

1.17.24 meeting minutes

This meeting was conducted remotely over Zoom

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

Members absent: none

Others present: Keith Osborne (Richmond Director of Planning and Zoning), Erin Wagg (MMCTV), Bradley Holt, Lisa Kory, Lisa Miller, Jason Pelletier, Connie van Eegan, “amyg”

1. Welcome

Clarke called the meeting to order at 7:02 PM and welcomed members and guests.

2. Review and adjust agenda

As there were no adjustments to the agenda, the posted agenda was followed.

3. Public comment on non-agenda items

Bradley Holt offered that the Chittenden County Regional Planning Commission (CCRPC) is seeking public input on planning ideas and projects for its annual work program, with a deadline of January 20. He mentioned that they were encouraging folks to coordinate their ideas with their municipalities as projects would require local funding and support. Osborne said that ideas could be forwarded to him, or folks could send them directly to CCRPC, and that there is no exact mechanism for coordination. Clarke “volunteered” Osborne to do any coordinating that seemed appropriate for Selectboard (SB), Planning Commission (PC) or other residents’ ideas.

4. Review minutes of 1.3.24 meeting.

As there were no corrections or additions to the minutes of 1.3.24, they were accepted into the record as written.

5. Buttermilk discussion with goal of generating a response to Buttermilk’s request for zoning changes

Clarke introduced this item by reminding the PC that Buttermilk, developer of the Creamery project, had submitted requests for zoning changes including increased residential density and decreased commercial space requirements, and it was now our job to analyze their proposals, piece by piece, and decide what we felt was in Richmond’s best interest to bring forward as zoning amendments, if any. She suggested we avoid rehashing the history of the project and focus on the next phase, and encouraged folks to think about this in the context of providing much needed “workforce” housing. She mentioned that benefits include the fact that the Creamery is already in a developed area so no green space will be lost for the added housing; that it is contiguous to our downtown so will provide more foot traffic and support for existing businesses; and it will provide needed housing for moderate income folks such as nurses, teachers etc.

Granda then offered his point of view, giving the perspective of someone who has been involved in the project for a long time. He said that the realities are that there is a lack of demand for commercial space and a strong demand for housing, and that these factors have been present since the inception of the project, but these pressures in Chittenden County have only gotten more extreme since then. He reminded the commission that Buttermilk is a for-profit business, and that while we may hope and expect that their development will be appropriate for Richmond, we cannot look to them to select what is best for Richmond. As the situation on the ground has changed since

they began their project, it is appropriate for us to revisit this project on a regular basis. He also wanted to clarify what is meant by “affordable housing” when this is discussed, He feels that “less affordable market rate housing,” or housing renting at some portion of the area median income (AMI) is what Buttermilk has in mind rather than units receiving subsidies -- as with the non-profit “affordable housing agencies” – and that this should be clarified in our discussion.

Clarke agreed with Granda’s point that the term “affordable housing” should be clarified, and offered the following thoughts: the HUD meaning of “affordable housing” is one of subsidized housing, that is in perpetuity and has rental cost constraints and income sensitivity parameters, and is designed for low income households. This is being referring to as “true, in perpetuity, subsidized housing.” The way that the term “affordable housing” has been used in many Richmond conversations is housing that most people of moderate incomes can afford; that their kids can come back to Richmond and live in as young adults, and that nurses and teachers on moderate salaries can afford. This is being referred to as “workforce housing.” It’s a middle group, and the housing at 80% AMI (that Buttermilk has talked about) falls into this category, with no complicated paperwork or financing structure.

Granda responded that Vermont’s housing market, which used to have a diversity of housing options for 95% of the population, with subsidized housing for the 5% who couldn’t afford any of the options, has become more and more unaffordable for the medium to lower income range households. And because of population pressures and widening income inequality, this will continue to worsen unless we develop strategies to constrain rent increases, and more people will be priced out of the market. He added that in Richmond we have had some success with subsidized housing already.

Clarke responded that the difficulties of true, subsidized affordable housing is why she is more focused in this case on the workforce, 80% AMI, type of housing, which she thinks may be possible to some degree for Buttermilk, whereas true affordable housing is not. She said we would talk more about that in a minute, but suggested that first the PC talk about reducing the amount of commercial space required as discussed in the memo, as interest in this was suggested at our last meeting. She then asked the commissioners what level of commercial space reduction they would be comfortable with. Granda suggested inviting an expert in to brief the PC on the issue of commercial space. Clarke cited a report that the local lender she consulted had sent her, citing 219,000 sf of vacant commercial space currently in Williston. Reap mentioned the same report, done by Allen and Brooks, showing these numbers, as well as a recent “60 Minutes” that showed an even worse picture of the commercial real estate market than we thought, with lenders extending loan repayments for long periods, which is unsustainable over the long term. She said we just need to scrap this commercial space requirement and build housing, and that we shouldn’t even be having this conversation anymore. Granda agreed with her point, but suggested we should be ready for the question of what happened to that commercial space we advocated for 10 years ago, and wondered if we could all see the Allen and Brooks report.

Clarke then asked how much of the commercial space requirement for building 2 do we think it appropriate to remove? Bender suggested “all of it.” Reap concurred, affirming that there would still be the 4,000+ sf of commercial space in building 1, most of which is currently, but perhaps temporarily, occupied by Greensea. Clarke explained that this didn’t remove the requirement of commercial usage for future Creamery buildings, as we wouldn’t be allowing more dwelling units than Buttermilk is requesting for building 2. It also wouldn’t prohibit commercial in building 2, if any

tenants could be found. So Clarke summarized that Bender and Reap would support removing the whole commercial requirement, and she said she would as well. Granda said he would support it as long as Richmond received something in return. Reap proposed that what Richmond would receive as a benefit is more housing, which we need and is perhaps in a place that does not impact someone's street or neighborhood. Clarke agreed that more housing IS a benefit, but that perhaps there are some other arguments about benefits that would be persuasive to the naysayers. Wood joined the conversation by saying that he had no problem getting rid of the commercial requirement for building 2, as our reality is that there are no business tenants for ground floor commercial. He felt it put future PCs in a stronger position for this discussion when it took place again, as we would have by then added a number of new customers that could support future businesses.

As there were no commissioners at this point who opposed removing the whole commercial space requirement, Clarke moved on to the other issues for negotiation that were discussed in the memo, starting with "affordable housing." She said it was unlikely that Buttermilk could do any kind of true, subsidized HUD affordable housing, but that they might be able to agree to retain some dwelling units at 80% AMI for some specified period of time. Granda suggested that we might only be able to control the rent level at the time of initial rental, but that since we have no regulatory structure for "rent control" that might be all we could do. Osborne said the mechanism would be in the zoning regulations and authority, and that he thought other Vermont towns had done this but he would have to research it and discuss it with the town attorney. Clarke suggested that if Buttermilk routinely violated something in the zoning document that had been required of them, like the 80% AMI they would be jeopardizing their future ability to request anything of future PC's or DRB's. Is this enough of a deterrent? Reap suggested that their CO could be revoked, but Osborne was unsure if that would work. Clarke said this all needed more research, but that it was worth considering as the concept of "workforce" or 80% AMI housing is popular at the moment and might be a selling point for proposed amendments.

Fausel felt that the PC should talk first about the total number of dwelling units we are going to allow before talking about any rent restrictions. Clarke responded that Buttermilk has talked on several occasions about units renting out at 80% AMI, and she also mentioned that lenders might be willing to assign some value to a goal of looking to the town's interest of having some workforce housing, just as it might to providing greenspace and neighborhood amenities, as these things may provide long term value to a building. Fausel felt that Buttermilk had ruled this out. Granda offered that this process is a negotiation – Buttermilk states what they want and now we will state what we want. He also added that we should see if Buttermilk has fulfilled their requirements for building 1 – he believes they have not installed an EV charger. Osborne added that they are also lacking a required dumpster enclosure.

Wood began the density increase discussion by referring to the memo. Clarke introduced the idea of considering Jolina Ct essentially part of the Village Downtown district which has a residential density maximum of 24 U/A, which is what is the current reality, and extending that density to the JC district. This would give Buttermilk an additional 27 units, which is similar to their request for additional units in building 2. This would bring the total Creamery dwelling unit maximum to 69 units. She asked what people found difficult about increasing the density at the Creamery. Fausel responded that he would like to keep the total at 45 units for now as we do not know what effect even that number will have on the already congested traffic situation at the Jolina Court / Bridge St

intersection. In future we could consider more. He stated that his main concern is the increase in traffic, due to the location of the project on an already busy thoroughfare at an offset intersection.

Wood responded that he frequently goes to the hardware stop at the morning peak traffic hour, and that the difficulty with the intersection is always the traffic coming from the Railroad St side. He said he has never seen a car pulling out from the apartments on Jolina Ct, and that in reviewing traffic studies, he has found that the key factor for traffic in town centers is the traffic coming from outlying towns and suburban areas. So, to him, the addition of 70 units at the Creamery doesn't have nearly the effect of the hundreds of new households that have grown up in the last few decades that commute through Richmond on Bridge St., as well as the parents from the surrounding areas who drive their kids to school instead of putting them on the school bus. He said he likes the idea of using the Village Downtown density as it makes sense since there is some precedent to that density, and it emphasizes that we are creating an addition to the downtown. Clarke added that we are likely to reduce the traffic if we change the commercial units to residential units, as the latter usually has less trip ends.

Connie van Eegan, a Richmond resident (also a member of the Richmond Housing Committee) joined the conversation. She responded to the comment that by fitting a larger number of units into the same building footprint, those units would have to be smaller. Smaller units would not be inviting to families, and one of her goals is to be as inclusive as possible and provide affordable housing for all different sized families or groups. Clarke replied that not all the units in building 2 would be studios – there would be 1 and 2-bedroom units also. Some of the units would fit into the freed-up former commercial space. At least 1 tenant of building 1 is a mother with 2 kids. There are no seniors on the tenant list, so perhaps having a couple of the ground floor units be “senior housing” might be worth exploring. Granda mentioned that a dwelling unit could be 80% AMI and still market rate if it was very small, and he thought that van Eegan's point was well taken in that by pursuing the current strategy with Buttermilk we may end up providing lots of small units that will not be attractive for families. Clarke suggested asking Buttermilk to supply a sketch of what the apartment composition of building 2 would be. Our goal would be to have a variety of studios, 1- and 2-bedrooms, without necessarily specifying exact numbers of each.

Lisa Kory, another Richmond resident, commented that she really liked the idea of more housing at Jolina Ct, as it was right downtown and would allow more people to walk to everything they need, rather than driving in and out. The thought that the increased density might even be enough to generate public transit. She also liked the idea of a variety of units of different sizes. Clarke added that having a “walkable downtown” has been a regional goal for a long time, and the increase in traffic is going to come more from putting a lot of houses out in the ‘burbs rather than in the downtown. Lisa Miller, also a Richmond resident (and Selectboard member) offered that she hoped the current process would allow for building 2 to be financed and built, and that she would be fine with the increased density, as there were very few places you could put additional units without losing something. She said that a good time to assess the Creamery's impact on the town would be after the completion of building 2. Granda added that the increased density would also help the water and sewer district to increase their customer base, so that would be good for all W&S customers.

Anand reiterated her concerns about the damage that the recent floods have caused, and that Richmond is subject to flooding. Wood responded that the Creamery building is out of the floodplain by 10 – 12 ft and that a huge amount of water would be needed to flood to that height. So

even though we need to be concerned about flooding in Richmond, for this project flooding shouldn't be a concern. Clarke added that Buttermilk will be required to manage stormwater, and that their 3 A next to the river will be providing floodwater storage. She confirmed that both ANR and Richmond's requirements will prohibit development of these floodplain areas. She also mentioned the possibility of installing "green infrastructure" to help manage stormwater and runoff. Miller mentioned that the SB had just approved a flood mitigation study which will provide us with assistance in addressing flood mitigation strategies that will help us to protect future development.

Bender brought up the point that it isn't always easy to find developers who are good landlords, which Buttermilk seems to have been, and their building quality seems to be good, so he wouldn't mind having them do further work in Richmond. Clarke added that hopefully they can be held to making the project into an attractive neighborhood.

Erin Wagg expressed concern about the increased foot traffic and the fact that there is not really a good crosswalk between Jolina Ct and Railroad St. She said it was dark at night, and inadequate lights warn the traffic to stop for pedestrians. Osborne responded that there are a couple of projects underway to address safety on Bridge St, including a sidewalk planned for the east side of upper Bridge St with lighting, flashers and crosswalks. He said there is definitely a focus on safety in all the pedestrian projects planned for the downtown.

The discussion then moved on to the strategy for negotiating with Buttermilk. Clarke suggested a sketch of where the units might be in the reconfigured building. Granda suggested that our list of items should include: the EV charger (maybe more than one) and the dumpster enclosure; information about their PV production from their parking roof panels and how they are complying with the energy code; the green space, landscaping and sidewalks. He also suggested that a complete counter-proposal should be put together before approaching Buttermilk with our ideas. Clarke suggested a plan of how the parking spaces would be laid out, given that both Act 47 and the removal of the commercial requirement will allow them to have less parking. The fact that the Richmond Community Kitchen will also be needing some parking spaces in back as their front parking will disappear under the new sidewalk, was also discussed. Osborne also mentioned the possibility of asking for some public parking, which could be paid and so a source of income for Buttermilk. The possibility of creating a "Neighborhood Development Area" (NDA) was also discussed. Clarke asked that all additional ideas be sent to Osborne, and said they would work up a draft of a list of proposals for the next PC meeting.

6. Status of other ongoing projects.

Clarke summarized the following:

- a.** VRN's – only a few outstanding items to discuss – Act 47 is incorporated in these districts, and we need to make sure the 1/5A lot size is supported by the dimensionals – we'll look at the drafts at the next meeting
- b.** "master development plan" changes for the Subdivision Regulations (RSR) – this also involves writing a set of natural resource protection standards and finding data sets on which these can be based -- this will be a longer conversation, but we may start by looking at the tentative revisions to the RSR that we've made – the Conservation Commission has been consulted
- c.** packet for transmittal to SB regarding I/C residential and PUD revisions – all set except waiting for town attorney comments, which are likely to be ready by next week, at which point we will send the whole packet to the SB for their public hearing process
- d.** Act 47 changes for the other village districts – we'll need to work on this sometime soon

7. Adjournment

As there was no further business, Granda moved to adjourn, seconded by Wood and Reap. Reap reminded everyone to watch the “60 Minutes” about the decline of commercial development, and Clarke thanked everyone for a good discussion. As no one was opposed to adjourning, the meeting was adjourned at 8:53 PM.

Minutes submitted by Virginia Clarke