

Richmond Planning Commission
REGULAR MEETING MINUTES FOR July 6, 2022

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

1. Welcome and troubleshooting

Virginia Clarke called the meeting to order at 7:25 pm.

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

No comments. The minutes were accepted into the record as written.

5. Discussion on the Gateway District

Clarke said that the commission should be working towards finalizing these regulations to move it forward for a public hearing and that edits should be directly connected to the goals the commission has outlined for this district. Clarke said that the goals include addressing the ongoing housing crisis; streamlining the permitting process applicants, staff, and the DRB.

Clarke asked for comments on the purpose and features section. Joy Reap identified a grammatical error in the first listed feature, and a typo in the listed uses.

Reap asked for a definition of “historic settlement pattern” and if a definition is needed. Clarke said that she does not have a definition and that the commission decided to rely on a common-sense understanding of the term instead of a definition in past meetings. Reap said that she is unsure of what “historic settlement pattern” is supposed to mean in this context. Clarke said that to her the “historic settlement pattern” in this context means that development follows the design it has been in this location, deep vegetated setbacks, preservation of the scenic entrance to Richmond, mixed use development, and no commercial strip development features. Clarke added that the items listed as the features describe the “historic settlement pattern” of the area. Mark Fausel asked if using the term “historic development pattern” would make more sense. Reap questioned the need for the sentence. Clarke said that the term “historic settlement pattern” was pulled from Act 250 requirements. Chris Granda concurred with Reap

on her point on the ambiguity of the term in this context. Clarke asked for Ravi Venkataraman's input. Venkataraman said that the term "historic settlement pattern" is connected to the state's goal of promoting development within village centers and protecting areas outside the village centers, and that in this particular context, the usage would not impact development review. Dan Mullen said that including "historic settlement pattern" would be duplicative since it is already included in statute, is a factor in Act 250 review for developments that trigger Act 250 review, and that if the commission intends to promote development within village center, the purpose statement should explicitly say so. Clarke asked for Alison Anand's opinion. Anand said she does not have a strong opinion and that the commission could move forward with the current version of the language. Clarke suggested adding further description to support the term "historic settlement pattern" to better inform readers. Anand agreed. Fausel recommend that the commission be careful about the use of "historic" considering that the commission would be changing the current nature of the area with the proposed regulations. Clarke asked for a straw poll of the commission about removing the reference. The commission was inclined to remove the reference. Clarke said that she and Venkataraman will revise the section accordingly.

Clarke reviewed the changes made to the document since the last meeting. Reap asked about the thought about the suggested change reducing the allowance of multiple uses on a property with a conditional use from eight uses to four uses. Clarke and Venkataraman were not sure of the reason for reducing the number of uses. Clarke asked the commission if they would like to set a limit on the number of uses on a property. Reap said that based on current market conditions, there isn't much reason to limit the number of uses on a property. Venkataraman agreed.

Clarke reviewed the definition of supported housing facility and shelter, adding that shelter uses have not been included in the draft language for the Gateway District and that supported housing uses have been included as a conditional use in the draft Gateway District language. Anand asked for the reason for creating such definitions. Clarke said that people have asked about these uses, and these uses are to be added to the mixed use districts to allow for nursing homes, geriatric facilities and the like. Fausel asked for clarification on the difference between a shelter and a state-licensed facility providing care. Venkataraman said that shelters do not provide care, that such uses only provide housing, and that he doesn't think shelters are state-licensed. Clarke said she expects shelters to have more difficulty to be approved. Clarke asked Venkataraman to ask CCRPC for guidance on creating definitions for shelters and supported housing uses. Venkataraman said he can follow up with CCRPC, and that from his experience, he has seen regulations list different definitions for supported housing and shelters and approvals for shelters as hotel uses because the definitions are in alignment. Mullen added that shelters for children are licensed and shelters for adults are not, that with the recent allowances for hotels to give housing to individuals experiencing houselessness, the commission may create a conflict by allowing hotels and not allowing shelters in districts. Clarke asked Mullen if other parts of statute were overridden with the allowance of hotels to house those experiencing houselessness. Mullen said that the allowance was given through an executive order, and that the legality was questionable based on what he has heard.

Fausel asked about the definition of state- or community-owned and operated institutions and facilities and whether a fire station would be allowed as such a use. Venkataraman said that the allowances for state- or community-owned and operated institutions and facilities would allow for fire stations to be created. Venkataraman added that the term "state- or community-owned and operated institutions and facilities" is not a use, that, instead, is a protection given to a use that happened to be owned by the state or a municipality, and that this protection applies to VTrans's anticipated repaving work. Clarke asked Venkataraman for recommendations on how to proceed. Venkataraman said that for now, including the use is fine, and that during the next iteration of clean-up amendments, the commission should remove the

use entirely and make clear about the allowances given to uses owned and operated by the state and the town. Clarke asked if municipal uses like the rescue stations should be included in all the districts as a conditional use. Venkataraman said that that is up to the commission but that the use should be allowed in at least one district. Clarke asked if creating a use category for municipal operations is useful. Venkataraman said that it would be and that the commission can create a catch-all use category for municipal operations that have a higher intensity, like police stations and fire stations. Fausel said that he would like to make revising the state and community-owned and operated institutions a priority because this does not include Richmond Rescue, a separate non-government organization. Venkataraman said that if Richmond Rescue would like to establish an operation in the Gateway District, allowances should be made, and that since “state- and community-owned and operated institutions and facilities” are not a use per se by the state, the “community-owned” aspect can be interpreted broadly. Clarke said that she will work on this further.

Clarke asked the commission for comments about the dimensional requirements. Clarke noted that with the quarter-acre lot size requirement, this conflicts with the 10,000 square-foot developable land requirement under Section 2.5.2. Reap asked about the front-yard setback requirement along I-89. Reap asked about the parking requirements and I-89, and said that the placement of buildings closer to the freeway is preferable as it would have less noise impacts. Clarke said that the front yard is areas adjacent to a right-of-way or a road, that lots can have multiple front yards. Reap asked if this aspect is uniform throughout the zoning regulations. Venkataraman said that this requirement is standard for most zoning regulations, that it is commonly understood that the space between a building façade and any public or private road is a front yard. Reap voiced concerns about the front-yard setback from the I-89 right-of-way. Clarke said that the setback requirement is based on people’s concerns about the impact of I-89 on residential developments. Reap said that Bob Reap told her that based on his experience working 100 feet from I-89, that placing buildings closer to I-89 would be better because the noise impacts would go over any buildings located directly below the freeway. Clarke asked if Reap would prefer a 10-foot front-yard setback from I-89. Reap said yes. Fausel said he would like more information about the noise impacts and setbacks, and the distance of the setbacks. Fausel identified a typo in the reference to the state and community-owned and operated institutions and facilities in the zoning regulations. Anand asked if the setback distances are measured in the horizontal or in the surface of the ground. Venkataraman said that the distance has typically been measured along the surface of the ground. Anand noted that how the setback is measured would play a factor in measuring the impacts of development.

Clarke reviewed the draft site design standards. Reap asked about moving curb cuts. Venkataraman said that he would interpret the removal and replacement of a curb cut as establishing a new curb cut, and that the allowance to remove and replace curb cuts should be made explicit in the regulations. Clarke suggested making that allowance clear.

Reap asked about the natural vegetation and the security requirement. Clarke said she considered weeds, wildflowers and other types of natural grasses to be natural vegetation, and lawns to be landscaping, and that the draft regulation includes grass in general. Clarke noted that the security may be required by the DRB. Reap said that she is surprised by the leniency of the draft regulations, and that she recalled needing to install trees and vegetation based on the DRB’s recommendations. Clarke said that the current regulations are not specific about landscaping requirements, noting screening regulations to preserve the character of the area and to serve as buffers between commercial and residential uses, and that these regulations are not requirements. Reap said that the commission may want to think about landscaping buffer requirements, as well as signage allowances.

Reap asked Granda if the EV parking space requirement goes beyond the commercial energy code requirements. Granda said he was not sure. Reap said that six parking spaces is not that many spaces for commercial uses and that the requirement could be too onerous on smaller commercial uses. Reap suggested that the commission refer to the state energy code requirements and align the requirements, because the state energy codes require a lot already. Fausel said that for commercial uses, the regulations should not overstep the state's regulations, and that the zoning regulations should require EV charging stations for residential rentals.

Dan Mullen identified the conflict between solar ready requirements and the pitched roof exemption for buildings with a footprint larger than 10,000 square feet. Granda said that the solar ready requirements in the commercial building energy standards do not require a pitched roof. Mullen asked about the importance of building orientation with solar readiness. Granda said that if one is to lay solar panels flat on a pitched roof, it should be ideally within 15 degrees of due south, thus there is some leeway with the orientation of the building. Clarke said that she has considered offsetting the requirement with ground-mounted solar. Granda said that he has not seen such an allowance yet, that typically installation of solar requirements are done during construction because it is cheaper to do so, and that he will have to look into this further. Clarke said that the intent is to move away from requiring wiring and particular aspects within buildings, such as load bearing requirements. Granda questioned the effectiveness of the regulation without requiring the wiring and load-bearing roofs. Venkataraman said that zoning has authority over the building location, aesthetics and orientation, that the applicability within zoning regulations within buildings enters a gray area and may not be applicable, and that zoning does not cover what's behind the walls or under the ground. Venkataraman said that wiring and the integrity of the roof are outside the jurisdiction of zoning. Granda asked about the legality of EV charger requirements. Venkataraman said that zoning can require EV charging as a use standard but that the EV charging system has to be fully built out and cannot be piecemeal. Granda said that for this regulation to be effective, the town would need a separate, complementary ordinance that speak to the wiring and building requirements. Granda suggested specifying in the solar readiness requirement that if a building has a pitched roof, that roof should have one face oriented to within 15 degrees of due south, as this would enable a complementary ordinance or code to provide for the infrastructure to effectively create solar readiness. Granda said that he has gone through the Vermont Commercial Building Energy Standards in the meantime and that he cannot find the EV charging requirements. Reap said that requiring building orientation would be problematic, and that they do not have a building facing due south that is producing a lot of solar energy. Venkataraman said that he recalled Act 250 requirements for solar-ready roofing and EV charging. Reap affirmed and added that it does not specify how the buildings have to be oriented. Granda said that one can put solar on any building, but that the production of solar energy would be reduced if it is not facing due south. Granda reviewed the Commercial Building Energy Standards for solar readiness.

Reap said that requiring the breakup of facades would make buildings look hideous, and that she is ok with the transparency requirement. Clarke said that the breakup of facades is a common requirement in zoning regulations, and agreed that in many instances the breakup of facades looks ridiculous.

Clarke asked for comments for the multifamily housing standards. Reap said that the multifamily housing standards are helpful, and suggested including "when necessary" in reference to exterior fire escapes because these are not always required. Reap said that she will need to review the 80 square feet of outdoor living space requirement.

Clarke noted that this iteration of the draft zoning regulations has the traffic impact requirement struck through. Venkataraman said that within the Gateway District area, because the town does not have jurisdiction over Route 2 and any improvements to Route 2, the traffic impact requirements would end up being a burdensome requirement over elements that cannot be improved by the applicant or the town. Fausel asked if removing traffic impact review from development review is a planning trend. Venkataraman explained that traffic impact studies will be required as part of Act 250 for applications that trigger Act 250 review and have more than 70 vehicle trip ends, and that developments outside of Act 250 review below 70 vehicle trip ends are probably not going to have an adverse impact on traffic on the roads. Venkataraman added that even if the zoning regulations for the Gateway District were to require a traffic study and mitigation requirements, the town has no way of implementing the mitigation requirements on Route 2. Fausel asked if this requirement is only being removed from the Gateway District and asked about traffic impact requirements for the Jolina Court District. Venkataraman affirmed, adding that the traffic impact requirements does make sense in certain contexts in town, such as Jolina Court, where mitigation requirements can be implemented. Fausel asked about developments that would not be under Act 250 review that would have more than 70 vehicle trip ends. Venkataraman said that the 70 vehicle trip end threshold is high enough that developments that do not trigger Act 250 that create more than 70 vehicle trip ends would be rare, and that per statute VTrans reviews all developments along state highways if site plan review is required. Clarke asked how one would determine the number of trip ends a use would trigger. Venkataraman said that applicants would refer to the ITE trip generation manual to get a rough estimate

6. Other Business, Correspondence, and Adjournment

Venkataraman said that the public hearing for the airport overlay district will be held during the next Planning Commission meeting, and that further discussions about the Gateway District and Village Residential/Commercial District are penciled in for the next meeting.

Reap asked which district the property hosting the Resourceful Renovator would be located in. Clarke said that that property would be located in the Village Residential/Commercial District. Reap asked if the commission was ok with allowing retail, such as a Dollar General, and restaurant uses on the property hosting the Resourceful Renovator. Reap expressed concerns about placing a Dollar General store on lots proposed to be included in the Village Residential/Commercial District.

Fausel expressed thanks to Venkataraman for calling in from India. Other commissioners concurred. Venkataraman thanked Erin and Angelike from MMCTV helping him address the technical difficulties at the beginning of the meeting and starting the meeting

Motion by Fausel, seconded by Reap, to adjourn the meeting. Voting: unanimous. Motion carried. The meeting adjourned at 9:30 pm.

Respectfully submitted by Ravi Venkataraman, Town Planner