

8.2.23 meeting minutes

Richmond Planning Commission Minutes for Meeting of August 2, 2023

Members present: Chris Granda, Adam Wood (7-8PM), Joy Reap (8-9PM), Mark Fausel, Virginia Clarke

Members absent: Alison Anand, (and one vacancy)

Others present: Keith Osborne (Director of Planning and Zoning), Erin Wagg (MMCTV), Linda Donovan, Cathleen Gent, John Rankin (briefly)

1. Welcome

Clarke opened the meeting and welcomed members and guests.

2. And 3. Agenda and Non-agenda comments

Clarke reviewed the agenda. There were no changes or additions to the agenda, and no comments unrelated to the agenda.

4. Minutes of 7/19/23

As there were no additions or corrections to the minutes of the 7/19/23 meeting, they were accepted into the record as written. Osborne confirmed that he will post the draft minutes on the website as “draft” when they are available and put them in the “meeting materials” packet for the PC members. After the minutes are approved, they will be re-posted on the website without the “draft” designation.

5. Act 47 (S. 100) work session

Clarke opened the discussion with a short review of the history of Act 47, formerly called S. 100, and a description of the structure of the new 76-page law, illustrating how new underlined sentences have been inserted into current statute sections such as 24 VSA 4414. She continued: the procedure for this meeting will be to look in detail at the short list of municipal changes that we will be required to make in our zoning ordinance to comply with the new law; and, as this part of the law went into effect 7/1/23, our zoning administrators will now be basing decisions on Act 47 rather than our document, which is why we need to change our regulations to comply as soon as possible.

Clarke then reviewed the following information: These requirements refer only to districts that are served by municipal water and sewer and that allow residential uses, so they will apply to Village Residential/Commercial, Village Neighborhoods, Jolina Court, Village Downtown and the village commercial districts if we are going to allow residential uses there. New language is added to:

- 24 VSA 4414(4) “A municipality shall not require more than one parking space per dwelling unit.” This will involve changing the parking table, section 6.1 in the RZR, and Jolina Court’s specific parking regulations. Different strategies could be used - putting this language in all districts; putting the district residential parking requirements in each separate district and just leaving the table to show commercial uses, or something else. Granda suggested we list items required by the state separately from the rest of our ordinance for future reference. Osborne pointed to the “paper trail” list of amendments and dates at the beginning of the RZR, and the information on file in the planning office. Clarke mentioned an additional issue – the language about “one-quarter mile from public parking” – that will need a legal opinion to clarify. Fausel felt it clearly referred to non- water and sewer areas. Gent suggested that we really need a definition of “public parking” – for instance, whether on-street parking is “public parking.”

- 24 VSA 4412(1)(D) “Multiunit dwellings with four or fewer units shall be a permitted use.” This means buildings with 3-4 units. This we already put into the Village R/C district, but now it will have to be added to the Village Residential Neighborhood North (VRNN) which is being taken out of the HDR, and the Village Residential Neighborhood South which is being taken out of the A/R if we continue with our plan to create those two new districts. The list of permitted uses and the features sections will have to be changed, and the density and lot coverage will have to be examined for compatibility as well. If residential uses are going to be allowed in the village commercial districts, they will need to include this as well. The PUD section of the RZR may have to be adjusted also. In answer to a question, Osborne clarified that “dimensional standards” includes setbacks, lot coverage and height. Lot size and density are not generally put in this category. Fausel wondered if setbacks could be adjusted for 3-4 unit buildings, even if they couldn’t be for duplexes. Clarke suggested that this might be covered in a later section of the new law, and that the setbacks might be changed by the DRB if they had an acceptable written explanation. The density question was discussed, in which Osborne felt that except for duplexes, which are exempt from density (because they are treated exactly like single-family homes), multiunit buildings will have to comply with the density requirements of the particular district. Clarke felt that we will need to check our new “Multifamily Housing Development Standards” for compatibility. Gent said that that we need to be sure of the density question, as the neighborhoods, as currently planned, do not allow these 3-4 unit buildings.
- 24 VSA 4412(12) “Bylaws shall establish lot and building dimensional standards that allow five or more dwelling units per acre for each allowed residential use.” RZR districts already in compliance with this include Village R/C (8 U/A), Jolina Ct (15 U/A developable) and Village Downtown (24 U/A), but the village neighborhoods will need to have whatever we had planned for density increased to 5 U/A, which is approximately 8,500 sq ft per unit. We will also need to make sure our dimensional standards will actually, physically, allow us to do this. The village commercial districts will also have to be changed if we allow residential uses there. Gent commented that there are some lots that are not big enough to support this density. Osborne concurred that the increased density will be possible only if the lot size allows it.

At approximately 8 PM Wood left the meeting. Fausel motioned to adjourn the meeting due to a lack of quorum, and Granda seconded the motion. The motion passed and the meeting was adjourned. At 8:02 PM Reap joined the zoom. Fausel motioned to reopen the meeting, and Granda seconded. The motion passed and the meeting was reopened. Clarke continued with the list of changes:

- 24 VSA 4412(13) “Bylaws shall permit any affordable housing development...including mixed-use development, to exceed density limitations...by an additional 40%, which shall include exceeding maximum height limitations by one floor, providing the structure complies with the Vermont Fire and Building Safety Code.” This will likely have to be put in the RZR as a free-standing development standard for affordable housing units. Creating regulations specifically for affordable housing will be something we haven’t done thus far in our regulations. Gent and Fausel wondered what would constitute “an affordable housing development” – one affordable unit in a development, for instance? Fausel also thought we should reexamine our 35’ height restriction while we are talking about this, as it has been problematic. He thought that complying with the VT Fire and Safety Code should be an adequate regulation, but he added that a discussion of the viewscape concept should be part of any discussion about additional building height. Clarke agreed that this should be further discussed. A general discussion ensued about

housing, especially affordable housing. Osborne added that the new statute will be a work in progress for us as we attempt to enforce it through our zoning. More guidance may be forthcoming from VLCT and CCRPC as towns work with this and ask these kinds of questions.

- 24 VSA 4442(b) Clarke said that she and Osborne found this section somewhat difficult to completely understand. It is headed “By right” and seems to be saying that the DRB can modify some of the dimensional standards if they have a satisfactory written explanation as to why this is necessary. The “by right” aspect is that it is a “right” to have the same standards applied to a multiunit housing or mixed-use development as to any other development. Fausel offered that he was not aware of any DRB decisions that had placed more limitations on such a development than on any other. Osborne wondered whether section (B), which allows for “adjustments” to municipal standards has replaced the variance procedure. Gent suggested that adjustments might need to be made for natural resource constraints such as a wetland or floodplain. Osborne reviewed the language that says the “adjustments” can’t result in unequal treatment of some housing projects, and says he has asked he town attorney for an opinion on this.

Clarke said that these items completed our review of changes that will need to be made to our zoning document. One further item in the new law amends 24 VSA 4382 and requires additional detail in the housing element of the municipal plan. This provision will require us to put in housing goals, including for affordable housing, and how we are going to achieve those goals. This will be something we will work on as we begin the Town Plan update process in 2025, and the Housing Committee will also need to collaborate on this. We also hope to get more specific information about what will be required.

Gent then commented that she thought it was good that the PC was working to understand the new law, but she wondered if there was a timeline so she could let her neighbors know when this might affect them. Clarke responded that the only timeline so far was that the first hour of the 8/2, 8/16 and 9/6 PC meetings was set aside for a general discussion of Act 47 and what questions we had that needed follow up. Then, when folks are ready, we will move on to talking about specific changes in specific districts. The village residential neighborhoods, which we had been working on prior to Act 47, will be in that part of the process. Clarke reiterated that anyone interested in the new law was welcome to come to these general discussions to get an idea of what the law was about. Gent felt that the public didn’t understand that these meetings were their chance to get an overview, and requested a short overview when the public was specifically invited to hear about their own district. Clarke said she would work on more specific publicity and thanked Gent for her comments.

6. Other business

a) Osborne provided an update on the Rogers Lane project that the PC has been working on. He stated that he had a meeting arranged for tomorrow with the Spences who own two of the five currently residential parcels that the PC is considering re-districting into HDR from I/C. He also reported that the Beals are reaching out to Jason with the propane tanks parcel. Linda Donovan added that she had talked to Jason back in 2018 and he hadn’t minded about an access across his property for the Beals’ lot. She also reminded Osborne that the best address to use to send letters to the Donovan’s is 90 Rogers Lane, not the PO Box. She said that in her recent contact with Jason, he had no problem with putting the back portion of his lot into residential use, and also maybe would be willing to sell the land to the Donovan’s. She also added that they will be having a new wetlands delineation done by the wetlands people sometime in the near future. Osborne added that the Spence’s mentioned a complication might be that their son, who does excavation work, may want to store some of his equipment on one of their parcels.

Osborne said he would let the PC know the outcome of the meeting tomorrow, and that he would reach out to Jason at Patterson to talk more about where a re-districting line could be drawn across his property. Donovan told Osborne that Jason lives in Vergennes but is usually around at Patterson's in the mornings and could be available to talk to. The Commission agreed to keep the project moving along.

b) Clarke reported that the Housing Committee, with Keith's help, is putting together a report to give to the Selectboard about their research into affordable housing, and were hoping to get some direction from the SB about their future goals. The committee will be reviewing the draft at their next meeting on 8/23. The report could also come to the PC, but the HC wishes the SB to understand that their research has shown that the options for affordable housing within the water and sewer service area are extremely limited. The Farr Farm, the Willis Farm, Jolina Court and the Browns Court ball field, the only parcels large enough to be considered, all have serious drawbacks. Fausel concurred that these four parcels aren't really available or practical. The Town may need to purchase land for this purpose. Or the HC may need to start considering land outside the W&S area with a group septic system, or how to promote an expansion of the mobile home park. Granda mentioned Sue Breese from Jericho, who is coming to talk to us about Jericho's strategy. Fausel confirmed that he no longer wished to be an alternate to the HC. Clarke said that only having three members on the committee is limiting what they can do. She said she would send the PC the presentation and let them know when the meeting with the SB was to take place.

In answer to the question of further business, Granda discussed when to invite Sue Breese and reflected on the discussion strategy for Act 47. He then motioned to adjourn the meeting. Fausel seconded. The motion was unanimously approved and the meeting adjourned at 8:52 PM. Next meeting is scheduled for August 16, and Clarke encouraged folks to let her know if they would not be able to attend.

Minutes submitted by Virginia Clarke