

Richmond Planning Commission
REGULAR MEETING MINUTES FOR August 3, 2022

Members Present:	Virginia Clarke, Lisa Miller, , Mark Fausel, Chris Cole, Dan Mullen, Alison Anand
Members Absent:	Joy Reap, Chris Granda,
Others Present:	Ravi Venkataraman (Town Planner/Staff), Amanda Froeschle,

1. Welcome and troubleshooting

Virginia Clarke called the meeting to order at 7:23pm.

2. Review of the agenda and adjustments to the agenda

Clarke reviewed the meeting agenda.

3. Public Comment for non-agenda items

None.

4. Approval of Minutes

The Planning Commission members had no comments for the July 6, 2022 and the July 20, 2022 meeting minutes. Both sets of meeting minutes were accepted into the record as written.

5. Update on Airport Overlay District Discussions

Venkataraman said that during the last Planning Commission meeting, there were concerns among commission members and the public that not enough notification was given to the public. Venkataraman said that since the last Planning Commission meeting, he has put together a letter overviewing the proposed zoning amendment and the upcoming meeting to discuss the proposed zoning amendment, and sent out the letter and informational materials to owners of properties within the Airport Overlay District. Venkataraman thanked Lisa Miller for her help putting together the informational materials.

Chris Cole asked if the proposed regulations do not add regulations in addition to the regulations by the FAA. Venkataraman confirmed that the proposed regulations are not more stringent than the FAA's regulations, and said that, however, the existing town-wide height restrictions could be more strict than the FAA's regulations. Clarke added that the FAA is requesting property owners to file the form, and that filing the form is not a requirement. Clarke asked Miller for confirmation that a property owner would not need to file the form if they are constructing a structure that is shorter than existing structures and existing trees. Miller affirmed Clarke's question. Miller said that the intent of the form is to protect the landowner from the possible need of removing structures due to FAA requirements.

6. Discussion on Amendments to Sections 6.5 and 6.13

Clarke reviewed that the commission is considering changes to Section 6.5 after the Planning Commission heard about a property owner not being allowed to live on their property in a travel trailer during the construction of their house and about how the Zoning Regulations do not allow this to occur. Cole asked what would happen if the property owners building their house never obtain a certificate of occupancy. Venkataraman said that one has to apply for a certificate of occupancy prior to the expiration of a zoning permit, and zoning permits are valid for two years. Clarke suggested adding additional time limitations to the occupancy of travel trailers, and making the zoning permit for travel trailers nonrenewable. Venkataraman said that in general one could reapply for a zoning permit before or after the initial zoning permit lapses and that they would be required to pay the full fee when they reapply. Venkataraman said that he does not foresee the lack of time limits for construction to be an issue unless in rare and unique cases, and that for the most part one would complete construction of a house within three years. Cole said that he understands the practicality of allowing one to live on their property in a travel trailer during construction; that there may be owners who never complete construction, never get a certificate of occupancy and continue to live on the travel trailer; and that he does not feel comfortable connecting ceasing the use of the travel trailer with the certificate of occupancy. Venkataraman said that creating time restrictions for travel trailers that do not fall within the temporary structure guidelines and the guidelines for permanent structures could be problematic. Cole noted the presence of a travel trailer on a property in Hinesburg that has been under construction for a long time, and said that the presence of travel trailers without time restrictions would be an issue. Clarke said that she does not see the issue of allowing only travel trailers to be restricted for occupancy for only a year and requiring the property owner to reapply for a permit if needed. Cole added that speaking from experience, the term for his construction loan was for a year, and that two years is more than enough time. Clarke asked the commission if a limit was needed for the number of instances a property owner could apply for a permit to occupy a travel trailer.

Venkataraman said that a question the commission needs to answer is whether travel trailers are considered dwellings because all dwellings require a certificate of occupancy. Cole said that limiting the occupancy of a travel trailer should suffice, and that the reference to allowing occupancy until the work is completed should be removed. Venkataraman said that the reference to allowing occupancy until the work is completed is in reference to any remodeling work of structures, which may not require certificates of occupancy or zoning permits in general. Cole said that based on the fact that there are currently ongoing remodeling projects that have not been completed in a timely manner, the draft language does not work. Clarke suggested that the language be changed to limit occupancy of the travel trailer to one year or the issuance of a certificate of occupancy. Clarke suggested that the language be revised and discussed at a later meeting. Venkataraman said that his main concern is the issuance of zoning permits and certificates of occupancy for dwellings that may or may not be permanent, because these documents can be used to circumvent requirements and that usually once a structure is permitted, maintaining it for the long term could be within the bundle of rights of the property owner. Clarke said that the town should be able to place strict limits on the occupancy of travel trailers. Cole said that he did not understand the rationale for requiring zoning permits for the travel trailer, that the zoning permit for a house could be coupled with a permit for the travel trailer, that many people in town violate the existing time restrictions on occupying travel trailers. Clarke said that the zoning permit requirement is to make sure the applicant has a plan for wastewater disposal. Cole said that such safeguards already exist with the performance standards. Miller noted the effect of the presence of a travel trailer on tax bills.

Clarke reviewed the changes to the site plan review section, and asked the commission members for comment.

Clarke reviewed the changes to the definitions section.

Cole said that the commission may want to address short-term rentals in the future, and asked Venkataraman for information about regulating short-term rentals in other towns. Clarke said that many other towns have regulated short-term rentals and that the town should consider requiring short-term rentals to be owner occupied. Venkataraman referred to regulations in Woodstock and Burlington. Venkataraman noted the difficulty in regulating short-term rentals and said that the best advice he has received on regulating short-term rentals is by setting up a separate ordinance for short-term rentals specifically. Cole said that the high percentage of rental units in the village, and the town's proximity to ski areas would make the town popular for short-term rentals.

Clarke asked if the commission is ready to move forward with the draft language, and reviewed the definition of light manufacturing use. Dan Mullen asked about the line referring to adverse impacts, and whether the commission is concerned about adverse impacts on the property hosting the light manufacturing use or on neighboring properties. Cole asked if the performance standards would apply to light manufacturing uses and whether to repeat the same standards in the definition of the use. Miller agreed to remove the language. Alison Anand said that the language regarding adverse impacts should be left in to better guide applicants. Cole said he is fine leaving the language in. Mullen said that because the language is in the light manufacturing definition the language regarding adverse impacts are integral to the use, and that by repeating the language, the regulation of the use may be subject to a different interpretation than the application of performance standards. Clarke asked Venkataraman for his comments. Venkataraman said that he would be in favor of cutting it because it is repetitive, but that he has become used to the commission adding repetitive language in the zoning regulations, adding that this use is the only use that allows for processing and fabrication. Clarke asked the commission which option they would prefer. The commission was in favor of keeping the language through a straw poll.

7. Discussion on the Village Residential/Commercial District

Clarke reviewed the changes made since the last iteration of the draft regulations. Clarke asked Venkataraman to point out the changes regarding screening of air conditioning units and air-source heat pumps. Venkataraman pointed out the changes made to the Village Residential/Commercial District regulations and the multifamily dwelling standards. Mullen suggested a change to include other possible mechanicals and utilities that could be placed outside. Cole noted the possibility of furnaces, and said that he would not be in favor of screening mechanicals and utilities. Clarke said that the present draft language covers all mechanicals and utilities except air conditioner units and air-source heat pumps, and asked the commission if it wanted the language to cover all mechanicals and utilities except air conditioner units and air-source heat pumps. Cole asked if this standard would be applied to the Agricultural/Residential District. Clarke said that at this point, this would only apply to the Village Residential/Commercial District and all residential uses with more than three units town-wide. Clarke asked if external heat furnaces should be included as an exception. Cole said that he does not foresee external heat furnaces to be a part of commercial uses.

Clarke asked about EV ready parking spaces. Venkataraman said that the current draft requires EV ready parking spaces for multifamily dwelling uses and that the previous iteration had required EV ready parking spaces for a wide range of commercial uses, including small-scale commercial uses, because the current parking standards require a lot of parking spaces. Miller asked if the utilities could be placed for the installation of EV charging in the future. Venkataraman said that under the current legal framework towns can either require, incentivize or not require EV charging stations, and that installing conduits and

the like would fall under building code or electrical code, which the town does not have. Miller asked about offsets. Venkataraman said that the town could set up a scheme to allow for mitigation fees instead of installing EV chargers, but that setting up that program would be difficult. Clarke asked if the commission would like to remove the EV ready parking spaces requirement for the Village Commercial/Residential District. Cole said that he would be in favor of removing the requirement, but that he would need to hear more from Joy Reap and Chris Granda.

Clarke said that the solar ready requirements have been removed, and that allowances have been written in for rooftop solar pursuant to state statute.

Clarke reviewed the draft building design standards.

Clarke asked if the commission can proceed with accepting the draft regulations. Mullen and Cole said that they would like to hear more about the EV ready parking spaces from Reap and Granda.

Clarke reviewed the changes made to the multifamily dwelling standards since the last Planning Commission meeting. Cole said he would like to spend time reviewing the landscaping and screening requirements for utilities and mechanicals further.

8. Other Business, Correspondence, and Adjournment

Motion by Fausel, seconded by Cole, to adjourn the meeting. Voting: unanimous. Motion carried. The meeting adjourned at 9:11 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner