

9.20.23 meeting minutes

(Remote only, via zoom)

Members present: Alison Anand, Mark Fausel, Chris Granda, Adam Wood, Virginia Clarke

Members absent: Joy Reap, (vacancy)

Others present: Keith Osborne (Director of Planning and Zoning), Tom Astle (MMCTV), Lisa Miller,
Zachary Beal

1. Welcome

Clarke welcomed members and guests to the meeting at 7:05 PM.

2. and 3. Review and adjust agenda; non-agenda public comment

Clarke reviewed the agenda. As there were no adjustments, and no public comment on non-agenda items, the commission proceeded with the published agenda.

4. Review of minutes of 9.6.23 meeting.

As there were no corrections, additions or other comments about the minutes, they were accepted into the record as written.

5. Residential uses in the I/C Zoning District

Clarke recapped the issue as follows: the project is to allow some additional residential uses that are desired by residents of this district in areas that are not particularly suitable for commercial uses, while at the same time not opening up the whole of this district to residential uses, which some members of the Commission feel might allow the whole thing to become residential and take away any commercial space that we have available, given the small amount of commercial / industrial space that we have in Richmond. So we're trying to balance those two needs. It wasn't totally popular to just allow residential uses in this district. Nor were we able to just spot zone the Donovan's lot to allow residential uses. So what is being presented tonight is a slightly different approach using the PUD procedure.

In the PUD section of the RZR, section 5.12, a residential PUD is allowed in the I/C. However, in the I/C district section, section 3.7, (o) under the conditional use section, lists PUD only if no subdivision is proposed. In the Donovan's case, a subdivision IS proposed, and since there is no other dwelling use allowed in this district, their particular project would not be allowed. So the proposal tonight is to amend these two sections to allow residential PUD's, with or without subdivision, in the I/C only on lots that already have residential uses on them. This would allow the Donovan's, along with the four other residential lots, to create a residential PUD, but it would not extend this ability to any lot in the I/C that already had a commercial use on it, or to any undeveloped lot.

In response to a question from Granda about what the intended effect of these amendments would be, Clarke replied that the intention was to open up the five lots in the northwestern corner of the I/C District, which are not particularly suitable for commercial uses, to additional residential uses without opening up the whole of the I/C to losing commercial space by the further building of residences. She likened it to the previous strategy the commission had considered of moving these five residential lots into the HDR district, which had been nixed by one of the residential owners wishing to retain the I/C opportunities that they had planned on using.

Fausel agreed that this sounded like a good idea, but wondered if we couldn't just allow for the subdivision of residential lots to avoid the PUD process. Clarke responded that the PUD process seemed

doable, even though it does include a DRB hearing and a conceptual master plan. She suggested that the Zoning Administrator would likely accept as a master plan the plan for the subdivision of the Beal lot, leaving the rest of the lot as unplanned “remaining lands.” Osborne added that the Donovan’s would have to go to the DRB even if there was just a subdivision involved, and that the amount of application and documentation work, while more than just having a “permitted use” approved, was not significantly more burdensome. Fausel asked if there was significantly more expense in the PUD process, and Osborne said there shouldn’t be that much more, and encouraged the commission to continue down this PUD route as had been laid out.

Anand, Wood and Granda agreed that this seemed like an acceptable solution to solving the problem of allowing the Donovan’s to provide the Beals with a residential lot without opening the door for the whole district to become residential. Clarke summarized that this approach seemed to have the support of all commissioners present at the meeting. She then said that one nuance that would still have to be decided was whether or not to allow mixed-use PUD’s, that is, PUD’s with both commercial and residential uses, in the I/C District. She mentioned the Big Spruce and the Jolina Court Buttermilk project as two PUD’s that had commercial uses on the ground floor and residential uses on the upper floors. Clarke, Osborne and Fausel discussed briefly the requirement of commercial uses on the ground floor and whether or not this was contained within the existing PUD section.

Anand added that commercial uses have changed, especially since the pandemic, and the lines between them have blurred, so that we should take this fact into consideration when planning for commercial space. Clarke agreed that this made planning for commercial uses difficult. Anand also pointed to the recent flooding of all the Montpelier businesses as something that should be considered as we make changes to regulations regarding commercial space. Granda agreed that this was very important.

Zachary Beal was questioned as to what he thought of this proposed PUD amendment idea. He wondered how it would actually work going into the future. Clarke responded by describing the PUD process that the Donovan’s would go through to subdivide off one lot for the Beals to build their house on, including a “master plan” which would later have to be amended if more subdivisions for residential use were proposed. She mentioned that they would have to have a DRB hearing, but that that would also be the case if they were applying for a conditional use or a subdivision.

Lisa Miller wondered if a PUD were approved, could it ever be reversed. Osborne responded that it would be a permanent designation, and the PUD would run with the land henceforth. Clarke clarified that the Goodwin Baker building, which had wanted to add residential uses to its commercial uses, had been moved into the Village R/C district where this would be possible, as a solution to their particular problem.

Clarke then described the changes in the language that would be made to the I/C District, section 3.7, and to the PUD section, 5.12. These changes were included in the document in the agenda packet labelled “Agenda item #5 – residential uses on Rogers Lane,” with the main change being made to 5.12.2 (a) saying that, in the I/C, a residential PUD shall be allowed only on parcels that already contain a residence. She then introduced the issue of whether or not the commission would want to allow mixed use PUD’s in the I/C District, because the new language doesn’t address this possibility, and neither does the current language. She said that the “Alternate version,” also included in the packet, would be a way to address this issue. Osborne added that the alternate version seemed more clearly written to him, and also more straightforward to administrate. Osborne and Clarke then discussed the use of “shall” and

“may,” and how the use of these words in the PUD section of the current document could lead to some ambiguity. Clarke suggested that this could be improved in the commission’s amended version. Clarke finished the discussion of agenda item #5 by suggesting that commissioners form opinions about whether mixed use PUD’s should be allowed in the I/C and preferably let Osborne know so that this language can be worked up for the next meeting, and the town attorney can be consulted about whether this language is legal.

6. Village Residential Neighborhoods

Clarke summarized where the commission is on this project, mentioning that we had some neighbors as guests at our last meeting, which was a general discussion of Act 47 as it related to the village neighborhood documents that we had been working on prior to the introduction of the new statute. With the Village Residential Neighborhood North (VRNN) document on the screen, Clarke reviewed the proposed additions: in 3.11.2, the addition of “dwelling, 3-4 unit” as a permitted use (mandated by Act 47), and in 3.11.3, the addition of (d) – 2 principal residential structures on a lot, as a conditional use, which, she mentioned, did not seem to be popular with the neighbors (not mandated by Act 47). She also mentioned that this could also be achieved through the PUD process, but that this was a method of encouraging more housing that the commission had introduced with the R/C districts.

A discussion then ensued about the “multiple structures” regulation. Osborne concurred that this doesn’t change the allowed uses in the district. Wood thought that it might be bringing the district more in line with the Town Plan. Clarke suggested that a way to think about it was that it allowed for a duplex in which the two halves weren’t connected, or as an ADU with less restrictions. Wood suggested that it would allow for slightly larger structures than ADU’s as a second residence, and further commented that he was a big fan of this “multiple structures” as an allowed use. He liked the fact that the ADU was more easily permitted, but had more constraints, versus the “multiple structures” that is more flexible but, as a conditional use, has the somewhat more involved permitting process. Clarke agreed that it was good to have these two different strategies available. Wood wondered what the opposition to “multiple structures” consisted of. Clarke suggested that it was part of the overall objection to increased density. Wood responded that it doesn’t actually increase density, and he saw it as beneficial because it could create more single-family homes rather than being forced to create multi-unit buildings. He continued that what is increased is not density, but flexibility, since this just allows for the same number of residences without necessarily having to subdivide a lot.

Wood stated that his preference in this instance is to keep the “multiple structures” in the conditional use section of these residential districts and develop an educational effort to demonstrate that the advantages outweigh the drawbacks, and that density is not actually increased by this use. He felt that this is a matter of perception. Clarke added that, on the other hand, she knew there were fans of this approach in the building community, and that it did seem like a promising approach to encourage the building of housing. She also mentioned that in section 3.11.6(d), the “multiple structures” section, the language does say that the density, acreage, and all other parameters have to be complied with.

Clarke moved on to section 3.11.4, where a residential density of 5 U/A is stated. She said that having a “residential density” line was new for our zoning document, and that in the R/C districts just adopted this had been included in the “dimensional standards” section, which was not the right place for it as density is not a dimensional standard, and that this would have to be corrected at some point. She said that the options allowed for in Act 47, in addition to having a minimum required residential density, was to have a required maximum density (a density cap) or to have no required maximum density. She felt, as the mandated 5 U/A minimum density was more dense than the neighbors had been expecting for

their neighborhoods, that a density cap would make folks feel more comfortable with the situation. She continued that a minimum lot size of 1/5 A, or 8,712 square feet, is required to achieve a minimum density of 5 U/A based on the wording of the statute.

Clarke explained some of the other changes to the dimensional standards of the new VRNN district. Frontage was changed to 60 feet; maximum lot coverage to 50%; setbacks 15 feet for front and rear yards and 10 feet for side yards. There were no comments from commissioners or others at this point. She then moved on to “district specific development standards,” including the requirement that all lots be served by water and sewer, and a tentative proposal that sidewalks be required in some manner. She said this was a response to comments that “sidewalks as feasible” seemed like weak language, and that if residential density was going to be increased, there should be more emphasis on adequate sidewalks. Clarke asked the commissioners to think about whether this was something they would want in the ordinance, and said that she and Osborne would check on the legality. She also requested that they think about whether all parking should be required to be at the side or the back of the building(s) or whether this should just be a recommendation. She said that, as per Act 47, the parking requirement could only be 1 space per dwelling unit as this is a residential district served by water and sewer. She added that a residential parking requirement would now be found in each individual district instead of the parking table (section 6.1).

Several other issues that Clarke referred to as new changes included: removal of the traffic impact line, as it was unlikely that any project on a small village lot could generate enough traffic in and of itself enough to require a traffic study; addition of the “Multifamily Housing Development Standards,” as 3-4 unit buildings have now been added to the permitted use list as required by Act 47; confirmation that residential PUD’s could continue to be allowed. She wondered if the commission should consider combining the VRNN and the VRNS into a single “Village Residential Neighborhoods” district, as the density would now have to be the same in both, and whether there were enough other differences to warrant two districts. Osborne suggested the commission look at the uses to see if there were differences there.

Clarke wrapped up these discussions by suggesting that the commission try to finish up the Rogers Lane proposed amendments for the next meeting, and then move on to the neighborhoods, including the new definitions, the height section, the residential density section with clarifications from Jacob Hemmerick at ACCD, and an affordable housing section.

7. Draft definitions

Osborne shared the definitions document that he and Clarke had been working on (in the packet), and the addition of “overnight” was added to the “public parking” definition. Clarke requested that any questions or comments on any of this material be sent to Osborne as soon as possible.

8. Revisions to the parking table

(was briefly considered in #6 above)

9. “Height” draft

(tabled until next meeting)

10. and 11. Other business and adjourn

Osborne reported that he had arranged for Sue Breese from the Jericho Planning Commission to give a presentation at the 10/4 meeting of the Richmond PC about an affordable housing project Jericho has

been working on. This will lead off the meeting with 20 minutes of the presentation followed by 10 minutes of questions. Clarke suggested that the remainder of that meeting be devoted to Rogers Lane. Osborne reiterated that he is available at any time for any and all discussion of these issues. Clarke also reported that she had been asked by the Richmond Land Trust to discuss the Planning Commission's ideas for the Gateway with members of the Land Trust in reference to the extension of sewer lines into that district. Lisa Miller asked if any progress had been made on the short-term rental question, and Clarke replied that there had not. AT 8:50 PM Granda motioned to adjourn, seconded by Wood. As there were no objections, the meeting was adjourned.

Minutes submitted by Virginia Clarke