

## 7.10.24 meeting minutes

Meeting conducted remotely via Zoom

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

Members absent: Alison Anand. (*two vacancies*)

Others present: Keith Osborne (Director of Planning and Zoning), Erin Wagg (MMCTV), Jeanne Agner, Jeanette Malone, Jessie Heiser, Bob Heiser, Andrew Bessette, Jon Kart, Lisa Miller, Bonny Steuer, Mark Smith

### **1. Welcome**

Clarke welcomed members and guests and thanked them for attending this meeting which is a replacement for the normal July 3<sup>rd</sup> meeting.

### **2. Review and adjust agenda.**

Granda wished to add an additional item regarding steps the commission might take to avoid having future lack of quorum situations. Clarke added it as the first agenda item. Granda continued that he felt the current commissioners should reach out to others to try to fill our two vacancies, as a full quota of members would reduce the likelihood of missing a quorum, and should report on their efforts at our next meeting. He also suggested a more rigorous approach to discouraging unannounced absences. Bender volunteered to contact members ahead of the meetings to remind them and find out if a quorum was likely. Osborne reminded the commission that a document describing the commission's rules and procedures exists that discusses this kind of issue, and said he would send out a link to the document.

### **3. Public comment on non-agenda items**

There was none.

### **4. Review and accept minutes of 6.5.24**

As there were no corrections or additions to the minutes, they were accepted into the record as written. Clarke said she had not had interest from the commissioners in receiving the meeting materials in Word form via email, so she would just assume the commissioners were fine with reading them as pdf's on the PC webpage.

### **5. Review the most recent draft of the Jolina Court zoning amendments including removal of the commercial requirement and density increase**

Clarke started the discussion by saying that Buttermilk had not received approval for the Rental Revolving Loan Fund application. Granda added that this was not unexpected, and the application was to put them in the queue for future rounds of funding. Clarke said Buttermilk has said they will not apply again unless all the necessary application requirements are in place ahead of time. Granda added that there is nothing to prevent the commission from asking Buttermilk to institute aspects of the program. Bonny Steuer asked if the commission had investigated other options for affordable housing. Osborne

said that the Housing Committee was pursuing affordable housing strategies and discussing how to set an environment in Richmond that would attract a developer who would be interested in putting in affordable housing. He added that looking for funding programs would be something a developer would do, and that the Housing Committee had been studying Hinesburg's more fully worked-out strategies. Steuer said she was concerned that we were not requiring under- market- rate housing. Osborne said we were not ready to deploy this "inclusionary zoning" tool here, but the Housing Committee was definitely looking into it. He recommended a document, which could be found in previous meeting materials, that Hinesburg's Planning Director had written discussing Hinesburg's experiences with these affordable housing strategies. Clarke added that utilizing those tools would be a longer process than the amount of time we have for the current project that is in front of us.

Then Clarke reported on a conversation that she, Granda, Bard Hill, David Sander and Osborne had had with a longtime commercial lender that reinforced the fact that commercial borrowing is extremely difficult at this time due to high construction costs and high interest rates. She stressed the fact that the PC needs to be really careful about requirements we put on Buttermilk that will in any way reduce their forecastable income, because those conditions may make lenders unlikely to finance the project. Granda added that he learned that the issues were structural and deeper than just the current interest rate, and that it is unrealistic to think we would be able to have a commercial component to Buttermilk's project.

Clarke moved on to the density increase issue, saying more units means more forecastable income for a project. She mentioned the three density levels that the PC has talked about previously: 18 units/acre, for an additional 9 units; 20 units per acre, for an additional 15 units; and 24 units per acre, for an additional 27 units. Fausel repeated his contention that the 24 U/A was not a "real" number because it is only what was already present in the Downtown District. Clarke repeated her contention that the number is "real" because that is what the PC voted to assign as a density and that is what is stated in the zoning regulations currently for the neighboring district. Granda said the PC has no way of knowing what the minimum density is to make this project viable, and that we should decide what is right for the town. Clarke invited others to suggest other density numbers. She suggested that the 20 U/A was a compromise, plus offering some bonus density units. She said she felt it was important to give the developer some options to take to the bank. As far as possible density bonus units, Clarke suggested "workforce" housing with controlled rent; "senior" or accessible units, and possibly leased parking in exchange for bonus units.

Bender offered that we are trying to get as much housing as possible, and wondered about the traffic study of the Jolina Ct / Bridge St intersection that has been talked about. Clarke said the town would do the traffic study, but that it would not tell us exactly how many units to allow, just how to make the intersection function as well as possible. Bender continued by saying that he would support the 24 U/A straight up base density increase number to

maximize housing, unless he could be shown that this would make things worse for people than the 20 or 18 U/A numbers. Granda said that he was also for maximizing the total housing, but doing so in a way that the town would get more of something it wanted, meaning more density bonus units and less base density increase. He also asked if the leased parking was legal, and Clarke said that that had not yet been checked out.

Fausel advocated for keeping the density at the current level and making all increases be density bonus units. He questioned the leased parking idea from a regulatory point of view, and wondered why we couldn't just require public parking from Buttermilk. Clarke said that requiring "guest" parking or public parking would be in violation of Act 47, which only allows the town to require one parking space per unit. Fausel thought it might be ok if offered as an optional density bonus, and that if the base density was increased there would be no incentive for Buttermilk to elect any density bonus units. Clarke argued that making it difficult or punitive for developers to build here by having stringent requirements will make it difficult for us to attract any new housing to Richmond. Bender agreed with that and suggested that these kinds of restrictions, such as extorting concessions from developers, are why we have a housing shortage in Vermont. Clarke added that leasing parking to other nearby businesses will free up some of the public parking spaces, so have the same effect as providing public parking. Granda felt that the leased parking idea was interesting, but wondered if it were legal. Fausel wondered if parking in exchange for density bonus units was legal. Clarke agreed to take these questions about the legality of negotiating using parking to the town attorney. Granda agreed with Fausel that all density increases should be through density bonuses, but thought they could be made more enticing by increasing the number of market-rate units that could be achieved for each affordable unit, for instance. Granda agreed to look into how he would construct such a scheme. Clarke stated that she favored some base density increase, such as to 20 U/A, but then offering additional density bonus units to a maximum of 24 U/A, so that the developer would have some options when trying to get a loan. Bonny Steuer spoke in favor of the strictly density bonus concept. Clarke said the discussion would be continued at a future meeting.

#### **6. Review possible strategy for relocating the play structure at Volunteers Green by amending our Flood Hazard Overlay District regulations**

Clarke began by describing the work that she and Osborne had been doing with Kyle Medash, the FEMA liaison from the VT Agency of Natural Resources, to amend our regulations to allow structures such as the playground to be moved from one place in the floodway to another place in the floodway as long as the flood hazard is not worsened. The draft language regarding relocating the playground as presented is in accord with the state's guidance on FHOD regulations, but more discussion will need to be had regarding the bathroom/concession building and the bandshell. She reminded folks that there are really two issues here: one is reducing or not creating new expenses for the town, and the other is not worsening the flood hazard.

Fausel presented the idea that we should make a separate Park District so that the changes contemplated for Volunteers Green would not affect any other properties in the floodway. He felt that Kyle Medash did not really lay out a FEMA baseline. Clarke responded that the proposal follows the ANR guidelines. Fausel responded that he thought that, given our limited options, the town should be allowed to put additional accessory structures in Volunteers Green, and that it doesn't matter what the ANR guidelines are, it's only FEMA regulations that we have to abide by. He said that if the bandshell were retained, and not removed to make way for a pavilion, there wouldn't be enough room for all these things on the grassy knoll. Lisa Miller asked if we knew what had happened to the idea floated by Pete Gosselin, to put a concrete slab under the current play structure, and anchor the equipment to that. Clarke replied that Gosselin had said he would look into that idea, but that she hasn't heard anything more about it as yet. Miller thought this might be a good solution.

Jeanne Agner wondered if the playground were relocated to the grassy knoll, whether it would be ok to add a fence around it, which would certainly be needed. Clarke replied that Medash had thought that could just be considered a part of the playground and would be ok to add. Agner also added that it would cost \$5-8,000 just to assess the repairs needed to repair the bandshell, before even repairing it. Clarke said that it would be part of the Three Parks Committee's work to figure out what the public wanted to do with the bandshell, and that the PC is only considering the zoning issue.

Bob Heiser, a resident of neighboring Esplanade, offered the following comments: as someone whose house was flooded in last year's flood events, he was very disappointed to see that the proposed amendments listed new recreational structures rather than just relocating the playground. Clarke said that these amendments only allowed existing structures to be moved, so if none of those newly listed "structures" were currently existing, they would not be allowed to be added to the floodway. Heiser said he didn't understand why additional structures were itemized if they were not going to be allowed to be added into the floodway. He added that he was disappointed in the lack of outreach by town committees, and that we weren't giving the public adequate notice about exactly what was being considered. He urged the PC to make only the minimal changes necessary to move the playground and not enable any other development in the floodway, and reiterated his question as why the other recreational structures had been added into the definition of "recreation areas with structures." Clarke said this was just to make a full definition of the new term "recreation areas with structures" that we were introducing into the zoning document. Fausel interjected that some people in the community do want new structures in the floodway. Hieser again urged the PC not to weaken the floodplain regulations by allowing any new hardened surfaces into the floodway/floodplain, as any new surfaces increases the risk of flooding for others.

Andrew Bessette asked if we had considered moving the playground to the Round Church Park. Clarke suggested that he take that concept to the Three Parks Committee (TPC), as the PC has only been working on the zoning issues around moving the playground up onto

the grassy knoll. She said that if the TPC asked us to see if our zoning would allow a playground in the Round Church Park, then we would look into that. Gary Bressor stated that he completely agreed with Bob Heiser's comments, and similarly felt there was ambiguity about whether or not the proposed language allowed new or only existing structures. Clarke said she would look at that to see if the language should be simplified to make it clearer that relocation would only be allowed for existing structures. Bressor's next point was that ARPA money had been approved for an engineering study of the bandshell's repair needs, and that the TPC had been sitting on this money for a while. His third point was that the SB should have a vote or other meaningful discussion about every line item in the TPC's proposed budget, and that the TPC shouldn't be allowed to make decisions on their own about spending this large amount of money. He also suggested that changing to two smaller restrooms could be considered, with one on the knoll and one in the current location, that wouldn't be any larger than the one existing structure.

Jon Kart said he supported Heiser's and Bressor's statements that the "recreation with structures" definition language should be revised so that it was very clear that no new structures would be allowed. He also questioned whether this proposed language would allow the existing trail along the river to be moved inland and paved. He was not in favor of this, as he feels this would be an additional vector for erosion. Clarke said that this question had not been answered yet. It's possible that FEMA might allow it, but do we, as a community, want this – this discussion has not yet taken place and should. Kart said he felt frustrated by the lack of discussion about the TPC's ideas and hoped the PC could address the paved trail question in the zoning regulation. Clarke added that we should also consider that there is ongoing expense associated with additional structures in the floodway, even if they are not prohibited by FEMA, as they have to be continually repaired. She said that over the last 20 years the Richmond PC has been very protective of the floodway and of not worsening the flood hazard, and she would like to keep it that way. She ended by saying that we would come back to this important discussion.

#### **7. and 8. Other business and adjourn**

As there was no other business, Granda motioned to adjourn, and Bender seconded the motion. There was no objection, so the meeting was adjourned.

Minutes submitted by Virginia Clarke

