

**Richmond Planning Commission Meeting
Minutes of January 4, 2023**

Members Present:	Virginia Clarke, Alison Anand, Chris Granda, Joy Reap, Lisa Miller
Members Absent:	Chris Cole, Dan Mullen, Mark Fausel
Others Present:	MMCTV, Adam Wood, Jeff Forward, Duncan Wardwell (Town Staff/Minutes)

1. Welcome, sign in and troubleshooting

Virginia Clarke called the meeting to order at 7:05 pm.

2. Review of the agenda and adjustments to the agenda

Clarke suggested adding 4b. to discuss the Dunkin question. No issues with adding it to the agenda.

3. Public comment on non-agenda items

None

4. Approval of Minutes

The December 7, 2022, meeting minutes were accepted into the record as written.

4.b A Short Word About Dunkin Donuts As a Possible Eatery

Clarke explained that the owner to the Mobil station has obtained the permits to do a renovation. Clarke explained that the approval of the permits does not restrict the type of eatery. Clarke reviewed that it is in a industrial/commercial district around Exit 11. Clarke reviewed that the Mobil Station is able to put in any small eatery they want.

Forward explained how the Mobil Station appealed the original DRB decision to restrict formula businesses.

Reap confirmed that the Mobil Station could put in any type of food option.

Granda asked about having our formula business definition looked at by a lawyer to understand the precedent.

Forward stated the Town lawyer was involved in the decision not to fight the appeal.

Clarke stated that there were multiple reasons that the appeal was successful.

Miller explained her concern about formula businesses being unhealthy for the Town.

Clarke stated they were going to talk about formula businesses in one district at a time.

Granda stated that it makes little sense to take a patchwork approach to formula businesses.

Clarke stated we will try to get the legal information for the appeal decision made by the Selectboard.

5. Discussion on revisions to Village Residential/Commercial District and Gateway Residential/Commercial District and the tangential elements for both.

Clarke hoped to finish these definitions over the next few meetings. Clarke explained that without sub-dividing a lot you can put residential structures on it. Clarke explained that it is putting two residential units on the same property. Clarke stated that the whole paragraph is proposed for both of these districts. Clarke stated that last time there were three proposals: one is we don't do this, one is we do it only for residential structures, and one if for any kind of commercial or residential structures. Clarke stated that if we want to apply it Town-wide we can put the same language into other districts, or we can do it district by district.

Granda asked how this works in practice. Granda provided an example of buying a lot, building two houses, then selling one of the houses but still owning the lot. Clarke confirmed that is correct and it is like a condominium. Granda asked if an existing home on an existing lot would be able to build a second structure and sold. Clarke confirmed it could be sold or retained. Clarke confirmed that we could ask utilities like Water/Sewer and Green Mountain Power to see if these arrangements need to be stated. Granda agreed it would be nothing specific to Richmond.

Anand asked about legal opinions and the potential confusion with owning a building on property owned by someone else. Anand stated that it she is unclear about this definition and a sub-division. Reap stated that this is similar to a PUD (planned unit development), so we already do this.

Clarke stated that the full set of documents will go to a lawyer before we actually vote to approve them. Clarke confirmed that most of this material was already submitted to a lawyer with only a few comments about wording but no actual issues. Clarke stated that the Village map includes both sides of Jericho Rd up to School Street and is one property deep on each side of Jericho road. Clarke confirmed the interest in those properties having multi-family housing and commercial compatible businesses. Clarke stated they added the Goodwin-Baker building (that is interested in housing), some W. Main Street properties, and some properties across from the Round Church Corners complex.

Clarke stated that the power vehicle service has been deleted from the Village R/C along with the powered vehicle standards. Clarke confirmed conditional use has been maintained in the Gateway R/C.

Clarke listed formula businesses as retail, pharmacy, grocery stores, hotel/motel, and restaraunts. Clarke stated they approached each in a different way. Clarke confirmed that the legal advice is you cannot just ban formula busnissess. Clarke stated we can legally restrict for size like Village scale and large scale in grocery and pharmacy. Clarke confirmed that zoning can control formula businesses with Village scale, architectural features, parking, and landscaping.

Clarke noted that the pharmacy definitions added village scale (<5,0000 s.f.) and restrictions for the amount of food. Clarke stated the example of Walgreens which touts small-format stores, a nice fit for Richmond. Clarke reviewed that no parking in the front in the Gateway R/C is an example of discouraging formula businesses without prohibiting. Clarke stated many other examples of definitions for apperance, facades, landscaping, and signs that discourage a formula business. Clarke reviewed the history of hotel/motel as a use in the Gateway and the reasons for taking it out. Clarke explained that retails is allowed in the Village but no retail use is allowed in the Gateway. Clarke stated that banks are formula businesses but nobody minds.

Clarke explained the requirements to sell food must include at least 25% of floor area in fresh or frozen food. Clarke clarified that this was to avoid retail stores selling a limited amount of packaged food, putting grocery stores out of business and creating a "food desert" in town. Clarke reviewed the non-regulatory language for each Gateway and Village R/C and how it is connected to the regulatory definitions.

Reap asked if hotels were being taken out because they were considered a chain. Reap stated that the only place a hotel could go is 200-feet back from the road. Clarke stated it was removed due to the formula business concerns. Reap expressed concern about finding a place to stay in Richmond. Reap stated that if we want people to shop & stop in Richmond, the only place to stay is renting out somebody's house. Clarke confirmed that we should put back in the hotel/motel. Granda stated his concerns for formula businesses do not extend to hotels.

Granda asked if the size and fresh food standards of the existing market would be in compliance. Clarke confirmed that the Village Commercial district does allow large-scale grocery stores. Granda asked if there was a definition for fresh and frozen foods when perishable was the relevant term for shelf-life. Clarke confirmed the interest in the word "perishable" and reviewed the Grocery Store, Large Scale and Village Scale definitions. Granda suggested removing "or frozen" from both of the definitions. Granda confirmed he was interested in more restrictions that required fresh produce. Clarke asked if it is too restrictive to eliminate frozen. Clarke stated that having "fresh or frozen produce" meets the goals of not having a food-desert with frozen spinach and peas as an example. Granda stated that taking out "or frozen" would not restrict a business from offering some frozen food.

Clarke asked for other opinions on taking out "or frozen" from the Grocery Store definitions. Miller suggested legal advice for guidance. Miller observed the struggle with terminology as a Planning Commission. Granda stated we don't need perfect hurdles to discourage these type of businesses from going to a different location. Forward stated the Planning Commission is doing a good job interpreting our Town Plan and putting it into specific language. Forward confirmed that being specific will address the retail and grocery store concerns. Anand stated she was not against frozen foods. Wood stated he understood that taking out "frozen" foods would create a larger hurdle for formula businesses. Granda stated that the current definition would allow for a store to carry no fresh produce, meat or dairy. Clarke confirmed the interest in the Large Scale and Village Scale concept.

Clarke presented the Pharmacy, Large Scale and Village Scale definitions. Granda asked if a store that only sold health supplements and vitamins would qualify under our definition of a pharmacy. Miller stated that previous example might be considered retail. Clarke stated it was something to look into along with cannabis regulations. Clarke explained the Selectboard would like us to have some ideas on the zoning for cannabis. Granda expressed concern about a medical cannabis dispensary opening as a pharmacy. Granda stated that there should be a complete public discussion dedicated to the topic. Granda confirmed interest in keeping the current Pharmacy, Large Scale and Village Scale definitions.

Clarke confirmed bringing these definitions to the next meeting to vote on approval before bringing to Selectboard. Miller confirmed having another legal review with final comments before approval. Anand moved to send definitions to legal counsel so next meeting the Planning Commission could reflect on comments and move it ahead. Miller seconded. Motion approved.

6. Other Business, Correspondence, and Adjournment

Granda moved to adjourn. Reap seconded. Motion approved.

Chat Log:

00:03:41 MMCTV Live Stream: Hi Duncan! We are standing by, all good over there?

00:03:54 Richmond Town Host: So far so good

01:45:02 Jeff Forward: I liked the term perishable.

01:52:54 Jeff Forward: Perishable can be considered either fresh or frozen. Frozen food contains water and will quickly spoil at room temperature,

02:17:51 Jeff Forward: Thank you all for your time and your hard work on this!

Related Files

- [4 Planning Minutes 12-7-23.pdf](#) 56 KB
- [5a Memo from the Chair for 1.4.23 PC meeting.pdf](#) 199 KB
- [5b Map VillageRC EntireJerichoRd 12-22-22.pdf](#) 3 MB
- [5c ProposedGatewayRCMap-9-21-22.pdf](#) 3 MB
- [5d Village Residential Commercial District.pdf](#) 141 KB
- [5e Gateway Residential Commercial District.pdf](#) 124 KB
- [5f Non-Developable Portions of Lots.pdf](#) 9 KB
- [5g Site Plan Review.pdf](#) 11 KB
- [5h Definitions new and amended.pdf](#) 121 KB
- [5i Pharmacy definitions.pdf](#) 82 KB
- [5j Retail definitions.pdf](#) 87 KB
- [5k Grocery Store definitions.pdf](#) 85 KB
- [5l Multifamily Housing Development Standards.pdf](#) 128 KB
- [5m Draft Parking Table 12-7-22.pdf](#) 108 KB