

5.15.24 meeting minutes – Richmond Planning Commission

Meeting was held remotely

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

Members absent: *none, (one vacancy)*

Others present: Keith Osborne (Director of Planning and Zoning), Tom Astle (MMCTV), Gary Bressor, Cathleen Gent, Lisa Miller, Tim Smith

1. Welcome

Clarke opened the meeting at 7:00pm and welcomed members and guests.

2. Review agenda

Clarke assured Fausel that the Recreation Summit from 5.13.24 would be touched upon in the “Updates” portion at the end of the meeting, but that a longer discussion would have to be future agenda item. As there were no other adjustments, the agenda proceeded as posted.

3. Public comment on non-agenda items

There was no public comment on non-agenda items.

4. Review minutes of 5.1.24 meeting

As there were no comments about the minutes of the 5.1.24 meeting, those minutes were accepted into the record as written.

5. Finalize and approve Village Residential Neighborhoods (VRN’s) Zoning Districts for PC public hearing

Clarke opened the discussion by reviewing the new zoning map including these districts, that was created for us by CCRPC. These neighborhoods are as described in the texts of the VRNN and the VRNS districts, with the only new change being the removal of the St Mary cemetery (CO0488) and part of the Nature Conservancy property (CO0405) from the new VRNS district. The two new VRN districts basically enclose the residential portions of the village water and sewer (W&S) district. Clarke mentioned that the VRNN lots were formerly in the HDR district and the VRNS lots were in the A/R district. She continued that these districts have been kept strictly residential, at the request of the residents. AS there were no comments or additions to the texts of new zoning sections 3.11 (VRNN) and 3.12 (VRNS), Clarke moved on to a discussion of the associated definitions for this packet of amendments.

A new definition of “elder care facility” was introduced as a subset of the existing “supported housing” definition in order to restrict the types of care facilities that would be allowed in these residential neighborhoods. The definitions of “group home” and “recovery residence” were brought up to date with the current statutory provisions. Clarke said the

attorney would review these definitions, and that these definitions would be applicable to the whole of the Zoning Regulation (RZR). There were no comments offered.

The next set of definitions, also applicable to the whole RZR, introduced the new term “on ground improvements” in order to separate driveways and parking areas from the seemingly over-general term “structure,” which will now only refer to assemblages of materials above ground level. The existing definitions for “setbacks,” “lot coverage” and “impervious surface” were adjusted to take into account the new “on ground improvement” definition. Clarke also mentioned that the “trails” definition that had been discussed at a previous meeting was removed for now, as it had not had adequate consideration from all interested parties. Cathleen Gent asked about the specificity of the phrase “on the ground” but Osborne stated that, with the examples given of driveway, parking area etc, this language would be clearly interpreted as flat on the ground. Granda questioned whether a gravel driveway would be considered permeable or impermeable (i.e. impervious). Osborne stated that our RZR considered gravel to be an impervious surface, and that the RZR’s definition of “impervious” included “paved or unpaved” roads, driveways etc. Clarke agreed that amending the “unpaved” wordage to say “gravel” might be clearer, and noted this as “change #1” to be made to the final packet approval

Clarke then described the new “residential density” section (6.14) which she said was designed to clarify the density concept, as we have not really had this concept in the RZR until quite recently, when we introduced it for the Jolina Court zoning district. The section is primarily explanatory, and will hopefully answer questions about density as they arise. Some entries, such as the terms “base residential density” and “residential density bonuses,” may not be essential for the VRN’s, as density bonuses are not being offered at this time in these districts, but these terms may be needed in the future, so they are being introduced here. Anand wondered where the “8 residents” number came from for the supported housing categories, and Clarke replied that it was adapted from the statutory 8-residents definition for “group home.”

Clarke continued with the idea that this section will apply to the whole RZR, including the VRN districts we are working on, as all districts that have residential uses will have buildings such as duplexes, ADU’s and multifamily buildings to which the concept of residential density will apply. She mentioned that the state would like to get rid of “maximum density” altogether, but that we didn’t seem to be ready for that, so we just adopted the Act 47 standards of 5 U/A and the smaller minimum lot size. Anand wondered if the state legislature was likely to change any of the Act 47 provisions. Clarke replied that she thought it unlikely that housing density requirements would be reduced, as we continue to have a severe lack of housing, and so areas will likely become more dense and we will have to figure out how to deal with the increased stormwater and flooding issues that this might worsen. Granda asked if we were going to consider the proposed new section 6.15 “Residential density bonuses,” as he didn’t see it in the packet. Clarke said the PC would discuss if time allowed in the Buttermilk section, as no density bonuses are being offered in the VRN’s.

Next to be considered was section 6.1 “Parking and Loading,” which needed to be amended because of Act 47 mandating that any dwelling unit in a district served by W&S could only be required to have one parking space. So a duplex would need 2 spaces, and a multifamily dwelling would need 1 space for each unit. A developer can put in more if desired, but more spaces are not required. Clarke said there were different ways of doing this, but having **6.1.2[d]** as presented in the packet seemed the simplest way of complying.

As there were no questions about this section, Clarke moved on to the “Multifamily Housing Development Standards” section (6.13) which applies to both the whole RZR and to the VRN’s now under discussion. This section was new last year, and created some real-world challenges for zoning administrator Tyler Machia as he worked with it, so we are seeing if there are ways to improve the section while still retaining its purpose of protecting neighborhoods from any undesirable consequences of multifamily housing. Changes include requiring only one front façade to have a defined entrance; prohibiting light trespass only onto neighboring properties that have residences (accepted as change #2); a privacy requirement that requires a developer just to show evidence that privacy has been considered to allow for neighbors to bring up privacy issues; retaining a requirement for outdoor open space of 20% of the lot; and reducing the bulk storage requirement to 50 sf instead of 80 sf.

Granda suggesting changing “cold climate heat pumps” to “the outdoor component of heat pumps” as not all heat pumps are “cold climate.” This change was accepted as change #3 to be made to the packet. Reap pointed out that the bulk storage requirement would likely raise the cost of developing housing. Clarke responded that it was problematic that a number of these multifamily development requirements would likely raise the cost, but this was a compromise that was made with the need to create attractive, desirable multifamily buildings that the neighbors would not find objectionable. Reap had further specific questions about 6.13.2 relative to the Willis Farm property, which Osborne thought the current wording clarified adequately, especially if the property is a PUD (which it is) which the DRB could permit with variations of the requirements.

As there were no further comments or questions on the amendment packet, Fausel moved to hold a Planning Commission public hearing on the two new VRN districts and the associated definitions and concepts with the 3 minor changes that have been noted above. The date of the hearing would be June 19, 2024. The motion was seconded by Anand. There was no further discussion and the motion passed unanimously on a roll call vote. Clarke said she would work on the final documents.

6. Buttermilk

Clarke opened the discussion by referencing the letter that the Selectboard sent to the Vermont Housing Finance Agency (VHFA), without the knowledge of the majority of the members of either the Selectboard or the Planning Commission, that commits the Planning Commission to discuss removing the commercial requirement, increasing the density and providing a timeline for zoning changes to assist Buttermilk with an application

to the Rental Revolving Loan Fund program. Clarke asked Granda to talk about this letter as he was involved in its creation. Granda stated that the VHFA thought that Buttermilk's even incomplete application would encourage further rounds of funding for this popular program, which is why the SB took this step, being careful not to commit the Town to any outcomes to these discussions. He said that, in any case, the PC was already discussing these matters. He added that Josh Arneson would fill out the required "Local Employer Housing Survey" as the Town is Richmond's largest employer. Clarke added that this letter didn't actually meet any of the requirements that Josi Kytte laid out for the application, including a commitment by the Town to contribute 5% of the building costs (around \$500,000) to the project. Lisa Miller, a Selectboard member, said the SB has not yet discussed this or taken any action on it, so it is all hypothetical so far. Clarke said there is much we don't know about this program, and Granda suggested that we ask the SB these questions when we meet with them.

Clarke then reported on a letter from Kytte that had arrived midday today, that reiterated her need for the zoning changes and a timeline for the adoption of these changes, for which she says Buttermilk needs approval by September 2024. Miller wondered who was actually behind the push to create this letter, and felt it had no actual life without full Selectboard action. Fausel wished to see the letter from the SB. Osborne said the letter was listed in the meeting materials as "JC Zoning and RRLF inputs" but there may have been an issue with downloading it, and that he would forward it as an email to the PC members. Clarke said she thought Kytte should be corresponding with the whole PC via Osborne, not with individual PC members.

Granda said that he wondered why we wouldn't support the application of a developer that we are in partnership with, when we can do that without actually committing to anything, something this letter accomplishes. He suggested that the PC have a conversation with the SB at this point. Clarke suggested that the PC should bring to such a meeting a document that reflects the work and thinking we have been doing over the last seven months, and that this was the job of the Planning Commission. She suggested that we spend 5 minutes looking at the "conversation starter" document in the meeting materials. Fausel recommended that we not discuss the Kytte letter until everyone has had time to read it, and also stressed that we should first be bringing the community into the discussion process. Granda thought we should be talking first to the Selectboard. Clarke said that we would have to take up this discussion at our next meeting, as we were out of time, and needed to move on to our final agenda item.

7. Updates and other business

Clarke reported that the SB has approved the I/C and PUD amendments, so those changes will be going into effect in 21 days from the date of approval. This means that the PC should be taking up the other piece of this issue, which is amending the Subdivision Regs and formulating the natural resource standards to accomplish the goal of amending the Master Development Plan provision as we did for the RZR. A second topic we need to take up is the timeline issue for the Buttermilk changes that we have been committed to

discussing by the SB, and then the third topic is the Volunteer's Green / Flood Hazard Overlay District discussion that the SB has also committed us to discussing.

Fausel introduced this topic with the following background information: The SB's recent roundtable discussion focused on the need to plan for the replacement of the ageing playground structure, with the options of moving the structure higher up onto the grassy knoll where the bandshell is, or reinforcing the substructure for the equipment in its current location in order to prevent constant damage from flooding. The idea of putting restrooms on the knoll was also discussed, as the current restrooms are also frequently flooded and damaged. The current FEMA maps identify the whole of the park, including the knoll, as being in the floodway, and Richmond's strict floodway zoning regulations would prohibit the option of moving the playground to the knoll. The idea that was proposed of getting a FEMA Letter of Map Amendment (LOMA) to take the knoll out of the floodway seemed too costly and time-consuming and so did not seem like a possibility. The SB thought that the other idea presented, to get the PC to investigate rewriting our zoning bylaws to allow more changes and flexibility for the park, was more promising. Fausel suggested creating a "park district" for this purpose. The SB assigned this work to the PC. Clarke added that forming a park district is not the only option in terms of working with the zoning. She mentioned that the state's representative from ANR to FEMA had some other ideas about what could be done with the current zoning without making a separate district. Fausel thought that the more advice the PC could give the "Three Parks Committee" in terms of spending their assigned ARPA money, the better. Clarke agreed, and said the PC would start a planning process to examine this topic.

8. Adjourn

As there were no further updates or items of business, Granda moved to adjourn. The motion was seconded by Fausel. There were no objections, and the meeting was adjourned at 9:00pm.

Minutes submitted by Virginia Clarke