

6.21.23 meeting minutes

**Richmond Planning Commission Meeting of 6.21.23**  
(fully remote)

**Members present:** Chris Granda, Joy Reap, Mark Fausel, Adam Wood, Virginia Clarke

**Members absent:** Dan Mullen, Alison Anand

**Others present:** Keith Osborne ( Director of Planning and Zoning), Lisa Miller, Michelle Beal, MMCTV

**1. Welcome**

After a slight technical delay, Clarke welcomed commissioners and guests to the meeting at 7:10PM. Lisa Miller, formerly on the PC but now on the Selectboard, came as a guest.

**2. and 3. Agenda**

There were no adjustments to the minutes, or comments regarding items not on the agenda.

**4. Minutes of 5/17/23**

There were no corrections or additions to the minutes of 5/17/23, so they were accepted into the record as written.

**5. PC policies and activities**

a. The Selectboard (SB) approved the text of the two R/C Districts that the PC submitted, and approved our map minus the parcels facing the Jericho Rd. The amended zoning document and map will take effect on 6/26/23. Clarke and Osborne are on track for incorporating the changes, and are working with CCRPC to produce the updated map by the end of the appeal period. Hard copies of the new document will be available at the Planning and Zoning office. In other SB action, the number of members of the PC was reduced back down to 7, and Alison Anand was re-appointed to her seat on the commission.

b. Clarke reviewed the hybrid meeting policy with the commission. The policy states that an in-person presence will take place for meetings to which the public is invited for particular discussions, with remote participation allowed as well. Other PC sessions may be conducted fully remotely. Granda suggested that we hold occasional meetings at which all the commissioners are physically present, to expand nuanced communication. Two meetings a year was a suggested frequency, perhaps June and January, for scheduled in-person meetings, along with any public discussions. Reap suggested putting this policy on the PC page of the town website. Granda also suggested that the members be polled at the end of each meeting for their upcoming attendance to be sure that a quorum will be present. Clarke agreed to this idea.

c. Clarke reminded the PC that the Code of Ethics document sent to every town committee member needs to be signed as read and returned to Duncan Wardwell. This is to be read and signed each year, whether or not it has been signed previously. Osborne agreed to re-send the document to all and confirm with Wardwell that e-signatures were adequate.

d. Clarke reminded the PC that Lisa Miller had had to resign from the PC after her election to the SB, as the Code of Ethics prevents serving on both boards at the same time. Miller reiterated that she was interested in planning, and might attend meetings.

e. Wood confirmed that he is fine serving as the sole vice-chair.

#### **6. Update on S. 100 and public outreach for village neighborhoods**

Clarke reported that Governor Scott had signed S. 100 into law, and that there would be different dates when portions of the law went into effect. Osborne reported that he had just heard that the zoning changes might be required by July 1<sup>st</sup> of 2023, but that he would have further information on this soon. Clarke asked the PC how they would like to proceed while waiting for more detailed information on this new law. Osborne offered that the Zoning Administrator (ZA) would need to be following the mandates of the new legislation whether or not the changes had been put into local zoning. Clarke thought that we could introduce the S. 100 mandates to the public at our July 19<sup>th</sup> meeting, and then plan for a more detailed discussion of the changes relative to the village neighborhoods at a more publicized meeting in September.

#### **7. Continued discussion of C and I/C districts**

The discussion began with viewing the maps that Osborne had prepared of the C and I/C districts in the area of Exit 11. The outlying C and I/C districts were not examined in detail at this point. Osborne pointed out the lot (RG0090) that the Donovans wished to subdivide to form a house lot for Michelle and Zachary Beal. The access to this new lot would be from Rogers Lane. Clarke reported that she and Osborne viewed the three other house lots on Rogers Lane, as well as the 3-acre parcel behind J. Hutchins that is accessed from the mobile home park (MHP). She said the Donovans reported no adverse effects from living next to the J Hutchins and Landshapes commercial operations, and that they were good neighbors. A full report on the site visit was in the PC packet.

The southern portion of the I/C district, consisting mostly of the large GMP solar array and a few residences and businesses, was briefly discussed. Clarke then described the C district, consisting of parcels along Rt 117 and the large Milton Cat parcels. Wood offered that the businesses and residences seemed to coexist smoothly, and that the maps don't convey how isolated the businesses and houses are from each other by the land contours and vegetation. He felt that there is an opportunity here with minimal potential negative impacts. He said he didn't see that residential growth would cause conflicts because of the separation of the uses. Clarke agreed that with so many pre-existing residential uses, it would be hard to see any new heavy industrial uses fitting in here with the existing commercial uses. Miller felt that this area might be a useful area to experiment with various combinations of commercial and residential uses. Clarke suggested that a good direction to go would be to combine the C and the I/C into one commercial ("C") district and add residential uses. She further suggested that we put in language to protect the commercial from the residential uses and vice versa. She stated that the current commercial uses in both the existing districts are almost all allowed in both the C and the I/C, and that after all these years of having an "I/C" district there really isn't any "industrial" usage.

Fausel expressed the feeling that it was detrimental to the town for us to lose our one industrial district. He said he thought that if residential uses were allowed, the whole district would become residential, and the town would lose commercial tax revenue, and there would be nowhere for commercial businesses to go. He agreed that there is already a PUD provision that allows housing in these districts, but felt that was different from allowing residences as a use. He offered the suggestion that we put just the existing residential lots on Rogers Lane into the A/R and leave the rest of the I/C district as is.

Reap reported that an application recently went to the DRB for some commercial uses on the Kenyon Rd portion of the I/C district, and suggested that we talk to the people in the area of the proposed development to see how they feel about this. Clarke mentioned that the use "Extraction of earth

resources” is not limited to the I/C district, but is allowed in several districts. Osborne added that the application was being reviewed currently by the ZA, involved an accessory structure with an office component, would require subdivision, and agreed that public comment about any changes would be recommended. There was further discussion about the gravel pit on the western side of Kenyon road being unused at this point, and the only active portion being on the eastern side, which is in the A/R district; and also about the increasing residential development in the area. Clarke brought up various options for this portion of the I/C district: adding it to the commercial district with or without allowing housing or moving it back into the A/R district. She pointed out that adding a residential use was not removing any of the commercial uses that are currently allowed.

Miller offered the thought that allowing residences in that part of Richmond helped the rest of Richmond with its traffic and congestion problem, as these residents would likely not be commuting through the center of town, and would have easy access to the park-and-ride lot to better utilize what public transit we do have. She felt that this would be useful in the long run. Clarke added her concern about protecting the large neighborhood of the MHP and that she would not like to see any heavy industry put in next to this residential area.

Granda agreed that it would be good to start treating the MHP as a neighborhood of residences. He went on to share his concern that changing the balance of residences to businesses in these districts might lead to conflict amongst neighbors, and that we should think carefully about it. Fausel followed up on Miller’s comments by asking whether residential or commercial uses were more cost-efficient for the town. Miller replied that she didn’t have data on that, so couldn’t say for sure, but felt there was some benefits from both, and that we wouldn’t want to close off either option. Fausel said he had always heard that residential uses cost the town more than businesses, but Miller felt that was more often when farmland was converted to residential, and new infrastructure such as roads had to be provided by the town. The lack of pupils in the schools was discussed, along with the complicated way in which education taxes are paid to the state but returned by a per-pupil formula.

Clarke mentioned the issue of the general lack of housing in Vermont, which the PC has been trying to address. She said she felt that the area proposed for the Beals’ house lot contained steep slopes and wet areas, and was not very suitable for commercial development, so why not add some housing here? She suggested writing into the zoning protections for the commercial uses in the district, and placing requirements that new residential use applicants be informed of the existing and potential commercial uses in the district.

Wood asked Fausel how he would reconcile the competing need for the Beals’ house lot with protecting the commercial potential of the I/C and C districts. Fausel replied that he thought it would be easier and less lengthy a process to just remove the Rogers Lane lots from the I/C district and just allow housing in that one small area. Wood then asked Fausel if he could see combining the C and I/C districts into a single district. Fausel said that that would allow PUD’s in both districts and that might lead to large residential developments, which Wood agreed, might be a concern.

A discussion then ensued about whether or not PUD’s were allowed in both the C and the I/C districts. Clarke mentioned that there was ambiguity about this point, as PUD was listed as a conditional use in both sections 3.6 and 3.7, but not in the PUD section, 5.12. Osborne agreed that the PUD section needs to be fixed to remove this ambiguity. He also agreed to work on whatever proposal the PC agreed upon, with the thought that just dealing with the Rogers Lane lots might be easier.

Clarke attempted to sound out the rest of the commission on the direction that should be taken. Reap said it was hard to fill commercial spaces, and that excluding residences might just be preserving land for no good reason, so why not allow housing, but she also felt it was a can of worms to address the much bigger issue of combining the districts. She felt it might be helpful for the PC to revisit our priorities, and stay on the path that we had laid out for ourselves. Granda offered that the situation with commercial development is hard to predict at the moment, but that his concern was protecting the current balance between the existing residents and commercial or industrial operators. On the other hand, he expressed an interest in enlarging the Riverview Commons neighborhood, thus adding more housing, so he felt conflicted about the situation.

Clarke briefly brought up the difference in meaning between “commercial” and “industrial,” neither of which is defined in the RZR. She felt that there was no difference in category between J Huchins and Milton Cat, so questioned why one was in the C district and one in the I/C district, and that “industrial” uses really didn’t occur in either of these districts, and wouldn’t be suitable anyway due to the existing residences. She asked Michelle Beal if she had any comments. Beal said she appreciated the conversation, and just wanted to remind everyone that there are already a number of existing residences in the area. She said she planned to continue to attend the PC meetings.

Clarke asked the PC members what they would envision for next steps on this issue. She summarized that this was an opportunity to update parts of the zoning ordinance that might not have been looked at for a while, which was one of the PC’s goals, and also that enabling more housing was also a goal. She felt that the PC should focus on the fact that the uses were similar in both these districts, and that it should not be beyond our scope to fix problems such as the PUD discrepancies in conjunction with working with the Beals. Wood suggested that we might explore the simpler option of pulling the residential lots out of the I/C district, and then subsequently spend more time cleaning up the C and I/C districts. He suggested that this would indicate that we take the housing situation seriously, but also that we think a deeper discussion about the commercial areas is warranted. Clarke asked about the other residential lots in the C and I/C districts. This remained an unanswered question. Clarke encouraged the PC to try to move along with the zoning updates in order to finish by the time the Town Plan needed to be revisited in 2026. She suggested looking at definitions or doing a site visit, which she said she had found really helpful, for the next meeting.

## **8. Other business**

Clarke mentioned that the lot just up the Jericho Rd from Umiak’s is currently for sale. This lot was “stranded” in the Village Commercial district after our recent amendments to the RZR. Clarke wondered if this was an opportunity to revisit its designation, with one suggestion to add it to the Village Downtown district. Reap said she had considered purchasing the parcel, but had declined due to the cost and difficulty of altering the property under the current zoning. She said she would support whatever change would support more housing than the current six. Clarke said this would likely be adding the parcel to the Village Downtown district, which would allow 8 units on the .3 A lot. She also added that the owner should be consulted before any changes were made.

Wood offered that he thought the property was under contract at the moment, and that the potential buyer had not talked about changing the existing 6-unit building, which is grandfathered. Osborne suggested waiting until the sale was complete before reaching out, then perhaps contacting the new owner to see if they were happy with the status quo. Osborne said he would watch for new title to come through the Town Clerk’s office and keep the PC informed. There was no objection to this plan.

Clarke then polled the members to see who would be coming to the next PC meeting on 7/5. Reap said she would not be able to attend due to family commitments. Fausel, Granda Wood and Clarke agreed to attend. Granda then moved to adjourn, seconded by Mark. There were no objections, so the meeting was adjourned at 9 PM.

Submitted by Virginia Clarke