

11.1.23 meeting minutes

Meeting conducted remotely via Zoom

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

Members absent: (one vacancy)

Others present: Gary Bressor, Keith Osborne (Director of Planning and Zoning), David Sunshine, Erin Wagg (MMCTV)

1. Welcome

Clarke welcomed commissioners and guests at 7:00 PM.

2. Review and adjustments to the agenda

Clarke reviewed the main agenda items – #5 is an introductory discussion related to the review of two new items that were introduced into the recently adopted R/C districts: “Two principal residential structures on a lot” and “Multifamily housing development standards,” and #6, continued discussion on our two new village neighborhood districts. She added that the other documents in the packet are the proposals that the PC approved at our last meeting for public hearing on regulations for residential uses in the I/C district and associated PUD changes. These are just included tonight for commissioners to review; the next discussion on these documents will be at our December 6th meeting, at which time we will take public input, review the town attorney’s comments, and make any final changes that seem to be needed before forwarding the packet to the SB.

3. Public comment on non-agenda items

Clarke then asked for public comment on non-agenda items. Hearing none, the meeting proceeded with the published agenda.

4. Review of minutes of 10/18/23 meeting.

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

5. Discussion of “Two principal residential structures on a lot” and “Multifamily housing development standards”

Clarke started the discussion by reviewing the reason we had added the “two principal structures” allowance as a permitted use in our two R/C districts. This was to help enable more housing by allowing a third option on a lot that was neither an ADU nor a duplex. Both of these permitted uses have limitations, which the “two principal structures” allowance was designed to avoid. We now need to consider if we want to add this possible way of developing into our village residential neighborhoods, and review concerns that have been raised about it. She then continued that this provision is connected to the “multifamily standards” in the following way: in cases where the two principal structures result in a lot with 3 or more dwelling units the multifamily standards are triggered and must be considered by the ZAO. These standards were added to the R/C districts to help ensure that the newly allowed multifamily uses would be good neighbors, and provide quality housing that would be an asset rather than a drawback to current neighboring properties.

Clarke continued that, in addition to considering whether we want these provisions for our village residential neighborhoods, the PC needs to consider that these two new provisions have caused some concern to our ZAO and DRB chair by way of the first case that has come before them. Their concerns are several, but particularly that some of the requirements of the multifamily standards are too subjective and lack criteria with which to evaluate a project. Clarke mentioned a few possible

adjustments that could be further discussed, including making the two principal structures a conditional use, or a PUD use, rather than a permitted use, which, she said, would somewhat detract from the goal of making it easier to build housing by this means. An additional possibility would be to revise some of the criteria of the multifamily standards to be more or less specific.

David Sunshine, Chair of the DRB, then offered some comments, speaking as himself since, he said, the DRB has not discussed this. He said that he has always wanted the regulations to avoid requiring decisions that relate to what the outside of a structure should look like without having much guidance on how to evaluate this. He felt that legal decisions about aesthetics was a dangerous direction to go in. The requirements about privacy especially concerned him, as he felt it was inevitable that some privacy would be lost as more housing is allowed, and he feels the DRB should not be involved in regulating this.

Clarke clarified that, as the two principal structures is currently a permitted use, the ZAO would be making the decisions in this case, but if it became a conditional use, the DRB would be making the decisions. Based on previous communications with our ZAO, he is not comfortable with this either. Clarke also said that the requirement was just that the placement of windows needed “to be considered,” which provided flexibility, and that Keith and Tyler were currently going through these standards to see if they are too stringent, or not specific enough, from an administrative point of view. She said that possible revisions might also involve applying the multifamily standards only to *buildings* with 3 or more dwelling units, rather than *lots* with 3 or more dwelling units as it is currently written. She added that, as Act 47 now requires a minimum density of 5 U/A in village districts, it seems important to still have standards for multiple dwelling units, but that the two principal structures provision is not part of Act 47 and can be revised as we see fit.

Sunshine continued, using the example of requirements regarding placement of windows. He said it makes sense to be concerned that a neighbor can't look directly into the window of another neighbor, but that sometimes standards don't work for all situations. He urged that the DRB be given some flexibility. Clarke responded that the requirement is only “to consider,” which would seem to give flexibility. Sunshine responded that his concern is leaving gray areas that can be exploited on appeal. He said that in other cases where a subjective decision has to be made, they might take the developer's plan as a given unless a neighbor complained. He added that if there are going to be “aesthetic” decisions that have to be made, there should be clear standards as to how to make the decision. Clarke reiterated that the planning and zoning staff were going to be looking at these standards to see how they could be improved from an administrative point of view.

Gary Bressor, a Richmond resident and developer, entered the discussion by saying that he recommended putting the two principal structures language back into the PUD process. He said he has had numerous DRB reviews and didn't find the process too onerous, and that the board was friendly but does a good review, with public hearings in which the neighbors can come and state their views and concerns. He also would like to see the multifamily standards applied just to multifamily buildings and not to multifamily lots. He also expressed concerns about the privacy/windows item in the multifamily standards (6.13.7) as being hard to interpret. Clarke suggested that one possibility would be to make the standard only apply to larger multifamily buildings, and asked Bressor if, as a builder, he thought about privacy and window placement at all if he was putting two buildings relatively close together.

Bressor answered that he thinks about it all the time. He said he might turn the direction of the gable, or place a garage between, or put dormers on a different building facade. Clarke responded that there

might be developers who were not as thoughtful, and it is for those cases that the zoning would require that the DRB do the thinking, otherwise it appears that we don't care about such things. Bressor replied that if this is in the zoning, there should be a standard, but flexibility is also needed.

Wood, also a builder, wondered whether the setback requirements in the regulations weren't sufficient to guarantee the degree of privacy that was reasonable and expected, and that, with setbacks, no additional privacy standards were needed, especially for single family homes. Clarke asked if he saw any difference between the single family home and a 10 or 15 unit building as far as privacy is concerned. Wood replied that he would be inclined to take neighbors concerns into account if a PUD were asking to shrink setbacks, or increase height, but that otherwise it doesn't seem reasonable to go beyond the setbacks as written. He added that 6.13.7 had the most potential of the standards to be arbitrary and subjective and based upon personal interests. On the question of two principal structures, he said he didn't think it would be a bad idea to have the DRB give the project a higher level of scrutiny.

Erin Wagg had a personal comment (not representing MMCTV) which was that her condo, across the street from Stone Corral, has a walkway in front of her windows which has frequent pedestrians. She does not find this burdensome, and uses curtains and drapes to control her privacy. She appreciates the windows and thinks this is a non-issue.

Reap, who is also a builder, agreed with the previous speakers on the windows issue. She feels that close proximity to others is a given when living in the village, and that standards would be hard to interpret. But her main point was about the two principal structures on a lot which, she says, will be hard to get bank financing for, so having it reviewed by the DRB wouldn't be that much more of a process than being reviewed by the bank. So she would favor making this a DRB- reviewed process such as a PUD.

Granda felt that perhaps the privacy provision made infill development more difficult, and he didn't think the town should be doing the bank's job for them. He favored a less complicated option, and said he would think on this issue and have more comments for the next round of discussions. Sunshine summed up his position by saying that if subjective decisions are required, the ZOA and DRB should be given standards on which to base decisions, and if so the town would be safer from procedural challenges. Clarke added that it is always a balancing act between having flexibility and having exact standards, but that we would try to get to that balance, and revisit this topic at a future meeting.

6. Continued review of the village residential neighborhoods (north and south)

Osborne shared draft #15 of the language for the Village Residential Neighborhood South (VRNS). Clarke mentioned that the residents of these neighborhoods were becoming accustomed to the density and minimum lot size requirements of Act 47, and were mostly now focused on the two principal structures language, which Cathleen Gent had suggested in her letter to the PC (in packet) be returned to the PUD process. She said she hoped to get consensus on as much of the language as possible. No one expressed concerns about the Purpose and Features sections of the document, or about the list of Permitted Uses, including the 3-4 unit buildings required by Act 47.

Clarke continued to review the document. In the Conditional Uses section, she asked the commissioners to think about adding the following: "Large home-based childcare facility," "Supported housing," and "Two principal residential structures on a lot." She said that under Act 47 "Emergency shelter" is a required allowed use, but that the other facilities that we have included in our definition are not required, so do we want them here? The feeling about the two principal structures seems to be to return it to the PUD process, so do we want Residential PUD to be a conditional use in the VRNS?

Moving on to 3.12.4 and 3.12.5(a), Act 47 requires that we allow a density of *at least* 5 U/A. In previous discussions about this the PC agreed with the neighbors that this could also be the *maximum* allowed density as well as the minimum. These two sections achieve this goal. This will be the same for the VRNN. Line 3.12.5 “lot frontage” was then discussed. The original number of 75’ was felt perhaps to be too much since the minimum lot size has been reduced to 8,712 sf. Bressor, Wood and Osborne discussed whether lots of 1/5 A would be likely be able to have a 75’ frontage, and whether that would allow enough space for lot coverage, driveways etc., and ended up with thinking that somewhere between 50’ and 60’ seems more reasonable. The discussion continued with lot coverage, which some felt should be raised to 50% or more if lots were to be very small. Osborne and Clarke discussed having enough permeable surface area to absorb more frequent heavy rainfall. Reap added that existing lot coverage, such as with her duplex on Baker St, might be more like 60%. She volunteered to take some measurements of existing properties so the PC could get a better idea of the reasonableness of these dimensionals. Clarke confirmed that a duplex would count as two dwelling units, but a SFH with an ADU only counts as one dwelling unit. Reap said that ADU’s have the same financing difficulties as “two principal structures.” Reap agreed that she would like to see “Residential PUD” as a conditional use in these districts. Clarke appreciated that Reap would work on some measurements of existing properties and bring them to the PC to review, saying this would be very helpful.

Bressor suggested that for tight lot coverage, having driveways as short as possible would be a good idea, which brought up the desirability of requiring that garage doors facing the road need to be 8’ behind the front façade of the house. Wood felt that just prohibiting the garage door from being *in front* of the front façade would be adequate. Clarke added that the point is to have a welcoming, pedestrian appearance to the street to create an inviting, human-scale neighborhood atmosphere where people want to live. Wood concurred that front doors and porches make people feel like they are safe to walk down the sidewalk, and won’t immediately get run over. Clarke added that in the VRNS that we are looking at, garages must be set back 5 ft and accessory structures 10 ft.

Discussion of the VRNS doc continued with the “District specific development standards.” Clarke asked the commissioners to think about whether to require sidewalks or sidewalk easements; whether to require parking at the side or rear of the building, and whether to require dumpsters and mechanicals to be concealed from the road. Granda mentioned heat pumps which are becoming common and may need to be on the front of the building as “free-standing mechanicals.” Wood and Granda felt that freestanding utilities and mechanicals should not be subjected to screening requirements at all. There was further discussion on dumpsters and waste containers, which several commissioners and Osborne felt would be better required to be behind the building rather than screened in front. Commissioners were encouraged to consider these issues as well as the issues from agenda item 5. Additional questions that came up involved the rationale for PUD versus subdivision or conditional use, and the requirement of only being able to require one parking space per dwelling unit from Act 47 – is it the developer or the DRB who is able to exceed this? Osborne stated that the DRB can’t *require* that you have more than one, but the board could *allow* a developer to have more than one if that was desired or necessary.

7. Planning contract services budget line item

Osborne opened this discussion by saying that Planning currently has \$5,000 in the 2024 budget (until end of June 2024), and we will need to come up with an amount to go into the fiscal 2025 budget that is being worked on by the SB now. He asked the commission if they could brainstorm ideas as to what we might need this money for. He said that he and Clarke had talked about a few ideas, such as a consultant to help us plan for Jonesville – do outreach to the residents, maybe do some graphics etc. for that area whose future has always been difficult to conceptualize. Clarke added that when we get to revisiting the

A/R district we will need help planning for farm and forest lands – on-farm businesses, habitat connectors, preserving forest blocks etc. Are there any research projects that would be useful? Osborne mentioned that there was a separate pot of money for legal review, and \$2,000 for interns so those items were covered. Clarke said these ideas were needed by our next meeting so they could be forwarded to the budgeting effort by December.

As it was approaching 9 PM, agenda item **#8** was tabled until a later meeting. Clarke briefly reviewed plans for our next few meetings: 11/15 – budget ideas, continue village neighborhoods discussion and items from tonight’s agenda **#5**. 12/6 – public hearing on our I/C residential uses via PUD proposed amendments (hybrid meeting). 12/20 – discuss public hearing material or continue the public hearing.

9. Adjourn

Granda moved to adjourn at 8:58 PM. Fausel seconded. As there were no objections, the meeting was adjourned.

Minutes submitted by Virginia Clarke