

11.15.23 meeting minutes

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

Members absent: none – one vacancy

Others present: Keith Osborne (Richmond Director of Planning and Zoning), Erin Wagg (MMCTV), Tyler Machia (Richmond Zoning Administrator), Josi Kytle, Brendan O'Reilly, Christy Witters, Lisa Miller, Jennifer Clark

1. Welcome

After a short period of technical difficulties, Clarke welcomed members and guests to the meeting at 7:10 PM.

2. Review and adjustments to the agenda

As there were no adjustments to the agenda suggested, the meeting proceeded with the published agenda.

3. Public comment on non-agenda items

There were no comments from the public on non-agenda items.

4. Review of minutes of 11.1.23 meeting

As there were no corrections or additions, the minutes of the 11.1.23 meeting were accepted into the record as written.

5. Jolina Court/Buttermilk discussion

Clarke opened the discussion by welcoming Josi Kytle and Brendan O'Reilly from the Creamery project on Jolina Court back to the Planning Commission. She mentioned that the Planning Commission had fallen somewhat out of the loop with this project after the adoption of permanent zoning and the construction of Building 1. She also mentioned that the previous planner, Ravi Venkataraman, had been working with Buttermilk before he left Richmond, and that the development had recently received approval from the DRB for Building 2. Clarke mentioned the submittals from Buttermilk which are included in the current PC packet, and invited Josi and Brendan to present their current thoughts and share their proposal with the PC.

Kytle explained that they were here to make sure that the PC understood their commitment to housing and affordable housing, which they felt had been inadequately represented in recent discussions about housing that had been taking place in Richmond. She reviewed the long-standing evolution of Vermont's housing crisis, and said they wanted to have an updated conversation with the PC about the town's need for housing and Buttermilk's interest in helping to fulfill this need while recognizing the challenges and realities of the current development landscape, which, she said, have worsened considerably over the 8 years since the previous Jolina Court zoning was implemented. She stressed that they were willing partners to the town, with a shared goal of providing additional much-needed housing

Kytle then continued with an explanation of the proposal that Buttermilk had presented in the document they had submitted. She said they would like the residential density to be significantly increased from the current maximum of 45 dwelling units (DU) to 125. At that density, she feels they could offer some %, perhaps 15%, of units that would be defined as "affordable" for a period of 10 years. She added that several of their existing small units are actually "affordable" at 60% AMI.

Buttermilk's second "ask" is for the PC to remove the current commercial space requirement, which requires the first floor of any building to be reserved for commercial use. She said that this is almost impossible for them in today's world where there is a complete oversupply of available commercial space, and that this restriction will prevent them from moving forward with any housing. She added that the commercial space in Building 1 will remain commercial, as it is facing Bridge St, but that they would like to see the commercial requirement removed for any building facing a private road or driveway, such as Building 2,3 or 4, which will not be visible from the public road. She stressed that they would love to have commercial tenants but haven't been able to attract any. Kytile also requested that the PC incorporate Act 47 into our zoning, including the 1 parking space per DU, which would enable them to reduce the amount of space dedicated to parking. A final request was for the town to continue to work with them on the state Neighborhood Development Area designation which would allow a reduction in Act 250 permitting fees.

Clarke asked Kytile about the "affordable" units she mentioned, and Kytile replied that they had 2 studios at less than 60% AMI for this area, which is \$1195, and also a smaller 2-bedroom unit. O'Reilly added that the former state housing official, Josh Hannaford, had been keeping up with the Creamery project from the beginning, and continued to encourage more density. O'Reilly wondered why there were any limitations on density, when there were already some metrics like traffic studies in place. He said that what was approved by the DRB recently was the Master Development Plan.

Tyler Machia, the Richmond Zoning Administrator, confirmed that the recent DRB approval did indeed provide a permit for the construction of Building 2, as well as approving the conceptual Master Development Plan. Any work on thus far hypothetical Buildings 3 and 4 would require further permitting.

Granda stated that he had been on the Richmond Selectboard when the Creamery project started, and offered a perspective on the development of the residential-to-commercial ratio. He explained that both the desire for commercial and for residential spaces had proponents at that time, and that the compromise that we ended up with was a political decision, but that it was based on hopes and expectations for market forces at that time. Granda said that he was happy with the outcome at that time, but is not surprised that Buttermilk is back looking for more residential given the way the market has evolved since that time. He also asked if the process the PC would go through to change the zoning would be any different since this project was initially permitted by the Selectboard under Interim Zoning. Clarke and Osborne confirmed that since the Interim Zoning had been followed by permanent zoning, the process of amending any of the requirements would be the same as for any other updating or amending of the Richmond Zoning Regulations.

Granda continued that he hasn't sensed any feeling that the existing 14 units have had any kind of negative impact on the town. He added that he couldn't speak for the neighbors, as he doesn't live in the village. He did think that 125 seemed like a lot of units, and questioned what effect they would have on the traffic. He wondered if any new ingress/egress was being proposed.

Kytile responded that since the 14 units of Building 1 came on line, the actual population of Richmond has declined. She then discussed the traffic issue, saying that so far they haven't triggered the 70 trip ends that would result in a full traffic study and mitigation activities. Clarke mentioned that Ravi had had CCRPC look at the traffic effect of, hypothetically, removing the commercial uses and replacing them with residential uses, and this study showed that the traffic impact actually went down since the commercial uses generate more traffic. Kytile added that any big commercial or industrial uses would also generate

tractor-trailer traffic, which would be more of a problem in downtown Richmond than car traffic. Clarke added that in terms of parking, commercial uses often need more spaces than residential as well. Kytile explained that they had used the CCRPC traffic assessment in their recent application to the DRB, and it was found that based on their current commercial and residential needs, they were actually oversupplied with parking, given the 176 spaces they have designed. She also said that they had the room to put additional spaces if needed, but they weren't needed now. O'Reilly added that a count of town-owned parking spaces was around 195-200, and so the Creamery would have almost as many in the one project as were in the rest of the village.

Fausel indicated that he would like to find out more about these traffic studies, as he remembers the one presented during the PC's work on the zoning as not being particularly well-structured or informative. He also wanted more information about the nature of the "trip ends." Kytile responded that the original study was actually for their community development "blight" grant, not for the town, but as part of the grant for cleaning up the brownfield and something the state had requested. She said that this was based on the 2015 site plan, but that this was re-reviewed by third party engineers in order to update it for current usage for Building 1 and for the current site plan. She said she could get the PC all the traffic assessments. Fausel said that would be helpful. Osborne added that all the information was posted on the DRB's webpage as it was submitted for their recent DRB approval process.

O'Reilly added that a significant increase in residential units would surely trigger a traffic study, but it would give the developer the freedom to explore creative ways to accomplish traffic and parking goals. He added that in order to go to the significant expense of doing further studies, some commitment and partnership from the town would be needed. Kytile added that changes in driving behavior over time alter the metrics of traffic studies, and so that requires the studies to be done with up-to-the-minute data.

Anand expressed her concern about adding density where folks might be in harm's way from flooding, and asked whether the recent flooding had resulted in any damage to Building 1. Kytile responded that in their rigorous planning for Act 250, Buttermilk had made sure they were out of the 100 year flood plain, and they had, in fact, had no flooding in the recent event. She added that banks would have been less likely to finance a project that had flood risk, and that they had put the building on high ground and the parking on the lower ground, where it is allowed under Richmond's regulations, but even then would be unlikely to flood.

Machia added that the FEMA maps are updated periodically, but not often, as it is such an extensive project to do the updates. That being said, some properties that were out of the flood plain when they were built (1998), such as Borden St, are now at least ½ within the floodplain. Since the permitting is based on the FEMA maps, which were most recently updated in 2014, we are not likely to see any change here for at least 10 years or so. Machia also spoke about how traffic studies are triggered, which can be either by the "hard trigger" of the zoning language, or the "soft trigger" of the DRB or the Zoning Administrator requiring such a study if they feel it is needed.

In response to a question about use of the current commercial space in Building 1, Kytile said that there was a new retail store in the front of the space, and that Greensea had been using the rest of the commercial space, but that is likely to end within the next year. She said it has been hard to keep this space occupied, one factor being that rent for commercial space in a new building will be higher compared to other available commercial space, which is in oversupply everywhere. During the pandemic, she said, they had a whole year with no commercial tenants, and the consistent feedback

over 8 years is that this amount of commercial space is very difficult to market and fill. Clarke asked about making the front space more visible and accessible from Bridge St, and Kytile answered that they were required to have a ramp out back so they went that way, and stairs would be expensive to add now.

Erin Wagg offered that while she hasn't noticed an increase in car traffic from the project, there has been a definite increase in foot traffic, and she is concerned about pedestrians crossing the road in that area. She also wondered if any of the units were being offered as Airbnb rentals. Kytile answered that Airbnb was not currently being offered, but she was considering it to help with the cash flow. Keith Osborne explained that sidewalk studies for both upper and lower Bridge St were underway, and that should help with the pedestrian issue. Reap added to the discussion by saying she was in favor of getting rid of any requirement for commercial, since her experience was also that it was very difficult to get commercial tenants. She would leave the existing Building 1 commercial facing Bridge St, but not require any for the other buildings. In terms of parking, it was agreed that the required parking would need to be lowered from the current requirements, to 1 space / DU as per Act 47.

Kytile asked to understand why 125 was a scary number for people. Granda replied that it was 25% of the village population of 430 or so households, which seemed high to him. Reap concurred. O'Reilly wondered if the downtown would feel more vibrant with more businesses or with more residents, and which would help the economy more. Clarke offered that that was why the PC had required a mix of commercial and residential in the original zoning, to capture the benefits of both. She also said that the village had evolved and grown slowly over time, and that at first there had been a lot of resistance even to a 14 unit building, so what now would be the political reality of significantly more units. Granda made the comment that he looked at this project as being a benefit to Richmond, even though there may be some challenges if or as we change direction. His points included more customers for the water and sewer utility; more people to support our existing downtown businesses, and that there might be less pushback about increasing density at Jolina Court, than about increasing density by infill in the existing residential neighborhoods. He felt that the challenge of changes to the Creamery should be accepted. Wood added that he thinks a large increase in units may be scary in the short term, but represents a huge opportunity over the long term to have greater walkability in the downtown if the growth can be phased so that folks can get used to it.

Kytile added that the way people live has changed, and more units are needed for the same number of people as less people are living in the same domicile. O'Reilly responded to Wood's comment about phased growth by saying the additional units would certainly not be happening all at once, as each part of the project might take years to accomplish. Osborne added that lots more discussion will be needed if the PC has the appetite for it, including what the quality-of-life amenities will be if the project becomes all or mostly residential. He said he felt that a first step would be getting building 2 up and running. Clarke thanked Kytile and O'Reilly for coming and said that the PC would stay in touch, as there will undoubtedly be more meetings on this project. No timeline was requested of the PC – just that we consider their needs for greater density, less commercial, and less parking. Osborne added that money was likely an issue, as well as everyone's understanding that we were in a housing crisis and so this was a good time to entertain these ideas.

6. Continued review of the village neighborhoods, north and south

Clarke then began the discussion on the items that were left undecided from our previous discussion on this topic with the following items: addition of 3-4 unit dwellings to permitted uses, and the changing of "two principal residential structures on a lot" back to "Residential PUD" as a conditional use. Christy Witters expressed her appreciation for this change. Clarke continued: "supported housing" versus

“emergency shelters” which Act 47 requires we allow in these districts, and the dimensional standards – lot frontage, lot coverage and setbacks. Are these appropriate as we have to reduce the minimum lot size to 1/5 A (8,712 sf)? Reap reported on some “homework” she had agreed to do to look at the existing lots to see what the dimensionals are currently. She found that the average seemed to be about 50% lot coverage for the residential lots on Tilden/Baker. Osborne offered to develop some images with different 8,712 sf lot configurations to help people visualize how much space is needed for frontage, especially, but also driveways, lot coverage etc. Clarke thought that such representations would be useful. Witters suggested some neighbors to reach out to, who might have more ideas about the best numbers, and said she would report back as to what her own setbacks are.

Witters then offered comments about the proposed site design standards. Her main suggestion was that dumpsters be prohibited, as her neighborhood is disturbed by very early morning pick-ups. Osborne thought that perhaps there was a noise prohibition before and after certain hours, but Zoning Administrator Tyler Machia said it was difficult to enforce due to the occasional nature of the problem. There was also discussion about the noise from the GMAVT building on Jericho Rd, and whether telecommunications facilities fall under our regulations.

As the time neared 9 PM, Clarke asked all commissioners to please send Keith their suggestions for use of the planning money in the town budget, as there was no time left to discuss this. At this point Granda moved to adjourn, seconded by Anand. As there was a majority of aye votes, the meeting was adjourned. Clarke reminded everyone that our next meeting, on December 6th will be our hybrid public hearing on the I/C district and the PUD section, and that everyone would be welcome at the Town Center or remotely.

Minutes submitted by Virginia Clarke