd–facing lots from the Village R/C district. Osborne agreed that he would send the new map that the SB had decided on to the PC members. He added that it wouldn’t be approved until the SB’s final public hearing on June 5th. Clarke added that she and Osborne had submitted a list of pros and cons about the Jericho Rd parcels to the SB as the PC had requested at a previous meeting. She also stated that she, Osborne and Miller had walked through the area in question and looked carefully at the lots. Fausel reviewed the fact that the PC had not been able to meet on 5/3/23 due to a lack of quorum, and so we weren’t able to talk further about this proposed change to our materials, and about the list of pros and cons. Clarke confirmed that the Jericho Rd lots would revert to their current status in the HDR district. Fausel said he planned to go to the 6/5/23 final hearing and give his opinion as a citizen not representing the PC.

7. PC meeting arrangements going forward

Clarke asked the Commission if they thought we should continue to meet remotely or have a presence at the Town Center for our meetings. Reap expressed that remote meetings made it easier for everyone to attend. She felt a presence is only needed for a public hearing or public outreach session. Granda suggested that we play it by ear and let the circumstances dictate the arrangements. Clarke suggested having some kind of policy. Miller favored in person meetings if multiple commentators are expected, but she allowed that it might have to be hybrid as some people will expect to participate remotely.

Fausel agreed with Miller. Clarke suggested that we put this into a policy and review it at our next meeting.

10. Adjournment

Wood made a motion to adjourn. Nobody objected to adjournment, so the motion was considered unanimous, and the meeting was adjourned.

Minutes submitted by Virginia Clarke