

5.1.24 meeting minutes

Meeting was entirely remote.

Members present: Ian Bender, Virginia Clarke, Mark Fausel, Chris Granda, Joy Reap

Members absent: Alison Anand, (*one vacancy*)

Others present: Keith Osborne (Director of Planning and Zoning), Erin Wagg (MMCTV), Gary Bressor, Tim Smith, Lisa Miller

1. Welcome

Clarke opened the meeting at 7:02 pm and welcomed members and guests.

2. Review agenda

There were no adjustments to the agenda, so the meeting proceeded with the published agenda.

3. Public comment on non-agenda items

There was no public comment.

4. Review 4.17.24 meeting minutes.

As there were no additions or corrections to the minutes of 4.17.24, they were accepted into the record as written.

5. Review supporting definitions and concepts for the Village Residential Neighborhood districts

Clarke introduced this item by saying that she hoped to be able to set the PC's public hearing date on these new districts very soon, but first we needed to review the supporting documents:

a. The "elder care facility" definition was introduced to allow for assisted living, nursing homes and hospice facilities in these neighborhoods, without allowing all the kinds of supported housing facilities that might require more town oversight than we would be able to provide. Other definitions associated with supported housing, such as "recovery residence" were proposed for amendment in the RZR by reference to the current statutes that discuss group housing, including 24 VSA 4412 and 9 VSA 4501. "Group home" and "recovery residence" are required to be permitted uses under certain conditions, so we need to follow this terminology. Osborne added that these residences have to be licensed by the Department of Health, so if there are any issues, the licensing bodies would be involved. Granda asked if any of this conflicted with the Americans with Disabilities Act (ADA). Clarke responded that since we have to follow Vermont laws, we hope the legislature has ensured that these are not in conflict with federal law, and that we will be submitting our draft to our town attorney for review. Clarke added that in the VRNS district we already have example of elderly care facilities, so it seems suitable to allow them. A discussion followed about Act 47's use of "Emergency shelter" to cover a broad range of homeless individuals. As the PC agreed that this use didn't seem to fit in the VRN's, it was

decided to leave this definition out entirely for the moment, and add it into the RZR when the rest of the Act 47 corrections are made, and we are more sure of its meaning.

b. Clarke continued: the “on ground improvement” definition was introduced to help clarify whether or not driveways and parking areas are “structures” and whether or not they are included in lot coverage and setback categories. This proposal creates 3 categories of improvements: above ground (structures like buildings), on ground (driveways, parking etc), and below ground (tanks, septic systems etc) which can be regulated separately. As has traditionally been the case, “lot coverage” would include both structures and on ground improvements, but “setbacks” would relate to structures only. A suggested definition for “trail” was briefly discussed, but the group decided this should wait for further discussion with stakeholders and be omitted from this packet of amendments. Lisa Miller concurred with this postponement. Granda asked about permeable paving. Osborne responded that we haven’t really had the necessary discussions about such stormwater management systems, and that this would be an extensive future discussion with perhaps “percentages of permeability” assigned to permeable paving systems. At the moment, we are considering all paving as impervious (or impermeable), on ground, improvements.

c. Clarke continued: we have had to amend section 6.1 “Parking and Loading” to align with the Act 47 requirement that prohibits requiring any more than 1 parking space per dwelling unit in these VRN districts. The suggested work-around is a caveat which states the Act 47 exception to the parking table (1.5 spaces per unit) and aligns with what is stated in the VRN district standards. That was accepted by the commissioners.

d. The next document was the “Multifamily housing development standards” which will be needed for this packet of amendments as Act 47 requires 3-4 unit dwellings to be a permitted use in the VRN’s. This section of the RZR was designed to make neighbors feel comfortable with multifamily buildings in the neighborhood, and help maintain a friendly and human-scale environment for pedestrians. The first change was to apply these standards only to buildings and not to lots having 3+ units. This seemed to be more in line with the requirement’s original intent. Next, Fausel questioned the 8 foot setback on the side of a building for exterior stairs or fire escapes, and also for street-facing garage doors. Bressor pointed out that you need that distance to be able to park a car in front of the garage and not have it extend into the street. Joy agreed with Fausel’s point, but also questioned the definition of “the front” of a building. Clarke said the “front” or “front yard” is defined in the RZR as the façade of the house that faces the street, without any reference to where the main entrance is. A corner lot would have two front yards. Clarke said it was less safe for pedestrians if cars parking in front of their garages didn’t some backing up space before crossing the sidewalk. Fausel eventually felt ok with this requirement as it applied only to multifamily dwellings in the village.

Section 6.13.7 “Privacy” was considered by Tyler Machia and the DRB to be too difficult for them make determinations about, so this draft changed the requirement to put the onus on the developer to provide some evidence that the privacy factors had been considered.

Granda pointed out that no physical standards are actually required here, so why even have it? Clarke replied that this was a compromise between scrapping the whole concern with privacy, and keeping some attention focused on it in discussions between the developer and the DRB. Bressor supported keeping it in and agreed that this language would keep the conversation open and give neighbors a chance to weigh in with the DRB if they have privacy concerns. He also felt it would be difficult to write more exact standards, and that the DRB would just have to assess the concerns. Folks agreed to leave this in for now. Section 6.13.8 “Outdoor living space” was discussed, which Clarke said was both a quality of life for the tenants issue and also an issue of neighborhood appearance, and said it was likely that the lot coverage maximum would likely provide this in most cases. “Landscaping,” “Laundry,” and “Bulk storage” did not have any changes suggested and the commissioners were ok with these. Under “Mechanicals” Bressor questioned if meters/electric boxes would need screening. Osborne said not. There were no comments on “Waste storage” and “EV charging.”

f. Clarke said the only changes to the drafts of “VRNN” and “VRNS” were the removal of any requirements for sidewalks, since in Richmond they have always been up to the Town to install and maintain; and the inclusion of the “elder care facility” concept if the attorney oks it. She said she would like the PC to set the public hearing date at our 5.15 meeting, when we can look at the final versions of the text and the maps, and discuss last minute comments or concerns.

6. Buttermilk

Clarke suggested that density should be the next topic for the Buttermilk discussion. She said that the 18 U/A in the draft represents a compromise between the current 15 U/A and the Village Downtown (VD) density of 24 U/A. This would provide Buttermilk with an additional 9 units to add into the space in building 2 where the commercial units have been removed. She opened the floor for commissioners to weigh in. Fausel said he would like the density to be less, especially if we are going to consider “density bonus units” as has been suggested. He brought up the 40% additional density requirement from Act 47, but Clarke said that was only for an Act 47 “affordable housing development,” which has a very specific definition and includes true income-sensitive affordable units, which Buttermilk has said they are not interested in. If they were to elect that kind of density bonus strategy, they would not be eligible for any other kind of density bonus units. Fausel still thought density bonuses would give Buttermilk too many units.

Granda wondered if the PC is still going to meet with the Selectboard to get some idea about what they are thinking that they could accept for density. Clarke said yes, we should meet, but should bring to the SB at least some idea of what the PC is thinking, for instance that if we don’t increase the density at all they will just make their 31 units bigger to fill the space. These will likely be more expensive, whereas if we increase the density we will have more small units that will be relatively more affordable due to their small size. Fausel objected to using the VD density as any kind of standard, and argued that we should stop referring to the 24 U/A as a default downtown density, because it is completely irrelevant to

our current situation. Fausel said he would like to hear from community members about what they would like to see for density rather than just pro-housing advocates. Granda said he would support a PC discussion in preparation for a brainstorming session with the SB, with perhaps a PC preferred density number and a detailed rationale for our thinking.

Clarke asked Granda whether he would like to see just a straight base density increase; an increase plus density bonuses, or just a bonus density system. Granda replied that the base density should be part of the increase, and then the PC and the SB could think about what kind of things we would wish to reward by density bonuses. Clarke asked what folks had in mind for a base density. Bender said he thought the compromise number of 18 U/A would be seen as a reasonable starting place for the discussion. Reap and Granda agreed with Bender that this was a suitable place to start the conversation with the SB.

The discussion then turned to the draft of a “Density bonus” section. Clarke pointed to the types of density bonuses that she thought might be acceptable to a lender, which included “workforce” and “senior/ageing-in-place” units. The other types seemed more problematic for various reasons: “condos” for a homeownership pathway; true income-sensitive affordable housing, and “shared equity homes.” Clarke felt that Buttermilk would be unlikely to choose any units in these categories, and banks might be less likely to finance them.

Clarke then reviewed the general criteria suggested for density bonus units: a one-for-one system; units having a minimum size; can’t be used for short-term rentals; have to use the AMI chart for affordable, and if the Act 47 “affordable housing development,” which refers to the whole project (*section 6.16 which wasn’t talked about*) scheme was used, they couldn’t also have any other bonus units from this section. Clarke gave some examples of how this would work, and also said there would be a cap of base plus bonus densities. Bender said he couldn’t visualize what a negative outcome would look like. Granda proposed an additional option, where a unit is offered at an AMI percentage (like workforce), but is also income-sensitive (“means-tested.”) such as the VHFA Rental Revolving Loan Fund program requires. He feels that this would be more of interest to Buttermilk.

Fausel said he thought we had talked about considering public parking as a density bonus. Clarke said we had considered it back in 2019 but found it cumbersome and hard to work with, and that in the current draft we had just proposed some “public parking,” and kept the density bonus units strictly for extra dwelling units. Fausel wondered how the “public parking” would be permitted. Osborne stated that this could be allowed under the “joint parking facilities” section of the current RZR (6.1.6[n]), where another company or the town could pay them for additional parking spaces. Fausel did not find this proposal compelling and thought we should offer a density bonus for providing public parking. He felt that, in fact, all the extra parking would be used by the extra dwelling units and so not really provide any benefit to the community. He also argued that if the PC just removes the commercial requirement and allows for an additional 9 units, Buttermilk will have no

incentive to apply for any density bonus units or provide any community benefits. Fausel then asserted that Buttermilk, when building 2 is built, will be housing 1.5% of Richmond's population as our contribution to the housing crisis problem, and that this question really needs to be put in front of the public before we proceed any further. Clarke assured him that we were only in the discussion phase of this process, and that we will be consulting the public as well as the SB and Buttermilk for their ideas. The discussion and any further business was then tabled until the next meeting.

8. Adjourn

Granda motioned to adjourn, with Reap seconding. As there were no objections to the motion, Clarke thanked the guests and members and adjourned the meeting at 9:02 pm.

Minutes submitted by Virginia Clarke