

**Richmond Planning Commission Meeting
Minutes of February 1, 2023**

Members Present:	Virginia Clarke, Chris Cole, Alison Anand, Chris Granda, Dan Mullen, Joy Reap, Lisa Miller, Mark Fausel
Members Absent:	None
Others Present:	MMCTV, Jay Furr, Trish Healy, Duncan Wardwell (Town Staff)

1. Welcome: Virginia Clarke called the meeting to order at 7:01 pm

2. Adjustments to the agenda: None

3. Public comment on non-agenda items: None

4. Review minutes of 1/18/23 meeting

The January 18, 2023, meeting minutes were accepted into the record as written. There were no comments or corrections.

5. Review of amendments to Village Residential/Commercial District and Gateway Residential/Commercial District and associated amendments with aim of voting to forward packet to Selectboard

Clarke reviewed the topics that had remained unresolved from the last Planning Commission meeting, by section as follows:

- 3.3.5 definition of “significant remodel” – discussion distinguished between current language of “greater than 50% of the square footage of façade and exterior walls changed by remodel” as suggested by the attorney, versus basing the “significant” on the value of the remodel. The value method is used by FEMA and others, but Clarke suggested that the current language is appropriate as we are interested only in the exterior appearance. Commission concurred.
- 3.3.3 addition of “catering service” and “food processing facility” as conditional uses in both R/C districts. Clarke explained that Ravi had lumped these under “light manufacturing” but after discussing this with our ZA, Tyler Machia, Clarke felt that these should be their own categories, as intuitively they are different from light manufacturing. Commission ok with this.
- 3.4.1 should a “feature” bullet be added to the Gateway mentioning maintaining a view of Camels Hump as Lisa Miller had suggested? Miller and Clarke had researched this issue and concluded that this view does not exist for most of the Gateway, and so the mention is not key. There were no dissenting opinions to this view.
- 3.4.3 should “Storage, outdoor” be added as a use to the Gateway R/C district? A long discussion ensued on this topic. Points made by Commissioners included:
 - ✓ that some uses already have built-in outdoor storage (Clarke);
 - ✓ screening is required for outdoor storage per development standards for this district (Cole);
 - ✓ outdoor storage should be allowed as an accessory use for commercial uses but not residential uses (Granda, Mullen, Cole);
 - ✓ the word “junk” shouldn’t be in the definition (Anand, Clarke)
 - ✓ ‘Junk’ is a very unclear term (Mullen)
 - ✓ Worries about “junk” opening up permits that allows for eyesores, multiple dead vehicles etc (Furr)

- ✓ Perhaps ought to be assumed rather than as a free-standing conditional use (Mullen)
- ✓ seems likely that many commercial uses might need to have things stored outdoors – hard to know which uses might need it, so difficult to know where to assume as accessory (Reap)
- ✓ outdoor storage will have conditional use review (Miller)
- ✓ DRB could make determinations about allowing or not if separate conditional use (Fausel)
- ✓ current language for VC, C and I/C districts allows as accessory use to other permitted or conditional uses so we could use this same language (Clarke) – agreement with this (Cole, Furr)
- ✓ residential outdoor storage should not require a permit (Cole)
- ✓ outdoor storage will be screened per regulation (Reap)
- ✓ “enclosed” could be in a chain link fence, which is not screened, so screened is better (Reap)
- ✓ “un-enclosed” just means outdoors as opposed to in a building (enclosed) (Mullen)
- ✓ May be an issue if we don’t list outdoor storage as a separate use in Gateway, as is already listed this way in VC, C and I/C districts, even though this may not be completely logical – DRB might have difficulty with this (Clarke)
- ✓ Recommend attaching it to a business (Reap)
- ✓ Need flexibility with permitting outdoor storage so as not to discourage businesses (Cole)

The Commission agreed to amend the document to remove the word “junk” from the definition of “Storage, outdoor,” and include this item as a conditional use in the Gateway R/C district “as an accessory use to any commercial permitted or conditional use in that district.”

- 6.1.2 Clarke presented suggested minor changes to parking table on issues brought up at our last meeting:
 - ✓ Dwelling, single-family – 1 space minimum (instead of 1.5)
 - ✓ Inn or guest house – add word “guest” before room
 - ✓ Restaurant, standard – change to 5 minimum spaces and 10 maximum – Clarke stated that this was based on looking at several other parking tables for a general idea of what others do

The issue of SFGSA vs occupancy as basis for parking numbers was discussed. Clarke said she had checked with CCRPC and Darren Schibler had advised that both systems were used, and that both were somewhat imperfect. This table was put together by former planner Ravi Venkataraman, and Commission concluded that there was no need to create a whole new table, so table left as presented with the minor amendments.

Clarke reviewed several new issues. In Clarke’s discussions with Tyler Machia, there was concern about the meaning of the phrase “Character of the area” and how he and the DRB were to interpret that. The meaning “Character of the District” was suggested as a meaning. Clarke reviewed this with the town attorney, who thought this was fine, but based on his experience, suggested that we add the sentence about also allowing for the consideration of the immediate vicinity of the proposed project in case the DRB has a particular concern (see suggested language in meeting memo). Language says MAY allow, so at DRB’s discretion. The Commission was ok with this.

Clarke reviewed adding “perishable food” language into our new grocery store, pharmacy and retail definitions, and adding it as a separate definition to clarify its meaning within those other definitions. Clarke stated that this addition was based on researching other regulations that attempt to control the development of “food deserts.” She reviewed the strategy that the Commission has discussed over the last few meetings to require that any retail, pharmacy or grocery store that has more than 2% of its GFA stocked with food is required to have at least 25% of its GFA stocked with “perishable food” i.e fresh or fresh frozen produce, meat or dairy products.

Furr questioned whether this would include frozen dinners, and Clarke said she felt frozen dinners could count towards the 25% perishables requirement. Granda asked who determines the 2% and 25%.

Clarke responded that an application for one of these stores would have to include plans for the arrangement of the floor space such that the requirements would be met. If it were later determined that these plans were not being followed, a zoning violation enforcement procedure could be brought against the owner by the Zoning Administrator.

A general discussion ensued about the strategies that the Commission was embarking on to discourage chain or formula businesses. Clarke mentioned that the following are included:

- adding “purpose/features” language to these 2 districts that define the character of these districts as having unique, small-scale entrepreneurial businesses;
- restricting the maximum retail, grocery or pharmacy building size to <5,000sf;
- having specific landscaping, architectural elements and parking location requirements that are not common features of big box stores; and
- requiring that fresh food must be sold if any food is to be sold.

The town attorney felt these strategies were legal. Granda felt that if this was the best we could do, it would provide the Town with some protection for its unique businesses and should be tried, even if not perfect.

Trish Healy read a letter from her husband Dave that had been sent to Clarke on 2/1/23 but that Clarke had not yet seen. Dave felt that the measures the Commission was taking to allow more housing were too aggressive, and he wished us to soften them. He preferred “1/4 A” to “10,000 sf.” He preferred increased lot setbacks and a maximum lot coverage of 50% rather than 60%. He felt that the traffic impact section should remain as it is in the current regs for the village (35 trip ends), rather than be matched to the traffic impact language in the Gateway and the other districts (70 trip ends). Because we were very close to the end of our meeting and were about to lose our voting quorum, and because we had reviewed these points throughout our 1-year+ work of balancing the issues for these amendments, Clarke elected not to discuss these recommendations in detail and the Commission concurred by stating its readiness to vote to approve and forward to the Selectboard the documents as is, with the minor amendments discussed tonight regarding “outdoor storage.”

Clarke made a final comment on the question of using “acres” versus “square footage” as a basis for the dimensional requirements. Clarke had taken this to CCRPC and was advised that both systems were used, and that the square footage worked better for districts where the lot size is small, i.e. < 1A. Clarke showed examples from Hinesburg and Essex where smaller lot requirements were in square feet (with 10,000sf used instead of 1/4A) but for outlying agricultural/residential districts, acreage was still used. Square footage is used in other parts of our zoning document as well. Former planner Venkataraman had indicated that this was an updated approach and had suggested we incorporate it. Clarke stated that she understood this might cause some confusion at first, but developers would be seeing this method in other towns, so likely could adapt.

Cole moved to approve the following amendments to the Richmond Zoning Regulations and the relevant Bylaw Amendment Report as amended on February 1st, 2023 and send them to the Selectboard for their review process: Sections 2.5.2, 3.1.1, 3.1.2, 3.2.1, 3.2.2, 3.4, 3.5.1, 3.5.2, 3.6.1, 3.6.2, 3.7.1, 3.7.2, 3.8.1, 3.8.2, 3.9.1, 3.9.2, 3.10.1, 3.10.2, 4.5, 5.5, 6.1.2, 6.13, and 7. Minor references related to the district name change have been amended in the following additional sections: Table of Contents, 2.1, 5.7.3, 5.7.4, 5.12.2, and Index. This will also include the minor amendments made on 2/1/23.

Miller seconded.

Roll Call Vote: Anand, Clarke, Cole, Fausel, Granda, Miller, Mullen in favor.

Reap recused herself from vote.

Motion approved.

Cole moved to approve the following amendments to the Richmond Zoning Regulations and the relevant Bylaw Amendment Report and send them to the Selectboard for their review process: Section 3.3 and the revised Official Zoning Map and its legend.

Miller seconded.

Roll Call Vote: Anand, Clarke, Cole, Fausel, Granda, Miller, Mullen, Reap in favor.

Motion approved.

Adjournment

Anand moved to adjourn.

Cole seconded.

Roll Call Vote: Anand, Clarke, Cole, Fausel, Granda, Miller, Mullen, Reap in favor.

Motion approved.

Chat Log:

00:27:49 Jay Furr: I agree that splitting things like 'catering' and 'food processing' out from 'light manufacturing' would reduce confusion and be better

00:56:42 MMCTV Erin: I live in condos across from Stone Corral and Mann & Machine. They both store stuff outside barrels and tires) both kept tidy would be hard to hide. Does this “junk” idea mean it will give the drB or select board a confusing thing to enforce?

01:33:06 Christopher Cole: Seems prudent

01:59:05 Chris Granda: I need to leave at 9:00 tonight.

02:06:30 Christopher Cole: I also need to leave at 9.

Related Files

- [a Planning Minutes 01-18-23.pdf](#) 91 KB
- [b Planning packet contents 02-01-23.pdf](#) 150 KB
- [c Planning Memo 02-01-23.pdf](#) 193 KB
- [d Gateway and Village RC and associated amendments 02-01-23.pdf](#) 438 KB
- [e Richmond-Zoning-Regulations mark-up 02-01-23.pdf](#) 1 MB
- [f ProposedGatewayRCMap 02-01-23.pdf](#) 650 KB
- [g ProposedVillageRCMap 02-01-23.pdf](#) 669 KB
- [h BylawAmendmentReport GatewayRC 02-01-23.pdf](#) 114 KB
- [i BylawAmendmentReport VillageRC 02-01-23.pdf](#) 114 KB
- [j RelatedLinks20230201.pdf](#) 55 KB

Minutes submitted by Duncan Wardwell and Virginia Clarke