

10.4.23 meeting minutes

Members present: Alison Anand, Mark Fausel, Chris Granda, Adam Wood, Virginia Clarke

Members absent: Joy Reap, (vacancy)

Others present: Susan Bresee, Sarah Jane Dube, Keith Osborne (Richmond Director of Planning and Zoning), Mark Hall, Cathleen Gent, Michelle Beal

1. Welcome

Clarke welcomed members and guests and opened the meeting at 7:01 PM.

2. Review and adjustments to the agenda.

The agenda was reviewed and accepted as posted.

3. Public comment on non-agenda items

Cathleen Gent wanted to clarify that the concerns she expressed at the last PC meeting about “Two principal residential structures on a lot” did not relate to density as was suggested at the time. Instead, they relate to the process by which these structures would be permitted. She said she was pleased to hear that the PC was considering the conditional use process for permitting this arrangement, but she also felt that the PUD process which we currently have in place would be most appropriate here. She understood how developers would benefit from minimal review, but how property owners might not, and that all the many details that might create conflict amongst the “multiple principal structures” owners would be better reviewed through the PUD process.

Clarke responded that she appreciated Gent bringing this up, and that the PC would be having a whole discussion of this issue soon, as a future agenda item, and that it would be posted so Gent would know which meeting to attend.

4. Review and acceptance of minutes of 9.20.23 meeting

As there were no comments, corrections or alterations to the minutes, they were accepted into the record as written.

5. Presentation on affordable housing by members of the Jericho Planning Commission and Affordable Housing Committee

Susan Bresee, chair of the Jericho Planning Commission, began the presentation. Her commission, together with the Jericho Affordable Housing Committee, spearheaded a project to get their town to adopt a Housing Resolution to address the housing shortage. Until now, she said, “the town had not been active in taking actual steps to confront this issue such as intervening in the housing market, and that they recognized that a cultural shift was needed; that the Selectboard needed to change how they viewed their job; that the public had to be brought along, and that expertise around housing was needed. We were helped by the advocacy of the Selectboard chair, who was on the CCRPC board, and by some members of the public. At the same time, the Selectboard re-ignited a 501C3 corporation, which had been defunct, but was able to acquire property and pursue projects of public benefit. The Selectboard also created a structure of liaisons between the Board and the other town committees, including the newly formed Affordable Housing Committee.”

“Initially, this committee produced a housing assessment using the vhfa data, so that the committees could look at the current status of housing in Jericho. We then presented housing issues several times to the Selectboard, gradually working up to a discussion of ARPA funding and a variety of interventions,

large and small, that the Selectboard could take. We recommended that it was time for Jericho to do something about housing other than let the market run its course. Our data showed increasing prices, decreasing affordability, an increasing tax burden with less school children, and an ageing demographic. We invited other towns to share their experiences, with Dominic St Cloud from St Albans discussing the activist approach taken there, and the developers of Harvest Crossing talking about the town of Underhill's joint project with Habitat for Humanity and the United Church of Underhill. We then brought the excitement and enthusiasm from these role models back to the Selectboard to show that others were taking action. This started to plant the seeds of success."

"We then decided to encourage the Selectboard to adopt a housing resolution stating that Jericho needed more housing, and diversified housing. The resolution proposed specific targets for each of the different subgroups of housing, such as "missing middle," senior housing, and affordable and perpetually affordable housing. The Planning Commission wanted this to be action oriented as well as a statement of intent. So the question was asked: How are we going to make this happen?"

"Jericho was in the midst of a wastewater feasibility study. And unlike Richmond, Jericho has no municipal wastewater systems at all. And so we didn't say we need to build a system, we said we need to do the study and decide. So the whole kind of strategy was baby steps and leading people along to the next greatest level of commitment that they would be comfortable with. So we didn't ask this Selectboard to commit to wastewater system, we just asked them to commit to making a decision about a wastewater system. We said in the resolution that we would update the town plan and zoning to reduce obstacles, and that the Affordable Housing Committee and the Jericho Community Development Corp would actually work with developers to identify projects, that the housing resolution would be reviewed annually, and that we were asking that the budget and the capital plan were aligned to achieve the targets."

"And we wanted the housing resolution adopted before the town plan on purpose, because by the time we got to the town plan, we wanted to be able to slide the commitments of the resolution into the town plan as having already been vetted, and having already been committed to. So there was a process of selling the resolution, so to speak, and building support for it. We did some public outreach, we did front porch forum, the planning commission goes to the farmers market a couple of times a year, the Affordable Housing Committee did outreach as well. And we basically really focused the argument for housing around people-- that seniors couldn't downsize here, young adults who want to be teachers in the school can't afford to live here, that the taxes would be onerous as we went forward, and that the resolution would be a rationale for investment decisions going forward. So instead of the wastewater study being received in a vacuum, now the wastewater study will be received within the context of what we've already adopted in this resolution. We've already made a public statement that this is our intention. So now we're going to evaluate the wastewater study within that context. And it also gives us a way to measure success. And so we kind of built the commitment from the ground up from each of the committee's working together, and then ultimately asking this of the Selectboard and they did in fact, go ahead and adopt the resolution".

"And so the output of that is that those targets have been established in the town plan. So we're in the process right now of adopting a new town plan. And our new town plan should be done by the end of December And the planning commission just handed off the draft to the Selectboard this week. And what the town plan does is build upon the resolution. And it acknowledges that the policies of the past have been exclusionary, that infrastructure, nothing's going to happen unless we invest in infrastructure. And we're going to continue to partner with the Affordable Housing Committee so the Planning

Commission will work on zoning and the Affordable Housing Committee will continue to work with residents and the Community Development Corp. We will look at Neighborhood Development area designations around our village centers. And we also introduced an idea of a hamlet, which is because so much of the development right now and all of the incentives are based on village center development, but Jericho has three village centers, we don't have the core downtown that Richmond has, we are a little bit more distributed. And there are some areas near the high school and some sections of town that are not currently village centers and probably shouldn't be village centers, but could be very suitable for housing according to certain criteria, like natural resources protection, and whether they can be connected with bike paths. And whether it is in an area that's not going to contribute to sprawl by fragmenting further outlying areas."

" So the town plan now is building on the housing resolution and taking it forward into more details. And I'm pretty convinced that if we were just starting with the town plan changes, cold, and we hadn't already done the housing resolution, that it would have been a much heavier lift, so to speak, it would have been a much kind of bigger mountain to climb, but now we've been at them, meaning at the Selectboard, over and over and over again, building the case, piece by piece, that it seems like their mindset is already come around, changing from that laissez faire history to more of an investment, attitude. And ultimately, whether you know that a bond, whether a bond is approved by the voters, I mean, there's still tons and tons and tons of work to be done. But we've just basically laid this foundation. So maybe I should stop there and see if you have questions that Sarah Jane and I could answer for you."

Fausel asked what the scale of Jericho's action was. Sarah Jane Dube answered that setting the housing targets was difficult, especially because they lacked water and wastewater infrastructure. She said they used the Building Homes Together program from CCRPC to get an idea of the goals for Chittenden County, and also looked at historic growth rates. In the end they settled on 30 units per year for 5 years. She continued that a shift has been happening in the last few years such that larger and more expensive houses were being built, and that they wanted to try to ensure that 30% of the new units would be affordable to middle income families and 20% affordable to lower income families in order to create a diversified housing stock. This will require working with the Planning Commission to offer carrots and get rid of some regulatory hurdles. She cited setting goals for perpetually affordable housing, for which they settled on 10 units, and senior housing as necessary. Fausel said he appreciated the patient approach they took with the Selectboard.

Clarke asked about the incentives Susan and Sarah Jane spoke about, and mentioned that the Richmond Affordable Housing Committee had had trouble generating enthusiasm with the Selectboard or the public so a longer approach might be needed. Bresee replied " So we in our PUD regulations, we added a density bonus for small dwelling units that were under, I think, 1300 square feet. And there's no requirement that it stays small, there's no required, there's no other requirement, it's just that if you build it small, at the beginning, that there would be a density bonus for that. And we reduced parking requirements; we added three unit and four unit multi household buildings to one more level of zoning district on the table of uses. And we scaled down from conditional use to permitted. We made one more level of flexibility for three and four unit buildings in certain zoning districts. That's really what we have done so far, what this next round of zoning amendments will look like, is going to be a lot more specific around different housing types like cottage courts and tiny houses and small units and making more of those by right. And we are also going to look at our PUD, especially our lot sizes for within a PUD having probably smaller, much smaller lot sizes. And we had somebody from the DRB come to a meeting recently who said he's gets tons of applications for PUDs, and they're all for nine lots. And he says to the applicant, you know, why don't you do 15 Lots, you know, there's plenty of room, we would approve

that. You can get a density bonus for the simplest things; we offer a density bonus for the energy stretch code, for small units for affordable -- there's different levels of affordable-- and every single one of them responded that they don't want to deal with act 250. So we've talked about whether or not the town could subsidize Act 250 fees. This is all just discussed at the planning commission level. We haven't really arrived at any specific recommendations yet. We'll probably eliminate a lot of parking requirements, especially in the village center almost completely and just let people figure it out for themselves. We'll probably make more quads by right and have less conditional use review in certain zoning districts. So those are kind of off the top of my head; we have a whole queue of zoning changes, but we are definitely using the Zoning for Better Neighborhoods for help with this." Clarke concurred that this publication has been useful to the Richmond Planning Commission as well..

Bresee added " My guess is that we're coming to a place where we're not going to just rely on zoning carrots, because we've had zoning carrots, and most of the time they are not pursued. And so another incentive that we've talked about is potentially having a housing trust fund where the town could donate land, so that the developer has no land cost, if they achieve certain goals with their with the housing development, or would we subsidize impact fees? Or would we reduce impact fees, so we're going to also look at financial, specifically financial incentives to quid pro quo, reduce costs to the developer, if they produce the kind of diverse housing types that we need. And now we know what we need, and we know how many we think we should be producing."

Sarah Jane Dube added "And I would add to that two things, one, just to drop a little seed, that one of the things with the Housing Trust Fund that I think is tricky for a town like Jericho is that we're a town like Jericho, and it may make sense to partner with neighboring towns to do a Housing Trust Fund. There's two towns, I think they both start with W's that have partnered up to do a Housing Trust Fund together. So that because you may not be able to get a large enough fund with just somebody small like us, but if we can partner with the Richmond and Underhill assets, then we can get a larger pool of money going. Housing Trust Fund may be feasible and useful for big projects like this, but I could also see it being useful for communities who have neighborhoods with community wells and their wells dry up, and they have these huge costs. And they need to be able to get a grant. There's lots of things that I think a housing trust fund can do, both for current residents and the current community in addition to developing new housing. "

"The second thing that I just wanted to say, which wasn't a direct answer to your question, Virginia, but was that what Susan and I found was that it was really important to be offering examples and ideas of possible solutions. I think the housing crisis is so big; it's impacting the whole country. And so what are we going to do as a small town with no infrastructure? What could we possibly do? It just it feels really overwhelming and daunting. And so eventually, at first, I think I at least was a little nervous about providing this spectrum of action, I think, is what we ended up calling it, which was just like a brainstorm of every possible thing we could think of to do. But when you look at it, first of all, it's overwhelming. There's lots of things you can do, which is great. But also, there were some really easy things that we could say we can do. And we built a website that just put all of the resources for building all in one place, and gave a walkthrough of how to do it in Jericho -- lots of little things like that, that seem really feasible. And then, as Susan said, you walk along that spectrum, and things get a little bit bigger, and you start talking about things like housing trust fund, but making sure that people understand that there are things that we can do that at least create an environment where solutions are possible, where developers who want to come in and be creative, or that one kid that grew up here wants to come back and raise their family next to the grandparents, and they're willing to build a house and live in one room as they add to it and add to it, so the possibility for those kinds of solutions exists. It is helpful in trying

to build support. So that we're not just dumping a big problem on people. Most of the people who come to affordable housing committee meetings are interested in affordable housing. Whereas Susan spent a lot more time in talking about the town plan with the community. But our neighbors see the housing problem. They want their kids to move back and have their grandkids next door. There is, I think, a real shift in the appetite for change. I don't know that it's as scary as it once was. And I think that it's actually directly impacting people now in a way that it wasn't before."

Fausel asked if the density bonuses applied to even the larger lots or just those with the shared water systems. Bresee replied " So the PUD density bonuses are pretty consistent across the whole town, except for affordable and senior the housing density bonuses are greater, there's more density bonus available in the village center. It's true that the lack of water and the lack of septic is a limiting factor. And the conclusion we came to was that we could loosen up the zoning and it still wouldn't solve the problem. Or we could bring in infrastructure. And if we didn't fix the zoning, it wouldn't solve the problem either. So we have to address both. We do have a 10 acre lot size in a lot of the town in our rural agriculture district. And the PUD, if you do a PUD in that district, I think the minimum lot size is an acre. And so even in a PUD there, an acre is still a pretty big lot. And we have two water districts here. And then some of the neighborhoods have homeowners' associations, and they do have shared wells. So we have a decent number of neighborhoods where the developer built the shared well for the neighborhood. But the new town plan does a much better job of defining the growth areas and setting up for investment in infrastructure in water and septic to facilitate growth to happen there. And not as much in the outlying areas."

Fausel then asked whether the multiunit buildings were being focused in the village centers or everywhere. To that Bresee answered " Duplexes are allowed everywhere in Jericho, so we were ahead of the Vermont state legislature that made that a requirement. We did that a couple of years ago. And then triplex and quad are in the zoning districts adjacent to the village. Currently, you can't build a quad out in the ag district. The zoning defines that in a multi unit structure two units counts as one unit. So if you are doing a density calculation, and you are building a multi unit structure, two units counts as one unit. So a quad would count basically as two units. But I'm here to tell you, the language is very unclear. And it needs to be fixed. Because when you go to DRB meetings, and they're doing density calculations, it's really difficult. And I am totally open to the idea that density limits might not be the right tool in every location. Because by having a 10 acre zone, you need 100 acres to build 10 houses. But if those 10 houses are on much smaller lots, does it really make sense for the PUD to require 50% or more to be open space? It just seems like there's something wrong with the math. Some places don't regulate density at all. We have a form based code in one of our village centers. And in that particular case, the density limits are very obscure. I think we should look at whether or not, and when, does density really provide the public benefit that we think it provides. Versus when does it just spread everything out."

Fausel commented that equity should be a concern that we might not be addressing if we focus multiunits and affordable housing only in some specific areas of town and not in others.

Guest Mark Hall, chair of the Richmond Housing Committee, asked about the types of public outreach that Susan and Sarah Jane have had with the Jericho community. Dube replied: " I'll preface it with that one thing that we did a lot of was doing speaker series and advertising them. For instance, inviting someone from Champlain Housing Trust to come and explain what the Shared Equity Program was. It was actually really well attended meeting. A lot of people had misconceptions and asked very thoughtful and respectful questions and got some of those misconceptions cleared up. But it started a conversation that I think for some was a little scary. And so bringing in different speakers and advertising them to the

public was one way to just get the public to engage in our committee meetings, and was also you know, a way to provide education and start conversations. Another thing that I started doing, and then I just started to burnout, but I really hope other members of the committee will start doing it as well, and I hope to pick it back up, is meet with particularly landowners, but anyone in the community who has been thinking about these questions, developers, folks with large plots of land, and just say, hey, what do you think? or what have you run into? or let's grab a cup of coffee and talk. And because I was new to municipal government and new to housing, part of it was me just saying, Hey, I'm the new kid. And some of the folks I talked to have been here for decades, and their families have been here for generations. And I'm the new kid, what do you want me to know? And what do I need to learn? And, and those conversations were some of the most productive and, and really, I think, got me some goodwill and a level of trust, when we started doing these bigger projects, like the housing resolution, that, that some of these folks really felt like we were engaged and invested in what they had to say. And I think it helped that I am a new kid, because I don't have the five years of fighting with the DRB. But really those one on one conversations have been crucial. And I'm surprised that just a cold call or cold email can achieve that. I'm hoping that we can do more organized forums. I'd love to do an ADU forum. Hinesburg did one a year or two ago, that sounded really great. If you guys are interested in partnering and doing a forum together, that would be great. But just some community events, you know, holding people's hand while they fill out some of the grants that are available to them. Offering some cider and donuts and saying hey, here's the weatherization grant. I know it's a beast to fill out, come to the community center, we'll all do it together and put it in the mail. So you can take advantage of this money, those kinds of things."

Bresee added: " My answer is more that we used the formal process for the planning commission. So we had three big events or three big milestones: the housing resolution, the ARPA recommendation, and the town plan. And for all three of those, we used Front Porch Forum and we published our agenda, but we don't just publish the agenda. We put the agenda into layman's terms and we say, we're going to talk about housing. And we're going to talk about the school as the largest employer and teachers having trouble finding housing here, to entice the community to come into the conversation. And we adopted a housing resolution, and we wrote an article for the mountain Gazette. So, before, you know, we had dozens and dozens and dozens of meetings where housing was a topic, we had a housing online survey related to the town plan, and we had a work session on housing related to the town plan. And all of those we publicized on Front Porch Forum. So as SJ said, most of the comments that we got were confirming that most people think that housing is a problem. Of course, nobody's asking to build a 15 unit building in their backyard. So I'm fully expecting that we're in the honeymoon stage right now, we've done the easy part. And I think that when we tested the limits with pictures and unit sizes, that we started to encounter resistance, like when we started showing buildings in the nine to 12 unit size. Four units and under -- it seems like everybody thinks that's a great idea. We don't really talk about affordable housing. We talk about housing that's affordable for lots of people. But we used a lot of publicity around planning commission events, traditional media and Front Porch Forum."

Granda asked if there were other important data sources that were used to tell the housing story. He said he felt that there was not a full appreciation that to do nothing means to allow market forces to continue to act and continue to move everything in the direction of more expensive housing. Bresee replied that she had started to keep a file of every FPF post that describes a situation where a family is looking for a place in town to live which makes it much more personal, especially when their salaries would not allow them to afford to live in town. She also added that "if people say they don't want change, she tells them that Jericho is changing anyway, especially if we don't do anything different from what we've been doing. The socio-economic profile of new home buyers is really different. She

encourages people to want to make the zoning match the neighborhoods that everyone knows and loves, which you would not be able to build today.”

Clarke thanked Susan Bresee and Sarah Jane Dube for coming to the meeting tonight and for a great presentation, and for their work. She hoped we could all stay in touch as we clearly all have similar problems with a lack of housing.

6. Discussion of proposed amendments and bylaw report : “Residential Uses in the I/C District”

Clarke opened the discussion by summarizing the purpose, as described in the bylaw report, which is to amend sections 3.7 and 5.12 of the RZR to allow some additional housing on the currently residential lots in the I/C district while retaining the emphasis on commercial uses in the rest of the I/C. In 3.7, the changes are that 1) subdivisions would be allowed in PUD’s; and 2) “dwellings as part of a PUD” would be a conditional use. One thing that these changes also allow is mixed use PUD’s, that is, some commercial and some residential uses in the same PUD anywhere in the I/C. The main change to section 5.12 is the key point that Residential PUD’s shall only be allowed on lots which already host residences, and not on undeveloped lots or those which currently host commercial uses. There are not many substantive changes to the rest of the PUD section, but it has been somewhat rearranged for clarity and consistency.

Granda, Clarke and Osborne then discussed whether or not a lot created after the adoption date would still fall under the proposed regulation, and concluded that the regulation was clear that one could not put a Residential PUD on any part of a lot that had been in commercial use or undeveloped prior to the date of adoption.

Fausel wondered if we shouldn’t make the same changes for the Commercial District, as the same situation exists there, in which there are some commercial and some residential lots. Clarke said she thought that made sense, especially as she would prefer eventually to combine these two districts into one. Osborne agreed that this could work. Clarke asked the commissioners to think about this.

She then returned to the subject of allowing mixed use PUD’s anywhere in the I/C, and referred to the Section 5.12 language that said that in the V/C district 50% of the gross floor area must be in commercial use. She suggested that this would also be appropriate to use as a standard for a mixed use PUD in the I/C. Wood concurred that allowing mixed use PUD’s would be suitable, and would open up opportunities for residential development while retaining commercial space. Fausel and Wood discussed whether the currently proposed language would be able to completely prevent portions of commercial lots becoming residential, which was undesirable. Osborne said that the requirement for first floor commercial could be added as was done in the JC and VD districts. Clarke said she thought language could be constructed that allowed only what we want to be allowed here. Wood also wondered if “gross floor area” would include outside work areas. Osborne suggested that this referred to structures, and Clarke agreed that “floor area” referenced a building, but said they would look into this further.

Clarke brought up the final change that was being proposed, the language of subsection of 5.12.4(viii) relating to the requirement for a “Master Development Plan.” She outlined the rationale for and concerns about a Master Plan. Osborne said that with the removal of the word “conceptual” it became clearer that your plan only had to show what was currently being proposed. The amended language states that if anything more is proposed at a later date, the applicant will have to return to the DRB for another hearing to amend the Master Plan, and so neighbors will have another chance to weigh in.

Clarke summarized the items that she and Osborne would work on for the next PC meeting and then send the proposed amendments to the town lawyer for review. Osborne added that he had sent out the proposed motion that the commission could use at the next meeting to move this into the public hearing phase. They also added that a letter would be sent individually to all the property owners in the affected district(s) – the I/C and the C, if that district were added – to let them know what the amendments were proposing. Clarke also mentioned that she would try to speak with the Donovan's about the proposals.

Fausel thanked Granda for suggesting the Jericho speakers, and Osborne for setting it up. All found it very informative. The other agenda items were tabled until the PC's next meeting on October 18th. Granda motioned to adjourn, seconded by Fausel. As there were no objections, the meeting was adjourned at 9 PM.

Minutes submitted by Virginia Clarke