

6.5.24 meeting minutes

Meeting was in person and remote via Zoom.

Members present: Alison Anand, Ian Bender, Virginia Clarke, Mark Fausel, Chris Granda

Members absent: *(none) (two vacancies)*

Others present: Keith Osborne (Director of Planning and Zoning); Erin Wagg (MMCTV), Jay Furr (Selectboard), Bard Hill (Selectboard), Lisa Miller (Selectboard), David Sander (Selectboard), Adam Wood (Selectboard), Josi Kytle (Buttermilk), Brendan O'Reilly (Buttermilk), Julie Escholtz, Gabriel Firman, Katie Mather, Bonny Steuer, Connie van Eegen, Martha Galligan, "Rob"

1. Welcome

Clarke opened the meeting at 7:05pm and welcomed the commissioners and the guests that been invited – the Selectboard members, the Creamery project developers (Buttermilk LLC), and the public - to help the Planning Commission think about the directions that are being proposed for amending the Jolina Court Zoning District (JC ZD).

2. Review and adjust agenda

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

3. Public comment on non-agenda items

A single comment was offered by Martha Galligan, but this was determined to relate to agenda item #5 and so postponed until the Jolina Court discussion.

4. Review minutes of 5.15.24 PC meeting

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

5. Discussion on proposed options for amending the JC ZD.

Clarke opened the discussion by reviewing the "Discussion Document" that she had prepared for the meeting (*see "meeting materials"*). Introductory points made included: current crisis of the commercial real estate market and unwillingness of banks to lend to the kind of projects we had envisioned for JC ZD (commercial downstairs and residential upstairs) and thus the need for zoning amendments. Clarke mentioned Buttermilk's remediation of the brownfield, to which Bard Hill added the removal of the abandoned and unsafe buildings, as significant positive outcomes for the town. Clarke and Hill stressed that today's conditions are significantly different from those present when the Creamery was first permitted. The first option discussed was the removal of the ground floor commercial requirement in all buildings except those with Bridge St frontage (i.e. building 1), a change which all PC members support. This would not prevent Buttermilk from

installing commercial uses if they felt that these would be supported, but this would not be required.

The second change under consideration is how many additional residential units could be allowed in order to utilize the freed-up space, and to help create a financially-viable project. Options under consideration include increasing the current limit of 15 units per developable acre (DA) to 18 U/DA, 20 U/DA or 24 U/DA which matches the density of the Village Downtown Zoning District (VD ZD). Clarke continued by saying that allowing more units helps with our housing crisis, provides more customers for the municipal water and sewer system, and provides a diversity of smaller units which are popular due to their relative affordability. Another strategy would be to make all or some of the additional units “density bonus units” which would require that the units adhere to certain criteria we set up in the zoning. An example of this would be “senior units” which would be equipped with features that allow for residents with physical limitations. Jay Furr added that seniors’ downsizing would also free up larger houses that might then be available for families. Clarke continued that a second type of density bonus units being considered was “workforce” or moderate income housing units, in which the rent is controlled to a certain level for some amount of time.

After reviewing reasons for increasing the density (number of units), Clarke then addressed the reasons that have been given for not increasing the density from the currently allowed 31. The first is traffic and parking, and the second is scale – is this project size somehow not suitable for a village setting? In terms of parking, 65 spaces have been approved by the DRB, which at the Act 47-required 1 space per unit, would allow for 65 units. There would be no need for parking for the removed commercial units, so it appears there would be adequate parking. As far as traffic is concerned, Clarke said, this is more of a concern, because the Jolina Court/Bridge St/ Railroad St is already a busy intersection, but the additional units may provide less of a traffic increase than either housing in the outlying areas or commercial traffic. Osborne, our town planner, has said that a planning department-financed traffic study is likely to be needed to encompass traffic increases from Railroad St as well. The question seems to be whether the benefits of adding needed housing will offset any negatives of traffic increase through the intersection. Hill added that there is also a broader town discussion about pedestrian safety going on, which relates to this intersection, and should be considered in a traffic study.

Clarke continued that one answer to the “scale” issue is that in a housing crisis, the housing has to go somewhere, and it is more efficient to put it where there is already infrastructure. This also reduces the loss of rural character that building in the outlying areas would cause. Lisa Miller added that in 20 years the cost of running the town will likely double, which supports the need for more people living here to offset those costs via taxes. Brendan O’Reilly then explained his hopes for the density changes for his development. He said he felt that the evolution from an industrial site to a residential site in the center of town has been good for the town, and that matching the downtown density of 24 U/DA would be suitable for this kind of a downtown infill project. His feeling was that

the change from commercial truck traffic to more residential pedestrian and car traffic is definitely beneficial for the community.

Fausel then explained his interpretation of the 24 U/DA downtown density, which is that this number was not chosen but reflects the pre-zoning buildout of the upper Bridge St block and so should not be used as a baseline for the JC ZD density. Granda responded that this is, in fact, what the downtown density is, and he doesn't hear a lot of complaints about this density. Granda also said he understands the feeling of folks who like the town the way it is and don't want to see it change, but on the other hand feels that if we don't increase the amount of housing that is available, the trend of just increasing more expensive housing will continue in the town, and that will also bring change. He also mentioned that Buttermilk had submitted an application to the Vermont Housing Finance Agency (VHFA) to access the Rental Revolving Loan Fund Program which supports below market rate rental housing and seems like an opportunity to bring more affordable housing to Richmond.

Furr stated that he would support removal of the commercial requirement from the Buttermilk project, and a density increase up to 24 U/DA. He also said he would support the idea of density bonus requirements if that were possible and financing could be obtained. Clarke said it may have to be a compromise between all of the interests represented here and what is actually possible if we wish to have a viable project. Gabriel Firman then spoke, describing himself as one of the larger employers in town, with mostly young employees who can't afford to live here. He praised the town's vibrancy, and said that it is people that create that, and that he has appreciated all the good ways in which the town has changed over 20 years. He said the right thing to do is to move towards creating more housing. Miller concurred that the 24 U/DA of the downtown ZD was the reality of the density, not just a number, but something we measured. Firman confirmed that he himself had 8 units in less than ¼ A in the downtown ZD.

Bonny Steuer challenged the Planning Commission to investigate requiring developers to create a certain percentage of units under market rate. She said that neighboring towns do this, and that she hoped developers could work with that and that banks would be willing to finance it. Katie Mather then offered her comments. She said she was in favor of removing the commercial requirement, and was open to changing the density to 24 U per developable acre. She mentioned that the parking and setback requirements would be different, so the VD and JC ZD's wouldn't be exactly the same. Her concerns are about the environmental impacts of the project, including the effects on the wetland, the riparian wildlife habitat, threatened species and floodplain functions. She cited a memo from Eric Sorenson of Vermont Fish and Wildlife outlining concerns, and said she would forward this to the PC. She would like to see the buffer for the floodway and wildlife habitats increased, and the stand of trees just north of the farm access road preserved.

O'Reilly responded to Mather's concerns. He said there was no development proposed for the wetland, but there was a possibility of repairing and re-using an old gravity-powered

sewer line that has an easement from the original Creamery neighbors. This would create a temporary disturbance that would not be irreparable. This would all be reviewed by Act 250, as the whole project has been so far, and will be again when they apply for a permit for building 2. Hill confirmed that this sewer line would be large enough to handle an increase in density from 31 to some greater number of units. Hill also discussed his support for the concept of “accessibility” for density bonus units, and also his interest in seeing some variation of “affordability” as a density bonus incentive. Mather questioned what happened to the sewer pump station idea that avoided using the old sewer line and digging in the wetland, and also whether the stand of trees in the southern portion of the developable acreage could be preserved as part of a compromise to add extra density to the northerly portion of the developable acreage. O’Reilly responded that the trees were outside of the wetland buffer, and that there was no wetland buffer impact. He also said that there was a no-dig approach to relining the old sewer pipe that might be used, and that the pump station idea was what had been approved by the DRB in 2023, but the final arrangements hadn’t been made yet for sewage management for the new building.

Anand then spoke about the uniqueness of Richmond and the need for creative solutions to the housing problem that are not necessarily what neighboring towns are doing. She mentioned turning the older houses that seniors can’t afford to leave, or don’t want to, into multigenerational homes that could house 3 generations. Julie Escholtz questioned whether the old Buttermilk sewer line that goes through her parents (the Dwyers) yard was going to be utilized, or if a pump station would be developed as permitted. O’Reilly replied that they were still looking into the no-dig, re-lining of the pipe option, so there would need to be further discussion with the relevant parties on this point when it looks like the other zoning issues have been resolved. Josi Kytte confirmed that any work done in the wetland for the sewer line would be only a “temporary construction impact” and could be easily restored. O’Reilly said that part of the discussion would be re-establishing with the neighbors the old easements if re-lining the old pipe seemed the most suitable solution. O’Reilly then responded to the question that Martha Galligan had asked about screening the property along the railroad. He said it was likely to be okay, but working with the railroad was very slow-moving so the request was still being processed. Mather returned to the question of the trees north of the farm access road, and suggested that the wetland buffer should be enlarged to incorporate this area, rather than using it as a fire truck turnaround as Buttermilk has planned. She said it functioned as part of the buffer. O’Reilly responded that the situation was complicated by the fact that a lot of run-off water from the village empties into a culvert that flows into and through the Creamery parcel and may be increasing the size of the wetland beyond what it was originally, thus decreasing the developable acreage. Adding the tree area to the wetland buffer would then further decrease the developable acreage, so they’re not very interested in doing that. Clarke said that the PC would consider this issue.

Fausel then explained his position. He ascertained from Kytte that there was a total of about 19 people in all the different sized units (14 in total) in building 1, and that Buttermilk was thinking of an additional 15 to 18 units (beyond the 31) in building 2. Kytte added that

they had estimated a total of 45 units (instead of 31) for building 2 in their application to the Rental Revolving Loan Fund program. Fausel felt that that equated to an estimated 1.4 people per unit, for a total of 100 people for buildings 1 and 2. He suggested that that number is about 2% of Richmond's population, and that this would generate about 90 cars, and that 30 of those cars wouldn't have designated parking spaces, and so would be filling up scarce town parking spaces. He mentioned that he had suggested density bonus units in exchange for Buttermilk providing town parking spaces. He also said he had stormwater concerns, but felt that it was likely Act 250 would address those.

Fausel's comments about parking led to a general discussion about parking for this development and for the town. There was a lot of speculative, off-the-cuff math done by the participants about the increased number of cars which would need parking spaces. Hill ended up agreeing with Fausel that we do have parking challenges in Richmond, as there are a number of properties (7, *in fact*) that have no parking requirement, and so parking at the Creamery is something the town would find desirable. Furr suggested that the Creamery is already providing overflow parking for the town.

Clarke asked the Selectboard members if they were on board with the direction the PC is taking so far. Hill said that getting rid of first floor commercial seems reasonable. He indicated that density might require something in exchange, such as affordability, parking or increasing the wildlife buffer. Wood suggested that some kind of fallback solution should be provided if the required parking proved not enough for the need, or else density bonus units for parking could be offered. He also suggested allowing buildings to have greater height if they meet all the fire code specs for sprinklers, etc. would free up footprint and provide more density. He didn't think that building 2 would present any problems, but perhaps for building 3 or 4, adding height might work to allow both more density and more parking.

The general discussion then turned to traffic and the Jolina Ct / Bridge St intersection. Osborne said that the town, i.e. the planning department, would do the traffic study, not Buttermilk, because there are other sources of traffic besides the Creamery. Clarke asked if there would likely be a significant amount of difference in traffic between having 31 units in building 2 and having 45 units. Wood said he thought it would not, based on the volume of traffic coming from south of Jolina Ct. Comments about working from home, and working within walking distance of work, such as Firman's employees, were also made. Furr added that seniors also typically drive less. Hill added that there may also be other sources of funding for the traffic study, such as CCRPC.

Anand said that she didn't think that replacing the commercial requirement with another 15 residential units would have much of an impact on the town. Miller suggested that even if the issues were not all resolved, now at least they were out in the open which she thought was a good thing. Fausel was relieved that there wasn't more public opposition to the direction that the PC was taking, and he thanked the Selectboard for showing up to this meeting. Bender from the PC gave the final words for the discussion when he said that the

concerns expressed would likely materialize, but that people would get used to any inconvenience, and by taking steps such as providing workforce housing we would help the town retain its diversity. He said that even if things looked a little different, it was the people that would keep the essence of the town alive, so he thinks the PC is on the right track.

6. and 7. Other business, updates and adjournment

As there was no other business, Fausel motioned to adjourn with Anand seconding. As there were no objections, the meeting was adjourned at 9:20pm. Clarke thanked everyone for participating.

Minutes submitted by Virginia Clarke