

## 8.7.24 meeting minutes

This meeting was conducted at the Town Center and on Zoom.

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

Members absent: *(none – two vacancies)*

Others present: Keith Osborne (Director of Planning and Zoning), Tom Astle (MMCTV), Gary Bressor, Jessie Heiser, Bob Heiser, Bill Smith

### **1. Welcome**

Clarke opened the meeting at 7:05 Pm and welcomed members and guests.

### **2 Review and adjust agenda**

Clarke tabled agenda item #6 until the next PC meeting (8/21) saying that new input on this topic had been received subsequent to the posting of the agenda which needed to be considered prior to reviewing any draft language. There were non other adjustments to the agenda.

### **3. Public comment on non-agenda items**

As agenda item #6 had become a non-agenda item, Clarke accepted comments on this topic. Fausel wondered if the PC had asked the Three Parks Committee about their necessary timeline, as they have been in limbo while waiting for PC input. Clarke replied that she had not spoken recently to the Three Parks, but that the current draft was not ready for discussion as new comments had come in since the item was posted on the agenda. Fausel said he did not want the ARPA money wasted by not having zoning in place by October. Clarke said that she and Tyler and Keith had been working on the zoning changes that would be needed and would do the best they could to make a proposal to the PC as quickly as possible. Bob Heiser, a resident of Esplanade St, offered the comment that the PC should be clear about what the goal of any zoning changes would be, as the Three Parks Committee had voted at their last meeting not to advocate for a paved path or anything new like a basketball court at Volunteers Green. Neither Fausel or Clarke had heard this information, but said they would look at the minutes of the 7/25/24 Three Parks meeting. Clarke said there would be a fuller discussion on this item at the 8/21/24 PC meeting.

### **4. Review minutes of PC meetings of 7/10/24 and 7/17/24**

As there were no comments or corrections on either of these minutes, they were both accepted into the record as written.

### **5. Discuss information received at Public Hearing and Town Attorney comments regarding Village Residential Neighborhoods North and South and accompanying amendments and finalize for transmittal to Selectboard**

As there was no discussion about comments received during the Public Hearing, the discussion turned to the comments submitted by Town Attorney Dave Rugh. Osborne

screen shared the redline version of the RZR to which Rugh had attached his edits, and said he would correct the numbering on the Table of Contents. Clarke reviewed the comments, referencing the pages in the Rugh redline, with the idea that the PC would accept or reject each of the comments to create a list of amendments to the posted redline of the current RZR.

- P. 32 and throughout – changing the words “front of building” to “front building lot line” to account for buildings whose front façade is not parallel to the road, or which have two front yards (corner lots). The definitions of “front building lot line” and “rear building lot line” would be added to Section 7 (P. 105), and the wording would be changed wherever it occurred. This change was discussed and APPROVED as an amendment.
- Throughout – changing the word “developer” to “applicant” – this change was APPROVED.
- P.34 – in the VRNS, Rugh questioned whether the line concerning the Round Church should be in the “Features” section or as a “Permitted Use.” The PC decided to keep the line in the features as a part of the purpose of the district describing a fact (where the proposed draft shows it), such that permits for its activities are not needed. NO CHANGE.
- P. 35 – Rugh questioned whether there is any statutory ability to require municipal water and sewer service for all lots in the district. The PC decided to remove this item in both districts from the “Development Standards” section and return it to the “Features” section where it had been originally, representing a fact of the district. Amendment APPROVED.
- P. 101 – Privacy language in Multifamily Housing Development Standards” – Rugh felt that this was too vague, but the PC decided to keep the vague language in order to bring this conversation about privacy to the DRB’s attention and allow for neighbor input at a hearing on a project. The DRB or the ZA only has to ascertain that the neighbors were considered by the applicant. Osborne felt this was administrable. NO CHANGE.
- P. 101-102 – the PC elected not to add the words “to the extent practicable” as Rugh suggested to sections 6.13.12 and 6.13.13, but to leave these as straight up requirements, with no allowance for applicants to say the requirements were just not “Practicable.” NO CHANGE.
- P.102 – Rugh’s suggested sentence was not added as it would conflict with the R/C Districts’ ability to place two residential structures on a lot. The PC APPROVED this item to read: “Only single family residences shall be permitted accessory dwelling units.” (so only the first sentence of the proposed).
- P. 115 – Rugh asked about paved sports courts – the PC agreed to add the words “or any other paved area” to the definitions of “impervious surface” and “on ground improvement” to take care of this omission, and that the posts, hoops, nets etc will be considered “accessory structures.” The paved areas will be subject to lot coverage, but not setbacks. Amendment APPROVED.

- P.115 – add the words (also called “emergency shelters”) to the phrase “temporary housing for those at risk of homelessness” to provide consistency with new statutory definition from Act 47. Amendment APPROVED.

As there was no further discussion about the proposed amended package, Granda made the following motion:

I hereby move that the Richmond Planning Commission forward to the Richmond Select Board Zoning Amendments as described below, and to facilitate the local legislative public hearing requirement is described in section 4384(e). Modifications to the Richmond Zoning Regulations (RZR) include a revision to Section 2.3 - Zoning District Map; newly proposed zoning districts denoted as the Village Residential Neighborhoods North (Section 3.11), and Village Residential Neighborhoods South (Section 3.12); as well as the introduction of a new clarifying section to align with act 47, Section 6.14 - Residential Density. Additional revisions are also proposed to the current Section 6.1 - Parking and Loading; Section 6.13 - Multifamily Housing Development Standards; Section 7 - Definitions - and any amendments agreed to at this hearing. August 7, 2024.

The motion was seconded by Fausel, and voted unanimously in the affirmative by the Commission. Clarke said Osborne would make the changes agreed upon today, “scrub” the pagination, and send out all the required notifications. Clarke said that she would prepare a memo for the Selectboard. She thanked the Commissioners for their work on this project.

## **7. Review Town Attorney comments on the Density Bonus scheme in relation to the Jolina Court Zoning District**

Clarke reported that she and Osborne had met with Town Attorney Dave Rugh to discuss the legality of density bonus schemes in general, and in particular regarding provision of parking as a density bonus, as had been discussed at the last PC meeting. His response to these questions was that the town has a wide latitude in creating a density bonus scheme in the zoning, and that as long as the requirements are optional (can be elected or not) and not mandated for every applicant, 24 VSA 4414 places few restrictions on such a scheme. Rugh had no concerns with offering either public parking spaces or leased parking spaces in exchange for bonus dwelling units. The leased parking would provide a financial benefit for the applicant, but would require more documentation than the straight up public parking. Clarke said the numbers in the current draft reflect some “sweetening” to make electing the density bonus units more attractive: 2 market rate units for 1 senior or workforce unit, or for 5 parking spaces, and 4 market rate units for 1 truly affordable (income sensitive) unit created.

Granda liked the idea that density bonus schemes were quite legal. He continued to support the idea of any density increase being via density bonuses, and also said that he thought it was pointless to only control the rent and not the income level of the renters, as he felt it could be an invitation to corruption. He did not find the argument of just providing rents that were below market rate persuasive, or the idea that just providing more housing in general, at a variety of price ranges, was a benefit to the Town. A lengthy discussion ensued Between Clarke and

Granda about housing strategies that control the rent versus housing that regulates the income of the renters, and who would benefit from these strategies. Fausel suggested 1 market rate unit for 1 workforce housing unit, and 4 market rate units for 1 true affordable unit. He suggested that 4:1 was a pretty generous perk, and that we should be thinking about how the density bonus scheme would apply to other areas of town as well. Clarke said the number of market rate units for each affordable unit had to be enough to persuade the bank that the income from the affordable units would be enough to subsidize the affordable unit, and that Alex Weinhagen, Hinesburg's planner had had trouble making the density bonus scheme work in Hinesburg. Osborne added that he felt inclusionary zoning was a non-starter, but that income-sensitivity was an issue.

Fausel continued that he thought 1 for 1 was a more appropriate bonus level for workforce housing. Clarke asked how he felt about the parking bonus. He replied that he didn't see how leased parking would actually work, but that if leased parking were offered, the number of bonus units should be less than if it's public parking. Fausel agreed that his scheme should be town-wide. Bender offered that he felt the best route here is to just simply increase the base density, rather than depend on a density bonus scheme. Clarke agreed that this was her position as well. Anand agreed that she preferred just increasing the base density, rather than density via bonuses, but the density should be increased by a conservative amount so as not to put more people in the way of the increased flooding we are having, which may at some point go beyond the current flood zone. She stated that she would be willing to approve an increase in the base density from 15 units/acre (U/A) to either 18 U/A or 20 U/A. Clarke suggested that a compromise was needed here because of the divided commission.

Granda made the point that income-screened inclusionary zoning is in Hinesburg's zoning, although they haven't seen many developments that trigger it, and that there are four towns in Vermont that have this. Osborne said that this is definitely a tool, but they haven't seen much use made of it. Clarke and Granda disagreed on whether requiring inclusionary zoning is feasible for the Buttermilk project. Bender asked Fausel and Granda whether they would be willing to accept a compromise between giving an increase in base density and requiring all extra units be bonus units. Clarke suggested that Buttermilk has said they were not interested in affordable housing. Granda said then Buttermilk could build under the current zoning, which Clarke said Buttermilk had said was not financially possible. Clarke added that the benefit Richmond received from additional units was more housing, which is undersupplied at all levels. Fausel responded that the impact that any additional housing will have on the community (over Buttermilk's current 45 unit total) is unknown, and so Buttermilk should be helping the town out with our goals. He added that he feels Buttermilk's real problem is the just the current commercial requirement, and that 45 units from one property is enough.

Further discussion ensued: In reference to the proposed density bonus for providing parking, Fausel said that 5 public spaces for 1 unit seemed ok, but that more spaces should be required for leased parking. He said that senior housing could be used as a bonus if truly accessible, and felt that "workforce" housing should be minimally rewarded. The requirements for senior housing were briefly discussed, but, Osborne said, they are not fully worked out yet. Granda said

he was not opposed to senior housing if fully defined, or to the parking density bonus, but that these weren't as important to him as the income sensitive affordable housing. He thought that the 4:1 ratio might be ok, but wanted to check in further with Hinesburg and CCRPC on this number. Anand said we should recognize the limitations of the town's infrastructure, and that it was difficult to weigh that against the need for more housing. Bender suggested restricting density bonuses to the provision of parking spaces. Fausel suggested that a table comparing all the different requirements compared to the benefits would be useful. Bender suggested that we should be moving this forward with consistent positions. Clarke agreed that moving forward was essential. Anand expressed that it was difficult to do this planning work under the current conditions of flood recovery and personal trauma from recent storms. Clarke agreed that it was difficult. She said this conversation would be continued at our next meeting, and invited any other suggestions on how to move forward.

#### **7. Other business and updates.**

There was none.

#### **8. Adjourn**

A motion to adjourn was made by Bender; seconded by Fausel. As there were no objections, the meeting was adjourned at 9:12 PM.

Minutes submitted by Virginia Clarke