

Richmond Planning Commission
REGULAR MEETING MINUTES FOR September 26, 2022

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

1. Welcome and troubleshooting

Virginia Clarke called the meeting to order at 7:35pm.

2. Review of the agenda and adjustments to the agenda

Clarke reviewed the meeting agenda.

3. Public Comment for non-agenda items

None.

4. Finalize and vote on the Village Residential/Commercial District and Gateway Residential/Commercial District; and finalize and vote on Tangential Amendments (Multifamily Dwelling Standards, Definitions, Site Plan Review, Multiple Uses on Single Lots, Parking, Powered Vehicle/Machinery Repair Use Standards, Non-Developable Portions)

Lisa Miller asked about the public hearing procedure Ravi Venkataraman recommended. Clarke said that the Planning Commission will be splitting the proposed amendments into two public hearings to allow Joy Reap to vote on the amendments to the Village Residential/Commercial District and its tangential elements. Clarke said that the public hearings will be occurring concurrently and simultaneously because of how intertwined all of these amendments are, and that input will be taken in during two or three public meetings.

Clarke reviewed the proposed amendments to the Gateway Residential/Commercial District and its tangential elements, specifically grocery store uses. Miller said that grocery store uses does not seem to fit the Gateway Residential/Commercial District because of the character of the area and lack of population. Reap noted that grocery store uses need parking, that the village does not have enough space for parking, and that the public may say that allowing grocery store uses in other parts of town would have detrimental impacts on the Richmond Market. Clarke said that based on Richmond's population, and the size limitations in the Gateway Residential/Commercial District, the likelihood that a grocery store would be established in either district is slim. Alison Anand said that the commission should not place regulations that would prevent fair competition in the marketplace. Fausel suggested not allowing grocery store uses in the Gateway Residential/Commercial District. Miller said the commission should review the proposed definitions as a group. Clarke reviewed the proposed grocery store use definition. Clarke said that grocery store uses would not be subject to the size limitations for retail uses. Fausel said he thought the commission was proposing a size limitation on grocery store uses. Clarke said that after discussion, the commission

had decided to have only one category for grocery store uses, but that at this point, the commission could include additional classifications based on size. Miller said she does not see an issue with allowing grocery store uses in either district if the use is small in nature. Clarke said that as a result of these discussions, four classifications for retail uses will be created—(1) retail, large-scale; (2) retail, village-scale; (3) grocery store, large-scale; and (4) grocery store village-scale---and that only grocery store, village-scale uses will be allowed in the Village Residential/Commercial and Gateway Residential/Commercial Districts. Clarke asked Venkataraman for his opinion. Venkataraman asked speculatively how many districts would allow grocery store uses. Clarke said it would speculatively be allowed in three districts—(1) Village Residential/Commercial; (2) Gateway Residential/Commercial; and (3) Village Commercial. Venkataraman expressed hesitation about creating additional use categories but said it made sense if the long-term intent is to allow for the possibility of a small cornershop with the additional housing the commission hopes to facilitate creating. Fausel asked by allowing village-scale grocery store uses in the Gateway Residential/Commercial District, could a formula retail store be developed. Clarke said theoretically yes, if it meets the definition. Fausel said further discussion with the public on allowing grocery store uses in the Industrial/Commercial District will be needed at a later date. Clarke asked Venkataraman for a draft of the updated grocery store use definitions. Venkataraman presented updated grocery store use definitions. The commission came to consensus on the proposed grocery store definitions and the inclusion of village-scale grocery store uses in the Gateway Residential/Commercial District.

Clarke reviewed the remaining tangential elements under consideration. Reap called to attention the proposed change to light manufacturing uses from the previous planning commission meeting that isn't shown in the current meeting materials. Clarke suggested adding that outside operations for light manufacturing uses will be entirely screened from view, and adding that "any outdoor accessory uses will be fully screened from view".

Clarke noted that "Business, Retail" is suggested to be removed at this point, and asked Venkataraman if this will be an issue for the districts that allow retail business uses and whether the DRB would be able to apply the proposed retail use definitions to business retail uses. Venkataraman and Clarke discussed which districts allow "Business, Retail" and "Retail Sales" uses. Venkataraman said that applicants are only able to do what is explicitly allowed and defined in the zoning regulations, and cannot operate uses that are not specifically allowed within the zoning district, therefore an applicant cannot operate a "Retail Sales" use in the proposed Village Residential/Commercial Zoning District which only allows "Village-Scale Retail" uses. Clarke said that the retail uses will need to be cleaned up as the Planning Commission progresses through the zoning regulations.

Clarke introduced the non-developable portions of lots revision, and said that the reasons for changes are because the zoning districts under discussion allow for 10,000 square-foot lots and the zoning regulations currently allow lot sizes smaller than 10,000 square feet in certain districts. Clarke added that she didn't see the reasoning why the zoning regulations restrict property owners in this way if a lot has the capacity to host a building and has less than 10,000 square feet of developable land, and the reasoning behind why this was included in the zoning regulations to begin with. Miller asked if subsections (a) through (f) are addressed in other parts of the zoning regulations. Venkataraman said that most of the subsections are addressed in other parts of the regulations or are obvious. Fausel said that the basis of this regulation is to prevent overdevelopment of areas outside the village, and that he thinks the regulation as-is is a good idea to prevent overdevelopment of parcels that do not have the adequate space to accommodate development. Clarke said that the commission should be encouraging more housing and the clustering of housing developments. Venkataraman said that for any lot that happens to be created that does not have any developable land, a property owner would need a variance to develop the property. Venkataraman said

that the minimum lot size in districts not under discussion would remain the same, but the ability for property owners to develop on lots would change. Fausel expressed concerns of overdevelopment in the Agricultural/Residential District with the change in the regulation, and said that this section of regulation should not be considered at this point. Clarke said that the commission should be encouraging clustered development in the outlying areas and maximizing open space. Clarke said that the minimum the commission could place considering the districts under discussion is 5,000 square feet of developable land. Fausel said that this could be applied to the districts under review currently. Miller concurred that the commission should be encouraging more clustered development and maximizing open space. Venkataraman said that regardless of the revision, land would still need to have the capacity to host a house site, including working utilities. Fausel said that buyers are not aware of the status of houses, that they're only concerned with being able to buy a house to live in, and that the regulations should not allow builders to develop freely and to the buyer's detriment. Venkataraman said that if a house doesn't have running water, it's a big red flag. Venkataraman said that the removal of the regulation does not change the lot size and the amount of yard space, and that he doesn't understand Fausel's points if the amount of developable land has no bearing on whether the lot can host a house and there are already a range of factors that limit the developability of lots in the Agricultural/Residential District. Fausel said that the public should review and decide on whether this regulation should be revised. Clarke said that there are probably many lots in town that do not have 10,000 square feet of developable land. Miller agreed with Fausel's point that the public should discuss this regulation. Anand said that perhaps the effort was to include Act 250 criteria to projects that are not subject to Act 250. Reap said that this regulation should be revised at this moment, and that she doesn't understand Fausel's argument. Clarke did a straw poll on whether the commission is for the revision. Four commission members raised their hands. Fausel said that he would not vote on any amendments for a public hearing if it includes the revision on non-developable portions in the meeting materials. Reap asked Fausel for more information on his rationale. Fausel said that this would change the character of the district, creating development in areas unsuitable for development. Reap said that this revision would not change what is considered non-developable. Fausel said he recalled the past discussions on this topic when this regulation was added to the zoning regulations, and based on those past discussions, he suggested more community input. Reap said there are probably lots that were created after this regulation went into effect that do not comply, that it would be difficult for an engineer to provide such information, and that it would be difficult for the Town to administer. Venkataraman said that a checklist would be applied in the review process, and that he suspects there were lots that were created that are not in compliance with this regulation because of the amount of non-developable land in Town. Fausel expressed concerns about the administration of this regulation, and about the fact that only two districts are under consideration. Reap asked Venkataraman if this type of regulation is in other towns. Venkataraman said that they do not because it is exclusionary in nature. Clarke asked Venkataraman on next steps: whether to include a caveat that the revision only applies to the districts currently under discussion, to discuss this at a later date, or to postpone voting to a meeting in which more commission members attend. Venkataraman suggested stating that the regulation currently in effect only applies to lots in the Agricultural/Residential District. Fausel suggested that the revision should be to exempt the districts currently under consideration or that the revision does not apply to districts that allow for lots to be 10,000 square feet or less. Clarke asked Venkataraman's opinion on the latter recommendation. Venkataraman said that that recommendation seems overly complicated because it sounds convoluted. Clarke suggested the revision to be "each lot in district that has a minimum lot size of greater than 10,000 square feet shall have one contiguous 10,000 square feet area of land that is capable of supporting development". Venkataraman said it sounds convoluted but it does make sense. Fausel said he would be happy with this revision. Clarke said that she hopes to amend this regulation as soon as possible after discussion with the public but understands that at this point, this revision would suffice for the time being.

Clarke reviewed the changes to the Village Residential/Commercial District, notably the addition of “grocery store, village scale” and “retail, village scale” uses. Clarke reviewed the proposed definitions for grocery store uses, and retail uses. Clarke reviewed the Powered Vehicle or Machinery Service use standards. Anand expressed concern about noise and pollution. Clarke said that these uses would need to adhere to the performance standards, and that the actual operations of the use would be within buildings.

Clarke and Venkataraman reviewed the draft parking table. Venkataraman reviewed the basis of the numbers in the parking table, parking minimums and parking maximums. Fausel asked why the draft has a maximum amount of parking for accessory dwellings. Venkataraman said that the basis was to limit overdevelopment, and that the draft table sets no maximums for single-family dwelling uses. Clarke suggested removing the maximum limit for accessory dwelling uses. Clarke noted that grocery store uses and retail business use will need to be added to the parking table.

Clarke asked for a motion for the Village Residential/Commercial District and its tangential elements.

Motion by Reap, seconded by Fausel, to hold a public hearing on October 19, 2022 on the proposed amendments to the Richmond Zoning Regulations Sections 3.3, 4.14, and 7.

7. Other Business, Correspondence, and Adjournment

Clarke suggested that the commission vote to hold a public hearing on the Gateway Residential/Commercial District and its tangential elements during their next meeting.

Motion by Reap, seconded by Fausel, to adjourn the meeting. Voting: unanimous. Motion carried. The meeting adjourned at 9:57 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner